

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

HB 530-S thru HB 532 ~~Leg. Files~~ 392

HB

530-S

SENATE COMMITTEE REPORT

FURTHER

DATE TURNED INTO OFFICE 5/5/88

4/30/88
Mr. President:

FINANCE Committee considered HB 530 am

establishment and operation of a state boarding school by the Department of Education; efd

and recommended

replace with _____ CS _____) same title
 or adopt _____ CS _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures: Fred B. ...]

Rick Halford do pass

Chairman signature and recommendation

Committee Backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Establishment and operation of a state board school.
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Education
BRU: Mt. Edgecumbe and K-12 Support
Components: All of Mt. Edgecumbe; Foundation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See attached analysis; FY89 budget revisions will be necessary for several budget components: there is a net zero effect on the overall budget.

Prepared by: Mary Hakala
Division: Commissioner's Office

Phone: 465-2800
Date: 2-12-88

Approved by Commissioner: William G. Demmert
Agency: Department of Education

Date: 2-12-88

Distribution (by preparer):

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

<u>Budget Component</u>	<u>FY99 Gov Budget</u>	<u>Proposed under Bill</u>
Mt. Edgecumbe		
Maint & Cp	0	0
Instructional	1322.2 GF	0 GF
	<u>63.0 Oth</u>	<u>63.0 Oth</u>
Subtotal Instructional	1385.2	63.0
Residential	1510.0 GF	1565.3 GF (1)
Private & Federal Grants	28.5 Oth	28.5 Oth
	-----	-----
SUB-TOTAL	\$2923.7	\$1656.8
K-12 Support		
Foundation	411,913.0 GF	413,179.9 GF (2)
	21,246.1 PL874	21,246.1 PL874
	<u>8,830.9 PSF</u>	<u>8,830.9 PSF</u>
Subtotal Foundation	\$441,990.0	\$443,256.9
TOTAL	<u>\$444,913.7</u>	<u>\$444,913.7</u>

Footnotes:

- 1) Increase of \$55.3 for one round trip for each student between the student's place of residence and Mt. Edgecumbe (page 6, line 22-24).

- 2) Increase by \$1266.9 for Mt. Edgecumbe allocation under proposed formula as follows:

State Aid (20.33 Units x \$60.0)	\$1219.8
10% PL874 Revenues generated by Mt. Edgecumbe students (budgeted revenue for foundation program, included within PL874 \$21,246.1)	<u>47.1</u>
Total Instructional Program aid under Formula	\$1266.9

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

HOUSE BILL NO. 530 am

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the establishment and operation
of a state boarding school by the Department of
Education; and providing for an effective date."

7

8

9

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

10

* Section 1. AS 14 is amended by adding a new chapter to read:

11

CHAPTER 16. SPECIAL SCHOOLS.

12

Sec. 14.16.010. ESTABLISHMENT OF STATE BOARDING SCHOOL. The

13

department may establish and operate a boarding school, to be known as
the Mt. Edgecumbe High School, to be managed in accordance with this
chapter. The state boarding school must offer a secondary education
curriculum to students enrolled in it, and must provide domiciliary
services for students needing such services.

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Sec. 14.16.020. OPERATION OF STATE BOARDING SCHOOL. In the

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management of the state boarding school, the board shall

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(1) adopt a philosophy of education for the state boarding

21

school;

22

(2) employ a chief school administrator and approve the

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employment of other personnel necessary to operate the state boarding
school;

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25

(3) establish the salaries and benefits to be paid teachers,

26

excluding administrators, of the state boarding school;

27

(4) designate the employees authorized to direct disburse-

28

ments from the money appropriated for the operation of the state

29

boarding school and for the construction of its facilities;

1 (5) provide custodial services and routine maintenance of
2 the state boarding school's physical facilities;

3 (6) establish procedures for the development and implementa-
4 tion of curriculum and the selection and use of textbooks and instruc-
5 tional materials at the state boarding school;

6 (7) prescribe health evaluation and placement screening
7 programs for newly admitted students;

8 (8) establish procedures for staff evaluation; and

9 (9) provide staff training.

10 Sec. 14.16.030. ADMISSION TO SCHOOL. (a) The state boarding
11 school may admit students who are qualified in accordance with appli-
12 cable admission standards. Preference for enrollment must be given to
13 students currently enrolled at the boarding school and to students
14 whose educational, emotional, or family requirements warrant atten-
15 dance in a domiciliary environment.

16 (b) The board shall prescribe admission standards and procedures
17 by regulation. Admission standards shall not discriminate in favor of
18 or against any resident based on race, sex, creed, national origin, or
19 the location or type of residence within the state.

20 Sec. 14.16.040. STATUS OF STATE BOARDING SCHOOL. The state
21 boarding school is a public school of the state.

22 Sec. 14.16.050. APPLICABILITY OF EDUCATION LAWS. (a) The
23 following provisions apply with respect to the operation and manage-
24 ment of the state boarding school as if it were a school district:

25 (1) requirements relating to school district operations:

26 (A) AS 14.03.030 -- 14.03.050 (defining the school
27 term, day in session, and school holidays);

28 (B) AS 14.03.083 -- 14.03.140 (miscellaneous provisions
29 applicable to school district operations);

1 (C) regulations adopted by the board under authority of
2 AS 14.07.020(a) that are applicable to school districts and their
3 schools, unless the board specifically exempts the state boarding
4 school from compliance with a regulation;

5 (D) AS 14.12.150 (authorizing school districts to
6 establish and participate in the services of a regional resource
7 center);

8 (E) AS 14.14.050 (imposing the requirement of an annual
9 audit);

10 (F) AS 14.14.110 (authorizing cooperation with other
11 school districts);

12 (G) AS 14.14.130 (directing the employment of a chief
13 school administrator);

14 (H) AS 14.14.140(b) (establishing a prohibition on
15 employment of a relative of the chief school administrator);

16 (I) AS 14.18 (prohibiting discrimination based on sex
17 in public education);

18 (2) requirements relating to state financial assistance for
19 education and the receipt and expenditure of that assistance:

20 (A) AS 14.17.080 (relating to student count esti-
21 mates);

22 (B) AS 14.17.082 (relating to school operating fund
23 balances);

24 (C) AS 14.17.160 -- 14.17.220 (setting out the proce-
25 dure for payment of financial assistance, and imposing general
26 requirements and limits on money paid);

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29 (A) AS 14.14.105 and 14.14.107 (relating to sick

1 leave);

2 (B) AS 14.20.095 -- 14.20.210 (relating to the employ-

3 ment and tenure of teachers);

4 (C) AS 14.20.220 (relating to the salaries of teachers

5 employed);

6 (D) AS 14.20.280 -- 14.20.350 (relating to sabbatical

7 leave provisions for teachers);

8 (E) AS 14.20.550 -- 14.20.610 (authorizing collective

9 bargaining, negotiation, and mediation by certificated employ-

10 ees), except with regard to teachers who are administrators and

11 except that the board may delegate some or all of its respon-

12 sibilities under those statutes;

13 (F) AS 14.25 (provisions regarding the teachers' re-

14 tirement system);

15 (4) requirements relating to students and educational pro-

16 grams:

17 (A) AS 14.30.180 -- 14.30.350 (relating to educational

18 services for exceptional children);

19 (B) AS 14.30.360 -- 14.30.370 (establishing health

20 education program standards);

21 (C) AS 14.30.400 -- 14.30.410 (relating to bilingual

22 and bicultural education).

23 (b) A person employed as a teacher at Mt. Edgecumbe High School

24 on the effective date of this section acquires tenure rights in accor-

25 dance with AS 14.20.150 and 14.20.155 as though the person had been

26 employed by a school district.

27 Sec. 14.16.060. STATUS OF EMPLOYEES. The employees of the state

28 boarding school are state employees.

29 Sec. 14.16.070. APPLICABILITY OF OTHER LAW. The Public

1 Employment Relations Act (AS 23.40.070 -- 23.40.260) applies to the
2 employees of the state boarding school who are not subject to
3 AS 14.20.

4 Sec. 14.16.080. FINANCIAL PROVISIONS APPLICABLE TO STATE BOARD-
5 ING SCHOOL. (a) AS 14.17.024 applies to the calculation of state aid
6 payable for operation of the state boarding school.

7 (b) In the transmittals required by AS 37.07.060 -- 37.07.062,
8 the governor shall request amounts for the expenses of construction,
9 rehabilitation, and improvement of the facilities of the state board-
10 ing school.

11 (c) Unless specified otherwise in an appropriation bill, AS
12 37.25.010 does not apply to an appropriation made for the purposes of
13 (a) of this section.

14 (d) AS 37.25.020 applies to money appropriated for the purposes
15 of (b) of this section.

16 (e) For purposes of application for and receipt of federal aid
17 to education, the state boarding school constitutes a "local educa-
18 tional agency."

19 * Sec. 2. AS 14.17.010(a) is amended to read:

20 (a) The public school foundation account is established. The
21 account consists of appropriations for distribution to school dis-
22 tricts, the state boarding school, and for centralized correspondence
23 study programs under this chapter.

24 * Sec. 3. AS 14.17 is amended by adding a new section to read:

25 Sec. 14.17.024. MONEY FOR STATE BOARDING SCHOOL. (a) Money for
26 the instructional services provided in a fiscal year by the state
27 boarding school established under AS 14.16.010 includes an allocation
28 from the public school foundation account in an amount calculated by

29 (1) multiplying the instructional unit value in AS 14.17.056

1 by the total number of instructional units under AS 14.17.031 for that
2 fiscal year, as determined by treating the school as if it were a
3 school district consisting of a single funding community;

4 (2) multiplying the product determined under (1) of this
5 subsection by the area cost differential that is applicable to calcu-
6 lation of the entitlement for the adjacent school district under AS
7 14.17.051; and

8 (3) adding 10 percent of the eligible federal impact aid
9 received for that fiscal year on behalf of the school plus any federal
10 impact aid received on behalf of the school which the state, under
11 P.L. 81-874 (20 U.S.C. 236 -- 244), as amended, and regulations adopt-
12 ed under it, could not consider as local resources if the school were
13 considered a school district.

14 (b) In addition to the amount calculated and payable under (a)
15 of this section, the governor shall request from the legislature
16 appropriation of any program receipts or federal food service reim-
17 bursements or other federal aid, other than aid under P.L. 81-874 (20
18 U.S.C. 236 -- 244), as amended, received on behalf of the school, and
19 other amounts necessary for the expenses of operating the state board-
20 ing school, including

21 (1) domiciliary services, including room, board, custodial
22 services, and other reasonable expenses related to the operation and
23 maintenance of dormitory and other residential facilities for stu-
24 dents;

25 (2) student transportation services, to include one round
26 trip for each student between the student's place of residence and the
27 site of the state boarding school during each school year; and

28 (3) maintenance and operation of the school's physical
29 plant.

1 (c) Money received by the state boarding school for purposes
2 described in (a) of this section may be used for the purposes de-
3 scribed in (b) of this section, and money received for the purposes
4 described in (b) may be used for the purposes described in (a).

5 * Sec. 4. AS 14.30.010(b)(10) is amended to read:

6 (10) is enrolled in

7 (A) the state boarding school (AS 14.16); or

8 (B) a full-time program of correspondence study ap-
9 proved by the department; in those school districts providing an
10 approved correspondence study program, a student may be enrolled
11 either in the district correspondence program or in the cen-
12 tralized correspondence study program;

13 * Sec. 5. AS 36.30.850(b) is amended by adding a new paragraph to read:

14 (14) operation of the state boarding school (AS 14.16), if
15 the State Board of Education or the commissioner of education adopts
16 regulations for use by the state boarding school in procurement and
17 contracting.

18 * Sec. 6. TRANSITION; PENDING MATTERS. (a) All litigation, hearings,
19 investigations, and other proceedings pending under law for functions
20 affected by this Act continue in effect and may be continued and completed
21 notwithstanding the provisions of this Act.

22 (b) All contracts and other obligations created by law affected by
23 this Act and in effect on the effective date of this Act remain in effect
24 unless specifically revoked or modified by the provisions of this Act.

25 * Sec. 7. Sections 1, 2, and 4 -- 6 of this Act take effect immediately
26 under AS 01.10.070(c).

27 * Sec. 8. Section 3 of this Act takes effect July 1, 1988.

STATE OF ALASKA

DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

GOLDBELT PLACE
801 WEST 10th STREET
POUCH F
JUNEAU, ALASKA 99811

April 29, 1988

The Honorable Rick Halford
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

Dear Senator Halford:

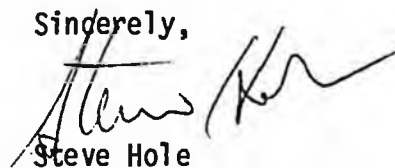
The Department of Education respectfully requests that HB 530, which deals with the Mt. Edgecumbe Boarding School, be scheduled in the Senate Finance Committee. In brief, the bill provides for the following:

- * It provides a stable funding base through inclusion of the instructional portion of Mt. Edgecumbe's budget into the Foundation formula. In previous years, particularly during the FY87 rescission, Mt. Edgecumbe received a disproportionate reduction as compared to other school districts in the state. Inclusion within the formula ensures parity of funding with school districts in the state.
- * It clarifies the status of Mt. Edgecumbe employees and treats teachers similarly to other public school teachers in the state.
- * The bill establishes the governance structure of the school, thereby enabling Mt. Edgecumbe to qualify for federal funds as do other school districts in the state. Additionally, it clarifies the role of the State Board of Education in the operation of the school.

The Department has submitted a net zero fiscal note for this bill. Further, it is the number one legislative priority of the State Board of Education.

Thank you for your consideration of this request.

Sincerely,



Steve Hole
Deputy Commissioner

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 17, 1988

The Honorable Ben Grussendorf
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the establishment and operation of a state boarding school. The Department of Education (department) already operates such a school on Japonski Island in Sitka -- Mt. Edgecumbe High School. This bill would, among other things, institutionalize certain funding for the school under the public school foundation program and clarify certain aspects of the operation of the school and the status of its employees. A section-by-section analysis of the bill follows.

Section 1 of the bill creates new AS 14.16, which contains the following new sections:

Proposed AS 14.16.010 authorizes the department to establish and operate a state boarding school, to be known as Mt. Edgecumbe High School, to offer a secondary education curriculum and provide domiciliary services to its students.

Proposed AS 14.16.020 requires the board, in operating the school, to adopt a philosophy of education, employ a chief school administrator and approve the employment of necessary personnel, establish the salaries and benefits of its teachers (excluding administrators), designate the employees authorized to direct disbursements, provide custodial services and routine maintenance, establish procedures for the development and implementation of curriculum and instructional materials, provide health evaluation and placement screening programs for newly admitted students, establish procedures for staff evaluation, and provide staff training.

Proposed AS 14.16.030 requires the board to establish admissions standards and procedures by regulation, and permits the school to admit students meeting those criteria.

Proposed AS 14.16.040 establishes the state boarding school as a public school of the state.

Proposed AS 14.16.050 makes certain other provisions of AS 14 applicable to the state boarding school as if it were a school district. Especially noteworthy are the provisions making the statutes in AS 14.20, pertaining to employment, tenure, salaries, and collective bargaining for teachers, applicable to the state boarding school as if it were a school district. Note, however, that AS 14.20.550 -- 14.20.610, regarding collective bargaining, would allow the board to delegate its bargaining responsibilities.

Proposed AS 14.16.060 provides that the employees of the state boarding school are state employees.

Proposed AS 14.16.070 provides that the Public Employment Relations Act (AS 23.40.070 -- 23.40.260) applies to the employees of the state boarding school who are not subject to AS 14.20, i.e., those employees who are not teachers or administrators. It should also be noted that the certificated teachers in the Mt. Edgecumbe School are already in the exempt service under 39.25.110(7).

Proposed AS 14.16.080 provides for the applicability of certain financial provisions in other statutes.

Section 2 of the bill amends AS 14.17.010(a) to reflect that money appropriated to the public school foundation account may be distributed to the state boarding school.

Section 3 of the bill creates a new AS 14.17.024. Subsection (a) of the proposed section provides for funding from the public school foundation account, in an amount that is generally equivalent to the amount that would be generated by a single funding community school district, for instructional services provided by the state boarding school. Subsection (b) of this proposed new section provides that, in addition, the governor shall request appropriation of program receipts and federal aid received on behalf of the school, as well as amounts necessary for domiciliary services, student transportation, and maintenance and operation of the school's physical plant.

Section 4 of the bill amends AS 14.30.010(b)(10) to provide an exception to the state's compulsory education statute, which would otherwise require students to attend school in the district in which they reside, for students attending the state boarding school.

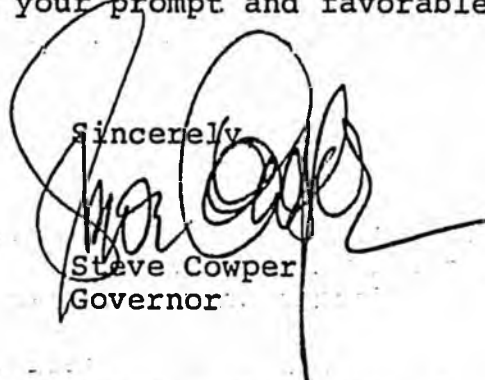
Section 5 of the bill amends AS 36.30.850(b) by adding a paragraph (14) to exempt the state boarding school from application of the State Procurement Code (AS 36.30) if the board or the commissioner of the department adopts procurement and contracting regulations for use by the school.

Section 6 of the bill is a transition section providing for the continuance of pending litigation, hearings, investigations, and other proceedings, and contractual and other legal obligations.

Sections 7 and 8 of the bill provide that sec. 3 (funding for the state boarding school) will take effect July 1, 1988, while the other sections of the bill will take effect immediately under AS 01.10.070(c).

The State Board of Education and the Department of Education support this bill. I urge your prompt and favorable consideration of it.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Steve Cowper". The signature is written over the typed name and title.

Steve Cowper
Governor

1 IN THE HOUSE BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 530 am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the establishment and operation
7 of a state boarding school by the Department of
8 Education; and providing for an effective date."

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16 curriculum to students enrolled in it, and must provide domiciliary
17 services for students needing such services.

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19 management of the state boarding school, the board shall

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21 school;

22 (2) employ a chief school administrator and approve the
23 employment of other personnel necessary to operate the state boarding
24 school;

25 (3) establish the salaries and benefits to be paid teachers,
26 excluding administrators, of the state boarding school;

27 (4) designate the employees authorized to direct disburse-
28 ments from the money appropriated for the operation of the state
29 boarding school and for the construction of its facilities;

1 (5) provide custodial services and routine maintenance of
2 the state boarding school's physical facilities;

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4 tion of curriculum and the selection and use of textbooks and instruc-
5 tional materials at the state boarding school;

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3 schools, unless the board specifically exempts the state boarding
4 school from compliance with a regulation;

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6 establish and participate in the services of a regional resource
7 center);

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9 audit);

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11 school districts);

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15 employment of a relative of the chief school administrator);

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29 (1) multiplying the instructional unit value in AS 14.17.056

1 by the total number of instructional units under AS 14.17.031 for that
2 fiscal year, as determined by treating the school as if it were a
3 school district consisting of a single funding community;

4 (2) multiplying the product determined under (1) of this
5 subsection by the area cost differential that is applicable to calcu-
6 lation of the entitlement for the adjacent school district under AS
7 14.17.051; and

8 (3) adding 10 percent of the eligible federal impact aid
9 received for that fiscal year on behalf of the school plus any federal
10 impact aid received on behalf of the school which the state, under
11 P.L. 81-874 (20 U.S.C. 236 -- 244), as amended, and regulations adopt-
12 ed under it, could not consider as local resources if the school were
13 considered a school district.

14 (b) In addition to the amount calculated and payable under (a)
15 of this section, the governor shall request from the legislature
16 appropriation of any program receipts or federal food service reim-
17 bursements or other federal aid, other than aid under P.L. 81-874 (20
18 U.S.C. 236 -- 244), as amended, received on behalf of the school, and
19 other amounts necessary for the expenses of operating the state board-
20 ing school, including

21 (1) domiciliary services, including room, board, custodial
22 services, and other reasonable expenses related to the operation and
23 maintenance of dormitory and other residential facilities for stu-
24 dents;

25 (2) student transportation services, to include one round
26 trip for each student between the student's place of residence and the
27 site of the state boarding school during each school year; and

28 (3) maintenance and operation of the school's physical
29 plant.

1 (c) Money received by the state boarding school for purposes
2 described in (a) of this section may be used for the purposes de-
3 scribed in (b) of this section, and money received for the purposes
4 described in (b) may be used for the purposes described in (a).

5 * Sec. 4. AS 14.30.010(b)(10) is amended to read:

6 (10) is enrolled in

7 (A) the state boarding school (AS 14.16); or

8 (B) a full-time program of correspondence study ap-
9 proved by the department; in those school districts providing an
10 approved correspondence study program, a student may be enrolled
11 either in the district correspondence program or in the cen-
12 tralized correspondence study program;

13 * Sec. 5. AS 36.30.850(b) is amended by adding a new paragraph to read:

14 (14) operation of the state boarding school (AS 14.16), if
15 the State Board of Education or the commissioner of education adopts
16 regulations for use by the state boarding school in procurement and
17 contracting.

18 * Sec. 6. TRANSITION; PENDING MATTERS. (a) All litigation, hearings,
19 investigations, and other proceedings pending under law for functions
20 affected by this Act continue in effect and may be continued and completed
21 notwithstanding the provisions of this Act.

22 (b) All contracts and other obligations created by law affected by
23 this Act and in effect on the effective date of this Act remain in effect
24 unless specifically revoked or modified by the provisions of this Act.

25 * Sec. 7. Sections 1, 2, and 4 -- 6 of this Act take effect immediately
26 under AS 01.10.070(c).

27 * Sec. 8. Section 3 of this Act takes effect July 1, 1988.

SENATE COMMITTEE REPORT

FURTHER

FINANCE

3/25/88

DATE TURNED INTO OFFICE 4/30/88

Mr. President:

HESS Committee considered HB 530 am

establishment and operation of a state boarding school by the Department of Education; efd

and recommended

[] replace with _____ CS _____) [] same title
[] or adopt _____ CS _____) [] new title

[] attached amendment(s) and

mgp
[x] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [] attached or [x] adopted fiscal note(s)
[] new [] updated or [x] previous
[x] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

1 *[Signature]*
2 *[Signature]* if Amended
1 *[Signature]*
1 *[Signature]*

Paul Fink (Do Pass)
Chairman signature and recommendation

[] Committee Backup attached

HB

531

HOUSE COMMITTEE REPORT

(11)

Date referred: 3/17/88

FURTHER REFERRALS:

DATE: 3-30-88

The Finance Committee has considered HB 531

"An Act extending the termination date of the Board of Chiropractic Examiners; and providing for an effective date."

RECOMMENDS:

- replace with _____ the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published 3-2 88
- zero with analysis

SIGNING DO PASS:

Adams [Signature]

Pourchet [Signature]

Lorson [Signature]

Boyer [Signature]

Rieger [Signature]

Frank [Signature]

Wallis [Signature]

Brown [Signature]

Swack [Signature]

Davis [Signature]

Gall [Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]
Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act extending the termination date of the Board of Chiropractic Examiners;...
 Sponsor: House Labor & Commerce
 Requestor: _____
 Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill extends the termination date of the Board of Chiropractic Examiners to June 30, 1992. Funding for the board is included in the department's FY 89 operating budget request.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 2/29/88

Approved by Commissioner: J. Anthony Smith Date: 2/29/88
 Agency: Commerce and Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Imp.acted Agency(ies)

MAR 2 1988

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 531

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

10 * Section 1. AS 08.03.010(c)(2) is amended to read:

11 (2) Board of Chiropractic Examiners (AS 08.20.010) --
12 June 30, 1992 [1988].

13 * Sec. 2 This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
 Title: An Act extending the termination BRU: Occupational Licensing
date of the Board of Chiropractic Examiners;...
 Sponsor: House Labor & Commerce Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill extends the termination date of the Board of Chiropractic Examiners to June 30, 1992. Funding for the board is included in the department's FY 89 operating budget request.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 2/29/88

Approved by Commissioner: J. Anthony Smith Date: 2/29/88
 Agency: Commerce and Economic Development

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

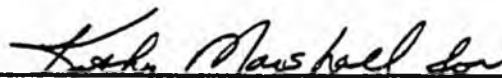
MAR 8 1988

HB 531: An Act extending the termination date of the Board of Chiropractic Examiners; and providing for an effective date.

The Board of Chiropractic Examiners is presently in its sunset year and scheduled to terminate on June 30, 1988. HB 531 extends the board to June 30, 1992.

The performance report conducted by the Legislature's Budget and Audit Committee found the process of licensure by the board to be neither unduly restrictive nor too lax, and no found violations of statute or regulations by the board. In addition, the performance report found that the licenses were correctly granted strictly on the basis of the applicant's professional qualifications.

We believe the board is necessary for the regulation of qualified professionals in order to protect the public's health, safety and welfare; the department concurs with the audit report's finding that the board should be reestablished.



J. Anthony Smith, Commissioner
Department of Commerce and Economic
Development

Date: 2/29/88

JS/dg10041o-3
022988b

A PERFORMANCE REPORT
ON THE BOARD OF
CHIROPRACTIC EXAMINERS

July 1, 1983 - June 30, 1987

Audit Control Number

08-1315-88-R

Commissioner, Department of
Commerce and Economic
Development

J. Anthony Smith

Deputy Commissioner, Department
of Commerce and Economic
Development

John Williams

Members of the
Board of Chiropractic Examiners

Kenneth Ketz, D.C. (Chair)
Carol J. Davis, D.C.
Thomas Gundelfinger, D.C.
Frank J. Kufel (Public)
Leland P. Oldjer, D.C.

STATE OF ALASKA

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

December 31, 1987

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "Sunset" review of the Board of Chiropractic Examiners.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Board of Chiropractic Examiners was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Acting Legislative Auditor
Division of Legislative Audit

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

November 16, 1987

Members of the Legislative Budget
and Audit Committee:

In accordance with the intent of Titles 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

A PERFORMANCE REPORT
ON THE BOARD OF
CHIROPRACTIC EXAMINERS

July 1, 1983 - June 30, 1987

Audit Control Number

08-1315-88-R

MGREANY

Mike Greany, Director
Division of Legislative Finance

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Report	1
Organization and Function	3
Report Conclusion	5
Analysis of Public Need	7
Appendixes:	
A. Schedule of Revenues Compared with Expenditures, for Fiscal Year 1987.	11
B. Schedule of Estimated Revenues Compared with Budgeted Expenditures, for Fiscal Year 1988	12
Agency Response:	
Department of Commerce and Economic Development	15

PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Chiropractic Examiners for the past four fiscal years. Our examination was conducted to determine if the Board has been operating in a effective and efficient manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Chiropractic Examiners should be reestablished. The law now specifies that the Board will terminate June 30, 1988 and have one year from that date to conclude its affairs.

SCOPE

The major areas reviewed were the Board's operations and its licensing, examination, administration, complaint and affirmative action functions. Our review consisted of analyzing and evaluating the following:

1. Applicable statutes and Board regulations.
2. Interviews with Board members.
3. Discussions with the Division of Occupational Licensing personnel.
4. Tests of the records and documents of the Board and the Division of Occupational Licensing.
5. Complaints filed with the Division of Occupational Licensing, Ombudsman's Office, Consumer Protection Agency, Equal Employment Opportunity Office, and the Human Rights Commission.

ORGANIZATION AND FUNCTION

Created in 1939, the Alaska Board of Chiropractic Examiners is a regulatory board comprised of five members appointed by the Governor. Four are licensed chiropractors and one is a public individual.

The underlying reasons for this Board are fcurfold. First, the Board is responsible for reviewing the applications of individuals desiring to enter the chiropractic profession in Alaska. Secondly, the Board has the responsibility of administering an examination to test the applicant's ability. Third, the Board is responsible for the adoption of regulations regarding the standards of professional practice in Alaska and fourth, to investigate and act upon complaints filed against members of the regulated profession.

To assist the Board, it has the staff support of the Division of Occupational licensing (OL), Department of Commerce and Economic Development which is comprised of two sections. The licensing section processes applications, maintains license files, collects statistics, answers inquires, and provides administrative help to the Board. The investigation section provides investigative services to the Board in the event of consumer or other professional complaints.

The Board of Chiropractic Examiners issues licenses to applicants that have met all licensing requirement and have taken and passed the State examination. The Board may also issue a license without examination if the applicant holds a current license in another state whose licensing requirements are essentially equivalent to those of Alaska.

REPORT CONCLUSION

In our opinion, the Board of Chiropractic Examiners should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety and welfare. The Board establishes minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Further, active investigation of complaints and revocation or suspension of licenses, as appropriate, insure that licensees act in a competent manner.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

PURPOSE AND SCOPE OF THE REPORT

PURPOSE

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(Intentionally left blank)

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(Intentionally left blank)

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In our opinion, the Board of Chiropractic Examiners should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety and welfare. The Board establishes minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Further, active investigation of complaints and revocation or suspension of licenses, as appropriate, insure that licensees act in a competent manner.

(Intentionally left blank)

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive, but to address those areas we were able to cover during our examination.

- I. The extent to which the board, commission or program has operated in the public interest.

The Board has addressed each of the recommendations made in the previous review. The balance between public protection and ease of licensure is adequate and appropriate.

- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.

Reductions in the agency budget have limited staff support to all professional licensing boards. Present levels of funding are adequate, but further reductions would be detrimental.

- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Board has supported Senate Bill 264, which provides a statutory basis for the continuing education requirement now in regulation. An additional bill, not yet introduced, provides for locum tenens licensure to replace temporary licensing and clarifies license by credential requirements.

- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The Board publishes public notices of all examinations, meetings, and regulation changes.

- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

The Board announces proposed regulation changes or additions in the newspaper, in accordance with the Administrative Procedures Act.

- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

Procedures for handling complaints by the Division of Occupational Licensing have been improved. No complaints have been filed with the Attorney General's Office or with the Human Rights Commission.

- VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

The process of licensure for the practice of chiropractic in Alaska is neither unduly restrictive nor too lax. Qualified applicants are readily licensed.

- VIII. The extent to which State personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

There appear to be no violations of statute or regulation. Licenses are granted strictly on the basis of professional qualifications.

- IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Passage of SB264 would provide the statutory basis for the continuing education requirement now contained in regulation. The general occupational licensing housekeeping bill to be introduced, will further enhance public protection.

APPENDIXES

(Intentionally left blank)

Note 3

Expenditures consist of FY88 budgeted direct costs associated with board member activities (i.e. travel and per diem) and a allocation of direct and indirect costs of DOL. It should be noted that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

Note 4

This schedule represents the licensing fees currently in effect. Fees were raised in November 1986 in response to legislative intent to make the Boards more self supporting.

(Intentionally left blank)

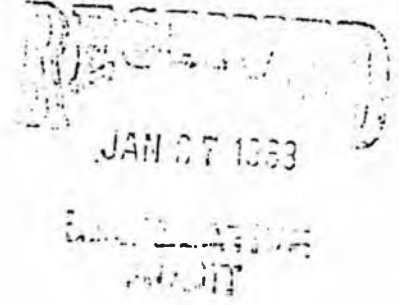
STEVE COWPER, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

P. O. BOX D
JUNEAU, ALASKA 99811-0800
PHONE: (907) 465-2500

OFFICE OF THE COMMISSIONER

January 21, 1988



Mr. Randy Welker
Acting Legislative Auditor
Division of Legislative Audit
Budget and Audit Committee
P.O. Box W
Juneau, AK 99811

Dear Mr. Welker:

The Department of Commerce and Economic Development (hereinafter "Department") obviously supports and appreciates the conclusion of the Budget and Audit Committee that the Board of Chiropractic Examiners should be reestablished. We are confident the Board will continue to serve the public well.

Sincerely,

J. Anthony Smith
J. Anthony Smith
Commissioner

JAS/mst7203m
011988b

HB

531-S

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 531

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

10 * Section 1. AS 08.03.010(c)(2) is amended to read:

11 (2) Board of Chiropractic Examiners (AS 08.20.010) --
12 June 30, 1992 [1988].

13 * Sec. 2 This Act takes effect immediately under AS 01.10.070(c).

REQUEST:

FISCAL NOTE

No. 1

Revision Date: _____
 Title: An Act extending the termination date of the Board of Chiropractic Examiners;...
 Sponsor: House Labor & Commerce
 Requestor: _____
 Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill extends the termination date of the Board of Chiropractic Examiners to June 30, 1992. Funding for the board is included in the department's FY 89 operating budget request.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 2/29/88

Approved by Commissioner: J. Anthony Smith Date: 2/29/88
 Agency: Commerce and Economic Development

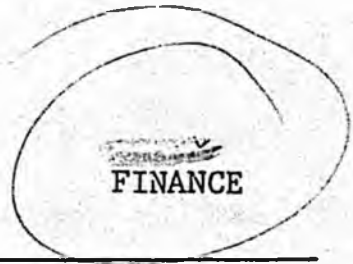
Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

531

SENATE COMMITTEE REPORT

FURTHER



DATE TURNED INTO OFFICE _____

4/6/88

Mr. President:

LABOR AND COMMERCE Committee considered HB 531

extending the termination date of the Board of Chiropractic Examiners;
efd

and recommended

[] replace with _____ CS _____) [] same title
[] or adopt _____ CS _____) [] new title

[] attached amendment(s) and

major
[X] do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee [X] attached or [] adopted fiscal note(s)

[] new [] updated or [X] previous

[X] zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Wilson
Fehrenkamp

Tim Kell - Do Pass

Chairman signature and recommendation

HRB

532

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
Title: An Act relating to the regulation of BRU: Occupational Licensine
optometrists; extending the term. date...
Sponsor: House Labor & Commerce Components: _____
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
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EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill extends the Board of Examiners in Optometry to June 30, 1992 and makes amendments throughout AS 08.72 primarily to amend 'certificate' and 'certificate of registration' to read 'license', a result of Recommendation No. 1 of the Budget and Audit Committee Performance Report. Funding for the Board is included in the department's FY 89 operating budget request.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
Division: Occupational Licensine Date: 2/29/88

Approved by Commissioner: J. Anthony Smith Date: 2/29/88
Agency: Commerce and Economic Development

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

MAR 2 1988

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

HOUSE BILL NO. 532

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the regulation of optometrists;
7 extending the termination date of the Board of Exam-
8 iners in Optometry; and providing for an effective
9 date."

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

11 * Section 1. AS 08.03.010(c)(3) is amended to read:

12 (3) Board of Examiners in Optometry (AS 08.72.010) --
13 June 30, 1992 [1988].

14 * Sec. 2. AS 08.72.050 is amended to read:

15 Sec. 08.72.050. POWER OF BOARD TO ADOPT REGULATIONS. The board
16 shall adopt regulations

17 (1) necessary for the proper performances of its duties;

18 (2) governing the applicants and applications for licens-
19 ing;

20 (3) for the licensing [REGISTRATION] of optometrists;

21 (4) necessary to govern the practice of optometry;

22 (5) prescribing requirements which a person licensed under
23 this chapter must meet to demonstrate continued professional compe-
24 tency.

25 * Sec. 3. AS 08.72.110 is amended to read:

26 Sec. 08.72.110. LICENSE REQUIRED. (a) A person may not prac-
27 tice, attempt to practice, or offer to practice optometry without
28 first obtaining a license from the board.

29 (b) A person not licensed as an optometrist may not fit, sell,

1 or dispose of or take, receive, or solicit an order for fitting, sale,
2 or disposition of spectacles, eyeglasses, or lenses for the correction
3 or relief of an optical or visual defect of the human eye or sell
4 spectacles, eyeglasses, or lenses from house to house, or in the
5 streets or highways. This chapter does not apply to the sale of toy
6 glasses, goggles consisting of plano-white or plano-colored lenses or
7 ordinary colored glasses, or complete ready-made spectacles and eye-
8 glasses sold only as merchandise, or the sale or repair of eyeglass
9 frames, or repair or replacement of lenses without pretense of adapt-
10 ing them to the eyes.

11 * Sec. 4. AS 08.72.125 is amended to read:

12 Sec. 08.72.125. LICENSING [REGISTRATION] OF BRANCH OFFICES. (a)
13 The board shall license each [ISSUE A] branch office of [CERTIFICATE
14 OF REGISTRATION TO] an Alaskan licensee [WHO MAINTAINS A FULL-TIME
15 PRACTICE IN THE STATE BUT WHO SERVES OTHER COMMUNITIES IN THE STATE ON
16 A PART-TIME BASIS].

17 (b) A person may not practice, or attempt or offer to practice,
18 optometry [IN COMMUNITIES ON A PART-TIME BASIS] without obtaining a
19 license for each branch office [CERTIFICATE OF REGISTRATION] from the
20 board.

21 (c) The board shall prescribe in the regulations the factors to
22 be considered in issuing a branch office license [CERTIFICATE OF
23 REGISTRATION].

24 * Sec. 5. AS 08.72.150 is amended to read:

25 Sec. 08.72.150. APPLICATION FOR EXAMINATION AND ISSUANCE OF
26 LICENSE [CERTIFICATE]. An applicant shall apply for the examination
27 by filing an application with the department together with the ex-
28 amination fee at least 15 days before the examination. Upon success-
29 ful completion of the examination by the applicant and payment of the

1 license fee, the board shall issue a license [CERTIFICATE OF REGISTRA-
2 TION AS A LICENSED OPTOMETRIST] to the successful applicant. The
3 [AFTER THE APPLICANT HAS PROPERLY FILED A CERTIFICATE OF REGISTRATION
4 THE] applicant may practice optometry in the state upon receipt of the
5 license.

6 * Sec. 6. AS 08.72.191 is amended to read:

7 Sec. 08.72.191. FEES. The department shall set fees under
8 AS 08.01.065 for the following:

- 9 (1) examination;
- 10 (2) reexamination for the written portion;
- 11 (3) waiver of examination;
- 12 (4) license [CERTIFICATES];
- 13 (5) renewal;
- 14 (6) branch office license [REGISTRATION] and renewal.

15 * Sec. 7. AS 08.72.270(a) is amended to read:

16 (a) A licensed [REGISTERED] optometrist, who temporarily prac-
17 tices optometry away from the optometrist's regular place of business,
18 shall display a license [REGISTRATION CERTIFICATE] and deliver to each
19 patient or person fitted or supplied with glasses or contact lenses a
20 receipt showing the optometrist's permanent place of business or post
21 office address and the amount charged.

22 * Sec. 8. AS 08.72.280 is amended to read:

23 Sec. 08.72.280. VIOLATIONS. A person may not falsely personate
24 a licensed [REGISTERED] optometrist, or buy, sell, or fraudulently
25 obtain a license [CERTIFICATE OF REGISTRATION] issued to another or
26 advertise the practice of optometry in violation of rules of the
27 board. Practicing or offering to practice optometry without a license
28 is sufficient evidence of a violation of this chapter.

29 * Sec. 9. AS 08.72.120 is repealed.

1 * Sec. 10. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
Title: An Act relating to the regulation of BRU: Occupational Licensing
optometrists; extending the term. date...
Sponsor: House Labor & Commerce Components: _____
Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill extends the Board of Examiners in Optometry to June 30, 1992 and makes amendments throughout AS 08.72 primarily to amend 'certificate' and 'certificate of registration' to read 'license', a result of Recommendation No. 1 of the Budget and Audit Committee Performance Report. Funding for the Board is included in the department's FY 89 operating budget request.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
Division: Occupational Licensing Date: 2/29/88

Approved by Commissioner: J. Anthony Smith Date: 2/29/88
Agency: Commerce and Economic Development

Distribution (by preparer) :

Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

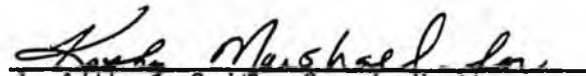
MAR 2 1988

HB 532: An Act relating to the regulation of optometrists; extending the termination date of the Board of Examiners in Optometry; and providing for an effective date.

The Board of Examiners in Optometry is presently in its sunset year and scheduled to terminate on June 30, 1988. HB 532 proposes to extend the board to June 30, 1992 and makes various amendments throughout AS 08.72, primarily to amend "certificate" and "certificate of registration" to read license. These changes are proposed in response to Recommendation No. 1 from the Legislature's Budget and Audit Committee performance report which suggested that the board repeal the obsolete language in its statutes in order to make them more clear and relevant.

The board has preliminarily addressed the issue of mail order companies selling contact lenses in Alaska, as identified in Recommendation No. 2 of the performance report, and continues to further study the issue.

The performance report found that the board is necessary to protect the public's health, safety and welfare. It has done so by establishing minimum educational and experience requirements and in a careful review of all applications to determine the eligibility of the applicants. The department concurs with the report's findings and supports reestablishment of the board.



J. Anthony Smith, Commissioner
Department of Commerce and Economic
Development

Date: 2/29/88

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A PERFORMANCE REPORT
ON THE BOARD OF
EXAMINERS IN OPTOMETRY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1312-88-R

Commissioner, Department of
Commerce and Economic
Development

J. Anthony Smith

Deputy Commissioner, Department
of Commerce and Economic
Development

John Williams

Members of the
Board of Examiners in Optometry

Chairman
Secretary
Member
Member
Member

John Demske, O.D.
Robert O'Connell, O.D.
Jeffrey Gonnason, O.D.
John Lounsbury, O.D.
Carole L. Richmond

STATE OF ALASKA

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

December 31, 1987

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "Sunset" review of the Board of Examiners in Optometry.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Board of Examiners in Optometry was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.



Randy S. Welker, CPA
Acting Legislative Auditor
Division of Legislative Audit

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

November 3, 1987

Members of the Legislative Budget
and Audit Committee:

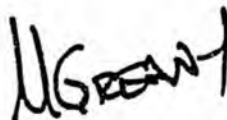
In accordance with the provisions of Title 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

A PERFORMANCE REPORT
ON THE BOARD OF
EXAMINERS IN OPTOMETRY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1312-88-R



Mike Greany, Director
Division of Legislative Finance

TABLE OF CONTENTS

	<u>Page</u>
Purpose and Scope of the Report.	1
Organization and Function.	3
Report Conclusion.	5
Findings and Recommendation.	7
Analysis of Public Need.	9
Appendixes:	
A. Schedule of Revenues Compared with Expenditures, for Fiscal Year 1987.	13
B. Schedule of Estimated Revenues Compared with Budgeted Expenditures, for Fiscal Year 1988 . . .	14
Agency Response:	
Department of Commerce and Economic Development.	17

PURPOSE AND SCOPE OF THE REPORT

Purpose

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have examined the activities of the Board of Examiners in Optometry for the past four fiscal years to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Examiners in Optometry should be reestablished. The law now specifies that the Board will terminate June 30, 1988, and has one year from that date to conclude its affairs.

Scope

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Tests of files and documents of licensee.
3. Interviews with the license examiner.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Offices, Attorney General's Office, and the Ombudsman's Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's opinions applicable to the professional board.

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ORGANIZATION AND FUNCTION

The Board of Examiners in Optometry is a regulatory board consisting of five members appointed by the Governor; four optometrists and one public member. Board members serve staggered terms of four years.

The Board regulates the practice of optometry. The Board sets the minimum standards to practice in Alaska by:

1. Examining and issuing licenses to qualified applicants.
2. Establishing, amending, or eliminating regulations controlling optometry practices.
3. Revoking, annulling, or suspending licenses in accordance with the Administrative Procedures Act when a person has violated optometry statutes or regulations.

(Intentionally left blank)

REPORT CONCLUSION

Policy Issues

This review contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting the practices are not within the scope of this report, but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so that the potential impact on policy changes can be evaluated.

Report Conclusion

In our opinion, the Board of Examiners in Optometry should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The Board provide this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Also, assurances that those licensed act in a competent manner is provided by active investigation of complaints and revocation of suspension of licenses where appropriate.

The Findings and Recommendation Section (see pages 7-8), describes areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

(Intentionally left blank)

FINDINGS AND RECOMMENDATION

Recommendation No. 1

The Board should support the repeal of obsolete language in the statutes to make them more clear and relevant.

In our review of optometry law, it was observed that some terms in the statutes are vague and obsolete. For example, Alaska statute 08.72.120 states in part; "It is unlawful for a person to practice, or attempt, or offer to practice, optometry without first obtaining a certificate of registration...". However, to practice optometry a "certificate of registration" is not a requirement.

The "certificate of registration" relates to a 1949 statute that required the filing of these certificates with the clerk of the superior court in the judicial district the optometrist practices. The "certificate of registration" was repealed in some statute sections by chapter 37 of SLA 1986. Nevertheless, some sections of optometry law still refer to the requirement of a certificate.

In a April 22, 1987 memorandum to the Governor concerning statute revisions, the attorney general recommended that the reference to "certificate of registration" in sections; 08.72.120 and 08.72.150 should be replaced with the term "license". In section 08.72.191, the term "certificates" should be replaced with "licenses". To be licensed as a optometrist is the only requirement to practice optometry. Therefore, to continue the referencing of a "certificate of registration" in the statutes is confusing and obsolete.

Recommendation No. 2

To insure the public is adequately protected, the Board and Division of Occupational Licensing (DOL) should address the issue of mail order companies selling contact lens.

When contact lenses are purchased from a licensed ophthalmologist, optometrist, or dispensing optician; the consumer is provided with professional training in how to care for the eye and the contact lens. Additionally, the licensed professional conducts an on-site evaluation to determine if the contact lens properly fits the eye. A contact lens that does not proper fit the eye can cause a headache, nausea or even a permanent restriction of vision due to corneal abrasion.

However, a new sales technique has developed in the last few years. Mail order companies are selling and dispensing replacement contact lenses. It is our interpretation of the law, and is the attorney general's office view, that only

licensed ophthalmologists, optometrists and dispensing opticians have the legal authority to sell and dispense contact lenses in Alaska, whether it is the initial sale of a contact lens or a replacement of lens.

Additionally, mail order consumers are at a disadvantage in attempting to judge the fit of contact lenses purchased by mail. As previously stated, a contact lens that does not fit properly can cause injury to the eye.

Considering the potential for public harm, we believe the issue of mail order companies selling and dispensing replacement contact lenses should be addressed by the Board and DOL.

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

licensed ophthalmologists, optometrists and dispensing opticians have the legal authority to sell and dispense contact lenses in Alaska, whether it is the initial sale of a contact lens or a replacement of lens.

Additionally, mail order consumers are at a disadvantage in attempting to judge the fit of contact lenses purchased by mail. As previously stated, a contact lens that does not fit properly can cause injury to the eye.

Considering the potential for public harm, we believe the issue of mail order companies selling and dispensing replacement contact lenses should be addressed by the Board and DOL.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

- I. The extent to which the board, commission or program has operated in the public interest.
 - A. The Board has enforced the laws for issuing licenses in a uniform and consistent manner.
 - B. The Board has held meetings and administered examinations in accordance with statutory requirements.
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. The Board has received assistance from DOL relative to the drafting of legislation and regulatory changes.
 - B. The Board has received legal assistance from the Attorney General's Office.
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Board has partially succeeded in its endeavors to amend and repeal obsolete language in the optometry law.
- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The Board has published public notices of all examinations, and meetings. The Board has not actively solicited comments on its effectiveness.

- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

Public notices of proposed regulations are published in major newspapers. Public comment on proposed regulations, both written and oral, are considered at Board meetings.

- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

The Office of the Ombudsman, Attorney General and DOL do not have any outstanding consumer complaints regarding the Board of Optometry.

- VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

Prior to granting a license to practice, the Board is required to determine if the applicant is qualified. The Board reviews all applications to make the determination of eligibility. The Board issued 26 licenses from FY84 through FY87. The number of optometrists currently licensed is 77.

- VIII. The extent to which State personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

According to the Office of Equal Employment Opportunity, no complaints were filed against the Board from FY84 through FY87.

- IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Findings and Recommendation.

APPENDIXES

(Intentionally left blank)

APPENDIX A

BOARD OF EXAMINERS IN OPTOMETRY
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES
For Fiscal Year 1987
(Unaudited)
(Note 1)

Average Revenue (Note 2)	\$ 4,651
Expenditures (Note 3)	<u>12,031</u>
Excess of Expenditures Over Revenues	<u>\$ 7,380</u>

Note 1

The Schedule of Revenues Compared with Expenditures was prepared from available records and discussions with the Division of Occupational Licensing (DOL) personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Schedule of Revenues Compared with Expenditures.

Note 2

A significant portion of revenues is composed of license renewal fees. Licenses are renewed quadrennially. Because of the renewals, revenues vary substantially every fourth year. Therefore, we combined revenues collected in fiscal year 1984, 1985, 1986 and 1987; and calculated a total in order to obtain a representative amount of average annual revenues collected. Licensing fees were increased in November 1986 in response to legislative intent to make the Boards more self supporting. See Appendix B, Schedule 1 for the current fee schedule.

Note 3

Expenditures consist of direct costs resulting from board member activities, (i.e. travel and per diem) and an allocation of direct and indirect costs of DOL. It should be noted, that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

APPENDIX B

BOARD OF EXAMINERS IN OPTOMETRY
SCHEDULE OF ESTIMATED REVENUES
COMPARED WITH BUDGETED EXPENDITURES
For Fiscal Year 1988
(Unaudited)
(Note 1)

Average Revenue (Note 2)	\$ 4,120
Expenditures (Note 3)	<u>13,410</u>
Excess of Expenditures Over Revenues	<u>\$ 9,290</u>

Schedule 1
Types of Revenues
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
License Application Fee	\$ 20	With application
Examination Fee	\$ 50	With application
Reexamination Fee	\$ 50	With application to reexam
License Fee	\$200	At initial quadrennial license period
License Renewal Fee	\$200	Every four years
Branch Office Registration Fee	\$ 20	At initial quadrennial license period
Branch Office Renewal Fee	\$ 20	Every four years

Note 1

The Division of Occupational Licensing (DOL) prepared the above Schedule of Estimated Revenues Compared with Budgeted Expenditures. The schedule is included for informational purposes only and has not been audited by us. Accordingly, we do not express an opinion on the Board's Schedule of Estimated Revenues Compared with Budgeted Expenditures.

Note 2

Revenues were estimated based upon the current licensing fees (See schedule 1) and projected license renewals and application fees for fiscal years 1988, 1989, 1990 and 1991. Because of a downward trend in Alaska's economy the projection for revenues includes a factor representing a 20% to 30% decline in the number licensed professionals.

Note 3

Expenditures consist of FY88 budgeted direct costs associated with board member activities (i.e. travel and per diem) and a allocation of direct and indirect costs of DOL. It should be noted that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

Note 4

This schedule represents the licensing fees currently in effect. Fees were raised in November 1986 in response to legislative intent to make the Boards more self supporting.