

619 SC FILE NO. 2 - FILE NO. 3

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT

POLAR AIRWAYS, INC.,)
)
Appellant,)
)
v.)
)
ALASKA TRANSPORTATION COMMIS-) Superior Court No.
SION, ALASKA AERONAUTICAL) Agency File No.
INDUSTRIES, INC.,)
)
Appellee.)
_____)

RECORD ON APPEAL

TABLE OF CONTENTS-EXHIBITS

File No. 3

PETITIONER'S EXHIBITS

- No. 1 copies of receipts
- No. 2 color photo of airplane No. 3
- No. 3 Petition with 1,001 signatures

RESPONDENT'S EXHIBITS

- No. A color photo of two aircraft
- No. B receipts for hospital bills
- No. C account's ledger

- THE END -

[Insert name of agency; e.g.,

STATE OF ALASKA

BOARD OF DENTAL EXAMINERS]

In the Matter

)
)
)
)
)

No. _____

STATEMENT OF ISSUES

The State of Alaska Board of Dental Examiners, having considered the application of [insert name of applicant] for [identify license applied for] finds as follows:

1. The Board of Dental Examiners pursuant to [cite the statutory or regulatory basis for the agency action, e.g., AS 08.36.070] considered the application of [insert name of applicant] for [identify license applied for].

2. On or about [insert date and name of applicant] applied for [identify license applied for].

3. On or about [insert date, name of applicant and grounds for denial; e.g., was convicted of the crime of embezzlement. It is advisable in such cases to attach to the statement of issues a certified copy of the judgment of conviction].

4. The crime of embezzlement is evidence that [insert name of applicant] is not of good moral character as required by AS 08.36.110(2).

5. Pursuant to AS 08.36.110(2), the application of [insert name of applicant] for [identify license applied for] is denied.

DATED: _____.

[provide for signatures for board officers as appropriate]

BEFORE THE ALASKA STATE BOARD OF

In the Matter of)

Respondent.)

_____)

File No. _____

REQUEST FOR APPOINTMENT OF HEARING OFFICER

The Board of _____ requests the appointment of a hearing officer in the matter of the (statement of issues/accusation) against _____, respondent.

This matter should be heard in _____ (location).

cc: Dept. of Law

BEFORE THE ALASKA STATE BOARD OF

In the Matter of)

Respondent.)
_____)

File No.

NOTICE OF HEARING

You are notified that a hearing will be held before the _____ (agency) at _____ (address), _____ (city), Alaska, on the _____ day of _____, 19____, at _____ m. upon the charges made in the accusation served upon you. You may be present at the hearing, may be but need not be represented by counsel, may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You may have subpoenas issued to compel the attendance of witnesses and the production of books, documents or other things by applying to _____ (agency).

ALASKA STATE BOARD OF

By: _____
Hearing Officer

BEFORE THE ALASKA STATE BOARD OF

In the Matter of

Respondent.

File No.

RESOLUTION OF THE ALASKA BOARD OF

The Board of

hereby authorizes its president to issue subpoenas and subpoenas duces tecum pursuant to AS 44.62.430 at the request of a party and in accordance with the rules of civil procedure and prior to the appointment of a hearing officer in any contested case.

DATED at _____, Alaska, this _____ day of _____, 1979.

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

AUDIT DIVISION
POUCH W—ALASKA OFFICE BUILDING

FINANCE DIVISION
POUCH WF—STATE CAPITOL

JUNEAU, ALASKA 99811

November 15, 1979

The Honorable Brad Bradley
P.O. Drawer 8-Q
Anchorage, AK 99508

Dear ^{Brad}~~Senator~~ Bradley:

During the 1980 session, the Legislature will continue to be involved with "sunset" reviews of several occupational licensing boards and commissions. We will be deciding to continue, change or terminate these boards and commissions, as well as several related licensing statutes.

Several questions and issues will have to be addressed in reaching those decisions. Although many will be unique to individual boards, some will be common to all occupational licensing and regulation.

Enclosed is a booklet on occupational licensing prepared by the Council on State Governments. This short booklet is very helpful in defining several of the basic questions and issues which will be addressed in the coming session.

Sincerely,



Jim Duncan, Chairman
Legislative Budget & Audit
Committee

Enclosure

11/24

For you Chris,

Remind me to
read this before
next sunset

B



OCCUPATIONAL
LICENSING:

OCCUPATIONAL
LICENSING:

OCCUPATIONAL
LICENSING:

The Council of State Governments

The Council is a joint agency of all the state governments—created, supported, and directed by them. It conducts research on state programs and problems; maintains an information service available to state agencies, officials, and legislators; issues a variety of publications; assists in state-federal liaison; promotes regional and state-local cooperation; and provides staff for affiliated organizations.

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Occupational Licensing: Questions a Legislator Should Ask

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Foreword

In 1952 the Council of State Governments published *Occupational Licensing Legislation in the States*. That publication reported licensure of more than 70 occupations, trades, and professions—from abstractors to yacht salesmen. Today state government has a renewed interest in occupational and professional licensing as a result, in part, of the increasing number of requests for licensure.

The Council of State Governments is pleased to join with the Educational Testing Service (ETS) in publication of this guide. It is intended to assist state policymakers confronting decisions regarding the credentialing of various occupations and professions.

The material was prepared by Dr. Benjamin Shimberg, Associate Director, Center for Occupational and Professional Assessment, ETS, with assistance from Doug Roederer of the Council of State Governments' staff. The Council is indebted to the authors and a number of individuals who gave generously of their time in reviewing early drafts of this manuscript. They include Mrs. Karen Greene, Manpower Analyst, Employment and Training Administration, U.S. Department of Labor; Mrs. Ruth Herrink, Director, Virginia Department of Professional and Occupational Regulation; Ms. Corrine Larson, Director, and Dr. Colleen Coughlan, Supervisor of Special Studies, Health Manpower Program, Minnesota Department of Health; Dr. Raymond Salman, Director, Division of Professional Licensing Services, New York State Department of Education; Neil Dunciffe, Lexington Office, and Alec Sutherland, Midwestern Office, the Council of State Governments; Dr. Albert P. Maslow, Director, and Dr. Gordon Cook, Staff Associate, Center for Occupational and Professional Assessment, ETS.

A legislative handbook on occupational and professional regulation is currently in preparation under a grant from the Employment and Training Administration, U.S. Department of Labor, to the Educational Testing Service. The handbook will deal with a variety of regulatory issues in considerable detail and will present action options for consideration. The handbook is being developed cooperatively by Dr. Benjamin Shimberg and his associates at Educational Testing Service, with assistance from the Council of State Governments. It is expected that the handbook will be ready for distribution in the spring of 1979.

Lexington, Kentucky
March 1978

Herbert L. Wiltsee
Executive Director
The Council of State Governments

Introduction

Licensing is a process by which an agency of government grants permission to an individual to engage in a given occupation upon finding that the applicant has attained the minimal degree of competency required to ensure that the public health, safety, and welfare will be reasonably well protected.

Licensing makes it illegal for anyone who does not hold a valid license to engage in the occupation, profession, trade, etc. covered by the statute. Thus, the power to license can be used to deny individuals the legal opportunity to earn livelihoods in their chosen fields. This is an awesome power—one that must be exercised judiciously.

The public seems to have accepted licensing as a restriction that is needed to protect society from incompetents and charlatans. Proponents of licensing—especially trade and professional groups—maintain that licensing benefits the public by assuring consumers of high-quality goods and services.

Critics of licensing believe otherwise. Consumer groups are asking, "Who benefits most from licensing, the public or the group being regulated?" They cite studies funded by the U.S. Department of Labor, and other agencies, which show that licensing boards often use their powers to restrict the supply of practitioners. These restrictions, say consumers, eventually affect what they must pay for services. (Selected references relating to licensing and certification are at the end of the report.)

The Federal Trade Commission (FTC) has noted that many licensing boards prohibit price advertising and that a few also prohibit competitive bidding. The FTC recently proposed rules that would outlaw such restrictions. In the meantime, the U.S. Supreme Court has decided that it is unconstitutional for licensing boards to prohibit pharmacists from advertising the price of prescription drugs or lawyers the cost of certain services. The Antitrust Division of the U.S. Department of Justice has also initiated legal action against the State Board of Accountancy in Texas, charging that its rules against competitive bidding by accountants violate the federal antitrust laws.

Nevertheless, many new licensing laws continue to be enacted each year. At a recent session, one state legislature considered bills to license auctioneers, home improvement contractors, pet groomers, sex therapists, television repairmen, electrologists, data processors, appraisers, professional salespersons, and a dozen other groups. Faced by such an onslaught, how can legislators decide when

it would be in the public interest to license members of an occupation? What questions should legislators ask? What alternative forms of regulation should be considered before licensure is granted?

This booklet attempts to put licensing into perspective by calling attention to a number of issues that should be considered:

- Deciding whether state governments should regulate an occupational group at all.
- Drafting the regulatory statute so that it is fair to practitioners and consumers alike.
- Establishing an administrative structure that promotes accountability and public confidence.

These issues are discussed in Chapter 1.

Chapter 2 provides a guide for questioning groups that are seeking regulation of an occupation. The questions may be posed in written form to give sponsors of the legislation ample opportunity to assemble the necessary data, or they can be put orally during the course of hearings on the legislation.

Chapter 3 describes efforts in three states—California, Minnesota, and Virginia—to bring about change in their regulatory structures. In each instance, names of key contacts are provided for those wishing more information.

*Throughout this report, the term occupation should be understood as including those who engage in an occupation, profession, trade, etc.

1. Guidelines for Occupational Regulation

The following guidelines for planning or reviewing a regulatory program grew out of a series of regional conferences convened in 1975 and 1976 for the purpose of identifying ways to improve occupational regulation.¹ Participants in the conferences included legislators, administrators of state licensing programs, attorneys general, and consumer officials. The problems, issues, and concerns voiced by participants and the solutions proposed provided the basic material from which the guidelines and accompanying text were developed.

Should State Government Regulate an Occupational Group?

Regulation should meet a public need.

Requests for licensure seldom come from an outraged public seeking to end some intolerable abuse. Usually they are made by occupational associations acting on behalf of practitioners.

Unfortunately, consumers are rarely on hand at legislative hearings when such regulatory proposals are under consideration. They should be, but in most areas they are poorly organized and lack the skills and resources to assemble and effectively present data which would show the likely impact of regulation on their pocketbooks. In a few states, legislatures have created consumer advocacy agencies to intercede on behalf of consumers before legislative committees and regulatory boards. The Consumer's Council in Massachusetts and the Office of the Public Advocate in New Jersey are two such agencies which show promise of providing consumers with at least a small voice in regulatory matters.

Proponents of licensure, be they the public or an occupational group, frequently argue that regulation is needed to protect the public health, safety, and welfare. Often, however, the occupational group is the major beneficiary of a licensure law. Licensed practitioners gain an exclusive right to deliver services. They may then ask the board, made up of fellow practitioners, to use its powers to restrict entry into the field by setting high education and experience requirements, giving difficult tests, and erecting barriers to keep out practitioners from other states. Thus, the licensed group may establish monopoly conditions which enable it to control the availability and cost of services and restrict competition by prohibiting advertising and competitive bidding. Such practices often operate to raise costs to consumers.

To determine whether an occupational group should be licensed, each proposed licensure program should be carefully scrutinized to determine the precise nature and seriousness of the need. There are many situations where the public needs to be protected from dangers posed by unqualified practitioners, but

not every service represents a threat to the public health, safety, and welfare if a practitioner is unqualified.

The overriding questions that a state must answer when evaluating the need for licensing are: (1) whether the unlicensed practice of an occupation poses a serious risk to the consumers' life, health, and safety or economic well-being; (2) whether potential users of the occupational service can be expected to possess the knowledge needed to properly evaluate the qualifications of those offering services; and (3) whether benefits to the public clearly outweigh any potential harmful effects such as a decrease in the availability of practitioners, higher costs of goods and services, and restrictions on optimum utilization of personnel.

Government should provide only the minimum level of regulation.

Even when an analysis of need shows that there are compelling reasons to regulate an occupation, it does not necessarily follow that licensure is the most appropriate mechanism for doing so. Licensure restricts the scope of practice so that it becomes illegal for unlicensed individuals to provide the services in question. That is why licensure should be used only as the remedy of last resort.

Before legislators agree to license persons in an occupation, other regulatory approaches short of licensure need to be explored. Among the alternatives to individual licensing are the enforcement or strengthening of existing statutes relating to deceptive or unfair trade practices. Another is the assignment of inspection or other supervisory authority to an existing agency, i.e., a department of health or department of licensing and registration. A third alternative is to license establishments rather than individuals. For example, restaurants are licensed, not the individuals who prepare and serve food.

If none of these approaches is considered adequate by a state, it may be necessary to consider ways to regulate individuals. However, the method of regulation and the degree to which it restricts practice should bear some relationship to the seriousness of the harm that is likely to result from the absence of regulation. Two approaches, less restrictive than licensing, are registration and certification.

Registration is an appropriate form of regulation when the threat to life, health, safety, and economic well-being is relatively small and when other forms of legal redress are available to the public. In its simplest form, registration requires that an individual file his or her name and address with a designated agency. There is usually no preentry screening by a regulatory board. Registration in this form does little more than provide a roster of practitioners. However, it is also possible to have a registration requirement in combination with minimum practice standards set by the agency. Thus, while registration would not be exclusionary, it would subject registrants to minimum standards and thereby provide some protection to the public.

Certification is a form of regulation which grants recognition to individuals who have met predetermined qualifications set by a state agency. Only those who

meet the qualifications may legally use the designated title. However, noncertified individuals may offer similar services to the public as long as they do not describe themselves as being "certified." Certification is especially appropriate when the public needs assistance in identifying competent practitioners, but where the risks to health and safety are not severe enough to warrant licensure.

There is considerable confusion surrounding the terms "registered" and "certified." Indeed, they are sometimes used interchangeably with licensure. For example, "registered nurses" are actually licensed nurses because it is illegal for anyone to practice nursing unless he or she has been granted a license by a state nursing board. Confusion is further compounded by the fact that many nongovernmental agencies, such as professional societies, offer "certification" to those who meet predetermined qualifications.

If nothing else, the confusion in terms reflects a search for alternatives to the more stringent remedy of occupational licensing. Examples of state experimentation with these alternatives are found in Chapter 3.

If an occupation is to be licensed, its scope of practice should be coordinated with existing statutes to avoid fragmentation and inefficiency in the delivery of services.

Occupational groups seeking mandatory licensing usually argue that it is necessary to have their scope of practice defined broadly in order to prevent unqualified persons from engaging in any aspect of the occupation. However, as technology expands and new occupational categories emerge, members of occupational groups often find that the existing broad scope of practice statements bring them into conflicts with already licensed occupational groups. Such conflicts may prevent them from functioning in areas where they are qualified by training to provide services.

Restrictions imposed by overly broad scope of practice statements stem, in part, from a failure to recognize that many groups within a system (such as the health delivery system) have overlapping functions. When such groups are granted mandatory licensure based on broad scope of practice statements, certain undesirable consequences, such as fragmentation of services, underutilization of manpower, and unnecessary proliferation of occupational categories, are likely to result.

A field becomes fragmented when many discrete specialty groups, each with its own scope of practice statement, obtain licensure. Fragmentation may be signaled when an already licensed group seeks to prevent an emerging group with a different occupational label from sharing the work.

Underutilization occurs when paraprofessionals, medical auxiliaries, or groups which combine parts of several already regulated occupations find that their utilization within the delivery system is impeded by jurisdictional conflicts

and by prohibitions against the delegation of functions. Such an uncoordinated delivery system forces employers to hire one of each kind of practitioner. The state policy focus should be on competence and efficiency and the avoidance of exclusive allocation of functions to certain named groups.

Proliferation or pressure to license new occupational categories sometimes happens when practice restrictions of one group prevent members of another group from providing services that the latter group is qualified to provide. For example, in some states psychologists have claimed that the provision of personal-social advisement services by counselors (with M.A. or Ph.D. degrees) constitutes an infringement on the Psychology Practice Act. The group prevented from practicing—in this case, counselors—is then likely to seek its own licensure law in order to gain statutory recognition that would legitimize its activities.

Rather than license a new and discrete occupation, the legislature might consider alternatives such as narrowing the overly broad existing definition of scope of practice or including the new group within the definition of competent practitioners.

Licensure Laws Should Be Fair and Operate to Protect Practitioners and Consumers Alike

Requirements and evaluation procedures for entry into an occupation should be clearly related to safe and effective practice.

Regulatory laws are often exclusionary because they include requirements—such as age, years of formal education, citizenship, high license fees, and residency—which bear little or no relationship to effective performance on the job. Irrelevant requirements should be eliminated.

The completion of an approved training program and certain experience requirements are usually reasonable requirements. Yet even such requirements can become exclusionary if the time involved in training is excessive or if needless restrictions are imposed. For example, a requirement that an applicant's experience must have been acquired in a specific city or state would be difficult to justify as reasonable.

While most applicants for entry into a regulated occupation usually apply after completion of an approved program of training, the law should make allowances for those who may have acquired their competence outside the formal educational system—in the armed services, for example. It should also be recognized that for certain occupations no formal training programs presently exist. Drug and alcohol counselors, for example, often acquire their knowledge of chemical dependency through on-the-job training and experience. Ways must be found to evaluate such individuals, not in terms of their formal training, but in

terms of their demonstrated competence to perform the functions required by the job.

Indeed, all testing and evaluation procedures used in making licensing or certification decisions need to be scrutinized to be sure that they are fair to candidates and that they meet professional testing standards. Further, in those fields where employers are required by law to hire only individuals who are licensed or certified, the state boards or agencies which issue these credentials should be aware that they may be subject to the proposed "Uniform Guidelines on Employee Selection Procedures."² These uniform guidelines stipulate that evaluation procedures which affect employment decisions must not discriminate unfairly against members of minority groups, women, or other classes protected under Title VII of the Civil Rights Act of 1964. In addition, when the tests used in the licensing or certification process result in significant disparities in passing rates among various applicant groups, and there is a legal challenge, the board or agency which issued the license or certificate may be required to demonstrate that its procedures, including the test in question, meet the standards set forth in the uniform guidelines.

Every out-of-state licensee or applicant should have fair and reasonable access to the credentialing process.

When two states have a reciprocity arrangement, licensed practitioners from one state will be licensed by the other without further examination. However, where no such agreement exists, licensed applicants from other states may be required to undergo the entire licensing process—including written and performance examinations—regardless of their experience or qualifications. This can work a real hardship on qualified practitioners who have been out of school for many years because examinations used for initial entry tend to emphasize what is currently being taught in occupational training programs. With the passage of time, most professionals forget many of the theoretical concepts as well as specific occupational information that they learned while in school, especially if these are seldom used in their day-to-day practice. However, as they encounter new problems and situations in the course of their practice, they must acquire new knowledge and skills in order to meet these challenges successfully. Thus, the test used to screen recent graduates may not be the best or the most effective way to assess the competence of those who have been out in practice for a number of years.

Hardships can also be created by the examination process itself. In dentistry, for example, out-of-state licensees and applicants must supply their own patients for the clinical portion of the examination. The applicant must often literally walk the streets in search of individuals in need of specific types of dental work who are willing to have the work done during the course of the licensing examination. Such people are often hard to find.

Many people believe that licensure by endorsement is a more equitable procedure. Under such an arrangement, individuals who are already licensed in one state may submit their credentials for evaluation by the state to which they wish to migrate. Applicants who are as qualified as those practitioners in the state who were graduated at about the same time would be licensed without requiring them to take the initial application examination.

In order for such endorsement licensing to work, states need to adopt standards of entry that are roughly comparable to those of other states. One technique is to make use of national examinations, when such examinations are available. If an applicant has already passed an examination which is similar or equivalent to the examination given by his new state, the need for reexamination should be questioned. Any state agency that wishes to adopt standards substantially higher than those which prevail elsewhere should be required to demonstrate that these higher standards would clearly be in the public interest and not calculated to exclude qualified practitioners from entering the state.

Once granted, a credential should remain valid only for that period during which the holder can provide evidence of continued competency.

Regulatory agencies usually make a strenuous effort to ensure that applicants are initially competent, but they are often much less zealous in monitoring the competence of practitioners after they have been licensed. Thus, the public has no assurance that licensees have kept abreast of developments and can still provide high-quality services.

A number of strategies have been proposed for assuring continued competence. While many states have adopted mandatory continuing education as a condition of relicensure, there is no evidence available to indicate that mandatory continuing education assures competence. Indeed, consumer groups are asking whether the cost of such education, which ultimately must be borne by the public, will provide consumers with any added protection against incompetent practitioners.

The idea of reexamination as a condition of relicensure has been strongly resisted by licensees. However, a number of nongovernmental medical specialty certification boards have recently demonstrated that it is possible to develop written tests and performance measures which simulate important aspects of the physician's work. It remains to be seen whether periodic reexamination is a practical and cost-effective way of dealing with the problem of continued competency.

Peer professional evaluation—through direct observation or review of records—has been proposed as a procedure that might be used in place of or as a supplement to periodic reexamination. Unfortunately, doubts about the dependability of peer review procedures have been raised. Studies show that qualified experts often do not agree as to what constitutes acceptable

performance; neither do they apply standards uniformly. Clearly, more attention needs to be paid to defining "acceptable performance" and to training evaluators in the use of standards before peer review procedures are widely applied.

A vigorous enforcement and discipline policy for those found unfit to practice has also been proposed. This approach assumes (1) that most practitioners, acting in their own self-interest, make an effort to keep abreast of their fields; and (2) only a small minority, for a variety of reasons, fails to maintain its competence. Two such minorities are inactive and high-risk practitioners.

At present most inactive practitioners can preserve their right to practice by simply paying the renewal fee. By keeping their licenses in force, they are able to resume practice at any time even though they may have failed to maintain their competence. States should consider requiring that practitioners who have been inactive for a substantial period to demonstrate that they are still competent.

A system needs to be developed to identify high-risk practitioners against whom numerous complaints or malpractice actions are lodged. If there is evidence of negligence or incompetence following an investigation, such individuals should be subject to disciplinary action. Serious offenders could have their licenses suspended or revoked. Less serious offenders could be placed on probation, required to participate in relevant continuing education programs, or to work under supervision for a stated period.

This "enforcement" approach is selective as it is concerned only with those practitioners who are the subject of complaints. In this respect it is likely to be more cost-effective than a system which subjects all practitioners to rigid educational or evaluation procedures.

The Regulatory Structure and Board Composition Should Promote Accountability and Public Confidence

The public should be involved in the regulatory process.

For many years, trade and professional groups fostered the idea that only members of their own occupational group were qualified to make judgments about entrance standards, examination content, or disciplinary matters. This professional mystique argued that the public had no role to play in the regulatory process.

In recent years this view has been challenged. Consumers now argue that since regulation affects their vital interests, they have a right to share in the decisionmaking process. They point out that every day laymen legislators and jurors must make decisions in highly technical areas. They are able to do so by utilizing the testimony of experts to set forth the facts and clarify the issues.

There has been a growing movement to place public members on regulatory boards to ensure that there will be input from groups other than those representing the regulated occupation. Those who favor the idea believe that the

presence of public members will help to break up the in-group psychology that often prevails when all board members are practitioners. Ideally, public members will provide a point of view otherwise absent on a board composed solely of license holders.

Initial experience with public members often was not favorable because those appointed lacked the qualifications for effective service on a board. Recent experience suggests that public members can make significant contributions when they have backgrounds equipping them to deal with problems and issues likely to come before the board, a strong interest in serving, sufficient time to devote to board activities, and prior experience in community affairs so that they know how to get things done in the public arena.

While public members may not know much about the technical aspects of an occupation, they may nevertheless contribute to board deliberations by raising questions about such topics as the appropriateness of entrance requirements, board rules, tests, fees, and disciplinary procedures.

How many public members should be on a board? There is no simple answer, but if impact is the major criterion, one public member is probably too few, two would be the minimum, and three or four would increase the likelihood that the impact of public members would be felt, particularly if the board had from seven to 10 members. In California, the legislature has decreed that for certain boards a majority shall be public members. (See Chapter 3 for a case study of the California experience.)

Complaints should be investigated and resolved in a manner which is satisfactory and credible to the public.

Many regulatory agencies are perceived as overly protective of those whom they regulate. This has led consumers to question whether professionally dominated boards are willing to deal forcefully with their peers when complaints are received from the public. Consumers also express doubts that they will receive a fair hearing before boards composed solely of licensed practitioners.

To remedy the situation, a number of states have centralized complaint handling in independent agencies whose staffs are not beholden to the regulatory board or the occupational group. Where investigation reveals that a practitioner has been incompetent or has violated board rules, such agencies can initiate disciplinary action promptly without awaiting consent from the board.

The decision of an independent agency is more likely to satisfy the consumer as a fair decision than one rendered by the practitioner's peers. Unfortunately, disciplining an errant practitioner will seldom provide relief to the client who has suffered physical injury or financial loss. A number of states have established restitution funds to which all licensed attorneys and real estate brokers contribute. Such funds are used to reimburse clients for determinable losses caused by unscrupulous practitioners. This spares clients the necessity of seeking

relief in the courts, with all the attendant costs and long delays. However, the court route remains open should the client wish to use it.

Procedures for evaluating the qualifications of applicants and disciplinary proceedings against licencees should be conducted in a fair and expeditious manner.

The constitutional rights of applicants are not always safeguarded in the present system which makes the regulatory board virtually the sole judge of who shall and shall not be credentialed. For example, applicants who are rejected on the basis of qualifications or for failing an examination may be forced to take their appeal to the same board that passed on their qualifications initially, or which was responsible for preparing and grading the examination that they failed. Arguing that such applicants always have recourse to the courts ignores the simple truth that litigation is both costly and time consuming. If licensed practitioners cannot work, they are unlikely to have the resources to pursue a lengthy legal battle. Clearly, the solution lies in providing applicants with an independent administrative appeal route either through the centralized licensing agency or through a separate board, such as that provided by the New York State Board of Regents.

The licensee who is charged with incompetence or unprofessional conduct faces the loss of his or her livelihood and is entitled to due process protection. Such protection is absent when members of a regulatory board serve multiple functions (investigator, prosecutor, judge, and jury). Once again, such investigations should be conducted by an independent unit. Where probable cause is found, the evidence should be presented before a hearing officer or an administrative judge to establish the facts and determine whether a law or board rule has been violated. To avoid allegations of favoritism, some boards rely on the hearing officer to recommend appropriate sanctions.³

In a number of states, boards find that they are enjoined from taking disciplinary action against errant practitioners while civil or criminal actions against such practitioners are still pending. This means that a licensee charged with negligence, incompetence, or serious breach of conduct may continue to provide services even when the evidence suggests that he or she could be a menace to society. To rectify such situations, states are granting regulatory agencies emergency powers which will enable them to suspend an individual's license for a given period where continued practice would not be in the public interest.

The purpose of regulation is to protect the public, not the economic interest of the occupational group.

Boards sometimes make decisions that serve the economic interests of the occupational group rather than those of the public. For example, a board may

tighten entry qualifications or raise the passing score in order to limit the supply of practitioners. They may also pass rules that prohibit price advertising or competitive bidding. Such rules often characterize competitive practices as "unprofessional conduct." Restrictions on the flow of truthful information concerning fees, qualifications, and professional attainments clearly hamper the consumer's ability to shop for services. Competition is lessened, thereby reducing downward pressure on fees.

Many licensing statutes substantially adopt the private ethical code of the profession. These ethical codes are the source of many anticompetitive rules and statutory provisions. Lawmakers should be wary of edifying into public law ethical codes clearly designed to serve and "dignify" the profession. One possible unintended effect of giving specific legislative sanction to prohibitions against competitive bidding, for example, might be to place such practices beyond the reach of federal antitrust law.⁴

The administrative structure should promote efficiency, policy coordination, and public accountability.

While autonomous regulatory boards continue to exist in many states, there is a growing realization that such an arrangement, besides being inefficient from the standpoint of optimal use of state resources, makes coordination and effective oversight very difficult.

Three widespread practices tend to contribute to board autonomy. They are (1) boards are often housed in their own building or rented office space, physically separated from other offices of state government; (2) boards frequently generate their own revenue through the collection of license fees, and thus exist outside the usual budget and appropriation mechanisms of the legislature; and (3) trade and professional associations frequently are vested with the power to nominate board candidates. This practice contributes to the notion that the board is an extension of the association rather than an arm of state government.

Some states have created umbrella agencies to provide administrative, clerical, and fiscal services to the various boards. These are usually "housekeeping" agencies headed by an administrator who has no authority to coordinate board activities or to question board policies. This lack of coordination sometimes results in the setting of standards or promulgation of rules by a board without taking into consideration the probable impact that these may have on other boards or agencies.

Some critics of such "housekeeping" agencies say that the authority of the administrator needs to be strengthened if policy coordination is to occur. They urge that the director have power to hire and fire board staff, control board budgets, review and approve proposed rules and regulations, initiate and conduct investigations, provide legal services to boards, and see that disciplinary

proceedings are conducted expeditiously and with adequate due process safeguards. Under such an arrangement, boards would be largely advisory. They would concentrate on formulating and proposing policies, establishing professional or technical standards, developing examinations, and recommending sanctions in disciplinary matters.

Occupational groups tend to be critical of the strong administrator approach, arguing that there is not sufficient evidence of wrongdoing to suggest that such a proposal is necessary. Moreover, they believe that such an arrangement places too much power in the hands of a single individual. To counter this latter criticism, it has been proposed that, as an alternative to a strong director, rulemaking and decisionmaking authority be placed in a board or commission made up of public members without financial, educational, or marital ties to any of the regulated occupations. Such a group would be better able to evaluate proposed rules and other board actions from a public interest viewpoint. In New York State, for example, where professional boards serve primarily in an advisory capacity, the New York State Board of Regents, a lay board, has decisionmaking authority.

The system used to finance regulatory activities can contribute to the accountability of individual boards and to the effectiveness of the overall regulatory program.

The tradition of financing regulatory activities out of income from fees has contributed to the strength and durability of many autonomous boards. Because such boards do not have to come before the legislature to obtain funds, they are seldom required to justify their budgets or to demonstrate that they are serving an important public purpose. In a very real sense, the fiscal autonomy of boards contributes to their lack of accountability. Moreover, when any of these boards has income in excess of their expenses, such funds are usually placed in segregated accounts under the control of the boards. Board members tend to think of these funds as belonging to the occupational group to be used solely for the benefit of the group.

Many people view a change in the financial structure of licensing as an effective way to make boards more accountable. They argue that since regulation is intended to protect the public, all regulatory activities should be funded, at least in part, by the taxpayers at large. They urge that any income from fees go directly into the general fund and that individual boards be allocated their operating expenses through the normal budgetary process.

Those who oppose this general fund approach express a concern that the legislature may increase regulatory fees solely for the purpose of obtaining additional revenue and that this would constitute an unfair tax on practitioners in regulated occupations. Fears are also expressed that in periods of financial stringency, board budgets would be cut and regulatory activities curtailed, even when income from fees is adequate to support the program.

Some of these fears have been allayed in states which place all income from fees into an account administered by the umbrella agency. Operating budgets for the various boards are allocated by the agency on the basis of need. This pooling arrangement makes it possible to use funds from financially strong occupational boards—usually those with a large number of licensees—to help defray the operating expenses of the smaller and financially weaker boards. Income from fees also covers the cost of operating the agency and providing all boards with essential services. The agency is, of course, accountable to the legislature for the overall effectiveness of the regulatory program.

2. Questions Legislators Should Ask

Questions legislators should ask of groups seeking regulation follow and have been drawn from a variety of sources. For example, the Bateman Commission Report to the New Jersey Legislature⁵ was one of the earliest efforts to develop licensing criteria and procedures for scrutinizing applicant groups to determine (1) whether a need for regulation exists and (2) what mode of regulation would be most appropriate.

Staffs of the Educational Testing Service and the Council of State Governments have attempted to synthesize material from these and other sources in order to provide a comprehensive list of questions that legislators may wish to ask of groups sponsoring regulatory legislation. Not all questions will be applicable in every situation. However, the topics covered provide a useful checklist not only for legislators but also for groups sponsoring legislation as well.

What Is the Problem?

- Has the public been harmed because the occupational group has not been regulated?
 - To what extent has the public's health, safety, or economic well-being been harmed?
- Can the claims of proponents of regulation be documented?

Why Should the Occupational Group Be Regulated?

- Who are the users of services offered?
 - Are they members of the general public who lack knowledge necessary to evaluate qualifications of those offering services?
 - Are they institutions or qualified professionals who have the knowledge to evaluate qualifications?
- What is the extent of autonomy of practitioners?
 - Is there a high degree of independent judgment required of practitioners?
 - How much skill and experience are required in making these judgments?
 - Do practitioners customarily work on their own or under supervision?
 - If supervised, is supervisor covered by regulatory statute?

Note: There is little justification for licensure if practitioners work under supervision. If regulation is needed, it should be the supervisor who is regulated.

What Efforts Have Been Made to Address the Problems?

- Has the occupational group established a code of ethics?
 - To what extent has it been accepted and enforced?
- Has the occupational group established complaint-handling procedures for resolving disputes between practitioners and public?
 - How effective has this been?
- Has a nongovernmental certification program been established to assist the public in identifying qualified practitioners?
- Could the use of applicable laws or existing standards solve problems?
 - Use of unfair and deceptive trade practices laws.
 - Use of civil laws such as injunctions, cease and desist orders, etc.
 - Use of criminal laws such as prohibitions against cheating, false pretenses, deceptive advertising, etc.
 - Use of existing standards such as construction codes, product safety standards, etc.
- Would strengthening existing laws or standards help to deal with the problem?

Have Alternatives to Licensure Been Considered?

- Use of an existing agency under legislative control.
- Regulation of business employer rather than individual practitioner, e.g., licensing restaurants rather than cooks or waiters/waitresses.
- Registration of practitioners coupled with minimum standards set by state agency.
- Certification of practitioners, thereby restricting use of title to those who have demonstrated competence. Occupational group, however, would not have control of field of practice.
- Why would the use of the above not be adequate to protect the public interest?
 - Why would licensing be more effective?

Will the Public Benefit from Regulation of the Occupation?

- How will regulation help public identify qualified practitioners?
- How will regulation assure that practitioners are competent?
 - What standards are proposed for granting credentials?
 - Are all standards job related?
 - How do these standards compare with those of other states?
 - If standards differ from those of other states, can the difference be justified?
 - Are there training and experience requirements?
 - Are these requirements of excessive duration when compared with other states? Why?
 - Does training include supervised field experience? If so, is an additional experience requirement justified?

- Are there restrictions on where or how experience may be acquired? Why?
- Will alternative routes of entry be recognized?
 - Will applicants who have not gone through prescribed training/experience be eligible for licensure or certification?
 - Will licensure or certification in another state automatically allow an individual to be credentialed in this state?
- Will applicants for licensure or certification be required to pass an examination?
 - Does an examination already exist?
 - Does it meet professional and legal testing standards (see footnote 2 on proposed uniform guidelines)?
 - If no test exists, who will develop it and how will development cost be met?
- Is there a "grandfather" clause in licensure?
 - Why is it necessary?
 - Will such practitioners be required to take a test at a later date?
- What assurance will the public have that the individuals credentialed by the state have maintained their competence?
 - Will license or certificate carry expiration date?
 - Will renewal be based solely on payment of fee?
 - Will renewal require periodic examination, peer review, evidence of continuing education or other procedures for continued competence?
- How will complaints of the public against practitioners be handled?
 - Will there be a method for receiving complaints?
 - Will there be an effective procedure for disciplining incompetent or unethical practitioners?
 - What grounds will there be for suspension or revocation of credentials?
- Is it feasible to establish a restitution fund so that the public will be able to recover money lost through actions of unscrupulous practitioners?

Will Regulation Be Harmful to the Public?

- Will competition be restricted by the occupational group, e.g., prohibiting price advertising?
- Will the occupational group control the supply of practitioners?
 - By standards more restrictive than necessary?
 - By restricting entry of those from other states who have substantially similar qualifications?
- Will regulation prevent the optimum utilization of personnel?
 - Will "scope of practice" prevent individuals from other occupational groups from providing services for which they are qualified by training and experience?
- Will regulation increase costs of goods and services to consumers?
- Will regulation decrease availability of practitioners?

- Are there safeguards in law to ensure that the occupational group does not use its powers to promote self-interest over those of public?

How Will the Regulatory Activity Be Administered?

- Will the regulatory entity be composed only of members of occupation?
 - Will there be public members on the regulatory entity? In what percentage?
- What powers will regulatory entity have?
 - Will it review qualifications, examinations, investigations, and disciplining of practitioners?
 - Will it promulgate rules and codes of conduct?
- Will actions of regulatory entity be subject to review?
 - By whom?
 - Will reviewing authority have power to override regulatory entity actions? Which ones?
- How would cost of administering regulatory entity be financed?
 - How will fees be set?
 - Will income from fees go into general fund, departmental fund, or special account controlled by regulatory entity?

Who Is Sponsoring the Regulatory Program?

- Are members of the public sponsoring regulatory program?
- What associations, organizations, or other groups in the state represent practitioners?
 - Approximately how many practitioners belong to each group?
 - What are the different levels of practice in each group?
- Which of the above groups are actively involved in sponsoring regulatory programs?
 - Are other groups supporting the effort? If not, why?

Why Is Regulation Being Sought?

- Is the occupational group seeking to enhance its status by having its own regulatory law?
- Is the occupational group claiming it is prevented from rendering services for which its members are qualified by "scope of practice" statement of another occupation?
 - If so, what efforts have been made to resolve differences?
- Is the occupational group seeking licensure in order to gain reimbursement under federal-state programs or private insurers, e.g., Medicare or Blue Cross?
- Is the public seeking greater accountability of the occupational group?

3. Several Case Studies

Questions are being asked about state schemes for regulating occupations. In some states legislators have undertaken comprehensive studies aimed at producing major structural changes in the licensing system. In others, legislators have focused on specific problems, such as the process by which decisions are made to license or not to license an occupation and whether the scope of practice for an occupation should be expanded. There has also been growing interest in devising ways to make boards more accountable. Placing public members on boards represents one such effort.

This chapter presents case studies illustrating approaches that three states have taken in dealing with licensing issues. These case studies are not offered as models to be emulated, but rather as examples of how legislators can break out of conventional molds to deal with regulatory problems.

California Public Member Act

A frequent criticism of licensing boards composed entirely of members of the regulated occupation has been that such boards sometimes use their powers to promote the interests of the occupational group rather than those of the public. Some of the ways in which they may do so are by setting excessively high entry standards or promulgating rules that unduly restrict competition.

In recent years a number of states have added one or more public members (citizens with no particular interest in the occupation or profession governed by the board) to licensing boards in an effort to ensure that the interests of the public would be represented in decisionmaking. Such appointments were often viewed as "tokenism" since public members often lacked qualifications and therefore had relatively little impact on the regulatory process.

To increase public confidence in the regulatory process, S.B. 2116 (known as the Public Member Bill) was introduced into the California legislature in 1977. This act, coupled with S. B. 1039 and S.B. 1987, provided for a majority of public members on all boards except the health-related boards and accountancy, where the ratio is one-third public members to two-thirds licensee members. These bills were enacted and went into effect on January 1, 1977. The California Public Member law recognizes the public policy nature of many decisions faced by regulatory boards and it institutes a system that ensures that these decisions will be made by a board containing a diversity of perspectives.

The Department of Consumer Affairs (the agency assigned responsibility for regulatory boards) conducted a wide-ranging "talent search" to identify prospective board members who were either knowledgeable about the occupation or who had background or specialized skills that would enable them to contribute to the work of the board. Among the initial group of appointees were a no-fee physician offering medical services to ghetto residents to the Board of Medical Examiners, a black female law professor specializing in Title VII of the Civil Rights Act to the Board of Dental Examiners, a lawyer/accountant to the Contractor's Board, and a legal aid attorney to the Collection Agency Advisory Board. Perhaps the most widely publicized appointment was that of Robert Truehaft to the Board of Funeral Directors and Embalmers. Mr. Truehaft is the husband of Jessica Mitford, author of *The American Way of Death*. Another appointment that attracted wide attention was that of an ex-convict to the Board of Vocational Nurses and Psychiatric Technicians. It has been alleged that this board had been pursuing a policy of denying licensure to ex-offenders.

The department feels its experience with public members has been highly rewarding. It now has substantial citizen participation which has brought a new perspective to board meetings and decisions. Assumptions of the past are being challenged and a broader range of skills is available for problemsolving.

To orient and educate new public and licensee board members, the department has scheduled periodic orientation sessions of one to two days

duration and it has developed an *Orientation Manual* that details the administrative and disciplinary processes.

A board member newsletter, *Boardialogue*, describing board member activity and experience and containing information and news of interest to board members, is prepared and distributed every other month.

A congress of board members, made up of one elected delegate from each of the 38 boards, is being organized. The purpose of the congress is to provide a forum for the exchange of information, to develop positions on legislation affecting several boards, to formulate and discuss licensing issues, and to advise the director on future directions.

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A Process for Screening Occupational Groups Seeking Regulation

Minnesota

In an effort to halt the unnecessary proliferation of licensing boards and to achieve greater coordination among existing boards, in 1976 the Minnesota legislature enacted an omnibus credentialing act, which amended an earlier law—the Allied Health Manpower Credentialing Act of 1973. This legislation requires that all health and other human services groups seeking to become regulated go through a review process carried out by the Minnesota Department of Health, Division of Health Manpower, for the Human Services Occupations Advisory Council (HSOAC) which advises the commissioner of the Department of Health.

Any group requesting regulation must first fill out a detailed applicant questionnaire documenting the need for regulation based on factors in authorizing legislation (Minn. Stat., Sec. 214.001). After it has been accepted by the commissioner and HSOAC, the completed questionnaire becomes a public document available for inspection by all interested parties. Staff reviews the application and circulates copies to related occupational groups, appropriate government agencies, and consumer groups. Recipients are invited to point out errors or exaggerations and to comment on problems that may arise if the regulatory proposal is implemented.

A number of public forums are then scheduled in various parts of the state so that interested parties may testify and answer questions with respect to the need for regulation, the mode of regulation, and the type of administrative structure. The forums are conducted by members of a subcommittee of HSOAC. The 26-member council is made up of representatives of the 10 existing health licensing boards, two other regulated groups, three related state agencies, and 11 members appointed by the governor, including five members from groups not credentialed at the present time. HSOAC is staffed by the Division of Health Manpower.

The application, staff reports, minutes, other data, written comments, and testimony received at the public forum are reviewed by the subcommittee. A recommendation, accompanied by supporting documentation, is then transmitted to the full council.

The recommendation may take three forms:

- (1) No regulation of the occupation is warranted.
- (2) The occupational group should be registered, with administrative authority to be vested in one of the existing health-related licensing boards or in the Minnesota Department of Health. Under registration (known elsewhere as "statutory certification" or "permissive licensure") only practitioners meeting certain qualifications may use a particular title. It would not be illegal for unregistered practitioners in other occupational groups to perform similar tasks, but only those listed on the official register could use the designated title. A

recommendation to register a group may be implemented without action by the legislature.

(3) The occupational group should be licensed, either through one of the existing boards, through the Minnesota Department of Health, or through the creation of a separate board. If the recommendation to license is forwarded by HSOAC to the commissioner of the Department of Health and if the commissioner agrees, he will transmit it to the legislature for appropriate action.

Following recommendation 2, administrative rules for the registration of the group are developed through the assistance of a technical advisory group and comments received through public forums held by HSOAC. When the final draft of the rules is completed, the commissioner of the Department of Health authorizes a public hearing.

Since the inception of the applicant group evaluation process in 1974 nine credentialing decisions have been made. Five decisions for registration were for emergency medical technicians, environmental health specialists, speech language pathologists or audiologists, chemical dependency generalists, and contact lens technicians. In three cases no credentialing—neither licensure nor registration—was recommended. These groups were behavioral analysts, medical laboratory personnel, and ophthalmic medical assistants. One preliminary licensure recommendation for X-ray machine operators is being refined to determine placement of responsibility and to define competency and training levels. If licensure is recommended, this recommendation will be brought to the legislature with all the background work completed for a bill and adequate data to support the recommendation.

Supporters of the program believe that it has helped to reduce unnecessary proliferation of licensure and the further fragmentation of health and human services personnel. An added benefit may be the opportunity which HSOAC provides for interdisciplinary dialogue. This dialogue may encourage licensing board members and others to examine the complexity of the health care delivery system and the issues involved in training, regulating, and utilizing health and human services manpower. With the knowledge gained, decisions can be made from a broader and more informed perspective.

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Virginia

The volume of requests for the creation of new regulatory boards and the need for supplemental legislation dealing with existing boards led the Virginia General Assembly in 1972 to pass Joint Resolution 41, directing the Virginia Advisory Legislative Council to study the statutes relating to professions and occupations and their administration.

The report of the committee (H.D. 31), issued in 1974, recommended the creation of a Commission for Professional and Occupational Regulation. The commission consisted of the director of the Department of Professional and Occupational Regulation as chairperson, the commissioner of the Department of Agriculture and Commerce, the commissioner of the Department of Health, the commissioner of the Department of Labor and Industry, and three public members. In 1977, under a reorganization act, most licensing was transferred to the Department of Commerce. The name of the commission was changed to the Board of Commerce. It now consists of nine public members.

The Board of Commerce (like its predecessor) is charged with the responsibility for determining whether professions and occupations not presently regulated should be regulated and, if so, what degree of regulation should be imposed. The legislation specified that the board shall recommend to the legislature only that degree of regulation needed to protect the public health, safety, and welfare. Before recommending any new regulation, the board is directed to consider as alternatives (1) possible statutory changes in civil or criminal law, and (2) possible statutory changes to grant an appropriate state agency power to impose sufficient inspection and injunction procedures.

If these approaches are deemed inadequate, the board is then directed to consider registration or certification as possible alternatives to mandatory licensing. The following criteria are to be considered in determining the proper degree of regulation.

(1) Whether the practitioner performs a service for individuals involving a hazard to the public health, safety, or welfare, if unregulated.

(2) The views of a substantial portion of the people who do not practice the particular profession, trade, or occupation.

(3) The number of states which have regulatory provisions similar to those proposed.

(4) Whether there is sufficient demand for the service for which there is no substitute not likewise regulated and this service is required by a substantial portion of the population.

(5) Whether the profession, trade, or occupation requires high standards of public responsibility, character, and performance of each individual engaged in the profession, trade, or occupation, as evidenced by established and published codes of ethics.

(6) Whether the profession, trade, or occupation requires such skill that the public generally is not qualified to select a competent practitioner without some assurance that he has met minimum qualifications.

(7) Whether the professional, trade, or occupational associations do not adequately protect the public from incompetent, unscrupulous or irresponsible members of the profession, trade, or occupation.

(8) Whether current laws which pertain to public health, safety, and welfare generally are ineffective or inadequate.

(9) Whether the characteristics of the profession, trade, or occupation make it impractical or impossible to prohibit those practices of the profession, trade, or occupation which are detrimental to the public health, safety, and welfare.

(10) Whether the practitioner performs a service for others which may have a detrimental effect on third parties relying on the expert knowledge of the practitioner.

All requests for licensing must be considered by the Board of Commerce before going to the legislature. The board requires each applicant group to submit detailed information relating to the criteria listed in the law. Hearings are held to give the applicant group an opportunity to present its case and for other groups to appear in support of or in opposition to the request. After the board has reached a decision, it transmits its recommendations to the legislature, along with supporting documentation. If the recommendation is in favor of regulation, a detailed set of agreed-upon rules and regulations must be presented to the legislature before action is taken. In this way the legislature knows beforehand what standards and procedures will be used by the regulatory board, even though these details are not incorporated into the regulatory statute.

Since this screening approach was initiated in 1974, 17 groups have filed formal applications. Of these, seven were recommended for licensure, but only three received approval from the legislature. In addition, two groups were recommended for certification, but neither won approval in the legislature. Each year since 1974, fewer and fewer groups have managed to get through the screening process. In 1977 not a single group was recommended for licensure.

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California Experimental Health Manpower Projects

In the early 1970s, the California legislature was besieged with requests to license new health professional groups. At the same time, some groups (nurses particularly) were practicing functions not allowed under the current practice acts. The legislature was faced with making decisions on licensure with minimal or conflicting information and licensing boards were faced, in some cases, with widespread violations of the practice acts.

In 1973 the legislature enacted A.B. 1503. This legislation granted authority to the California Department of Health to waive practice acts or other licensing laws to enable training programs to train practitioners in expanded functions. Responsibility for administering the program is placed in the Department of Health, Office of Health Professions Development (OHPD).

Projects are generally carried out by universities, community colleges, clinics, or hospitals. They must make application for the waiver to OHPD. Applicants must provide information on the nature of the licensing/law practice act for which waiver is being requested; the tasks trainees will be trained to perform; the training program facilities, instructional materials, and faculty; and plans to evaluate the training program and the trainees. A review committee made up of Department of Health program specialists, licensing board members, professional association members, and others conducts an informal review of the proposed training program. Suggestions from the review committee frequently result in changes in the proposed program. Based on the information collected through the process, the Department of Health director makes a final decision on approval of the applications.

Currently 28 projects are in operation. Since the program began in 1973, more than 6,000 trainees have completed the more than 75 training programs. The majority of the projects and trainees have been in the nursing field.

This program is considered quite successful by the Department of Health, licensing boards, professional associations, and the legislature. By providing for experimentation with an expanded scope of practice for a particular group, the legislature has data and experience upon which to base its decisions regarding licensure. The program has contributed to changes in the Nurse Practice Act (1975) and the Dental Practice Act (1976).

This program operates on an annual budget of less than \$80,000. While state government does not fund the training programs, the program does offer state policymakers an opportunity to make decisions about the shape of the health care delivery system and on professional licensure matters.⁶

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Footnotes

1. Benjamin Shimberg, *Improving Occupational Regulation* (Princeton, N.J.: Educational Testing Service, 1976).

2. Draft uniform guidelines were published in the *Federal Register* on December 30, 1977. It is expected that the guidelines will be issued in final form during the spring of 1978. These guidelines expressly cover licensing and certification boards and agencies. There is some question, however, whether such boards and agencies are subject to the requirements of Title VII when carrying out their licensing or certification responsibilities.

3. See, for example, Ruth J. Herrink, "Should Hearing Officers Replace Occupational-Professional Boards?," *State Government*, vol. 51, no. 1, winter 1978.

4. *Parker v. Brown*, 317 U.S. 431 (1943), and several subsequent U.S. Supreme Court decisions, including *Bates v. Arizona State Bar*, 97 S.Ct. 1810 (1977), suggest that restrictions on competition specifically authorized by a state acting as sovereign are not subject to the Sherman Antitrust Act.

5. New Jersey Professional and Occupational Licensing Study Committee, *Regulating Professions and Occupations* (Trenton, N.J.: 1971).

6. See, *Health Manpower Licensing: California's Demonstration Projects* (Lexington, Ky.: The Council of State Governments, 1978).

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SUNSET
Schedule

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SUNSET MASTER

HEARING

Notes

		HEARING	Notes
J.	BARBERS & HAIRDRESSERS <i>COMBINED</i>	SB-544 (C) HB-978 <i>in legal</i>	April 29 CS5B-544 Passed out
J.	COLLECTION AGENCY	SB-576 HB-940	April 24, <i>in drafting</i> Passed Out
J.	ELECTRICAL EXAMINERS	SB-566 HB-	<i>in w/ Bob</i> Passed bill Outdraft
C.	A.E. & L.S.	SB - on my desk SB 572 HB-1005	April 29 Passed Out
J.	MARINE PILOTS	SB - on Jans desk SB 573 HB-	April 24 Passed Out
C.	REAL ESTATE	SB - on my desk HB-1004	April 24
	WELDING EXAMINERS	SB-553 (C) HB-994	CS5B-554 <i>Jan gets signed to Rules.</i> Passed out
F ✓	A.P.U.C.	Frank's Bill.	Passed out
✓	PUBLIC ACCOUNTANCY	SB-552 in (J) HB-997	Judiciary
	NURSING HOME ADM	HB-147 in (C)	Waived
	GUIDES	SB-574 SB-574 HB	April 24 Passed Out



Official Business

Alaska State Legislature

Senate


Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

Sioux Plummer
Teleconference
Room 30, Ground Floor
State Capitol

February 7, 1980

Dear Sioux:


From: Jon Mathison
Administrative
Assistant

First of all I must say that I like the way you spell your name. - most unusual.

Secondly, the topics and locations needed for the teleconference hearings which I have requested are as follows:

SENATE COMMERCE COMMITTEE TELECONFERENCE REQUIREMENTS UPDATE

Thursday, February 21, 1980 - Guide Licensing and Control Board Hearing.

Statewide teleconference - all locations required.

Tuesday, February 26, 1980 -- Board of Public Accountancy
SB 183 - " An Act Relating to the Regulation of Public Accountants."

SB 287 - " An Act relating to civil Liability for shoplifting and providing for an effective date."

ANCHORAGE, FAIRBANKS & JUNEAU teleconference locations.

Tuesday, March 4, 1980 -

Real Estate Commission hearing.
ANCHORAGE, FAIRBANKS & JUNEAU teleconference locations.

Thursday, March 6, 1980 -

APUC Hearing. (Locations needed for teleconferencing not yet known. Will let you know on this one.)

All hearings in Beltz Room, #209, Capitol. 3:00 p.m.



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

Sioux Plummer
Teleconference
Room 30, Ground Floor
State Capitol

February 6, 1980

Dear Sioux:

The Senate Commerce Committee would like to reserve teleconference facilities for the following dates. The hearings will all be scheduled in the Beltz Room, Capitol #209 at 3:00 p.m. Additional information will be given to you as it is received. Thus far, the only hearing listed which will be statewide is the February 21, 1980. I will let you know of any changes.

SENATE COMMERCE COMMITTEE TELECONFERENCE REQUIREMENTS

Thursday, February 21, 1980 - Statewide teleconference - all locations needed.

Tuesday, February 26, 1980

Tuesday, March 4, 1980

Thursday, March 6, 1980

Thank-you,

A handwritten signature in cursive script, appearing to read "Jon E. Mathison".

Jon E. Mathison
Administrative Assistant
Senate Commerce Committee



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

February 19, 1980

TO: SENATOR ARISS STURGULEWSKI
SENATOR TIM KELLY
SENATOR FRANK FERGUSON
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Tuesday, March 11, 1980
Thursday, March 13, 1980

PLACE: Beltz Room, Capitol Building, Room 209

Brad Bradley

AGENDA:

Alaska Public Utility Commission Hearing

(Teleconference: All networks)



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

March 21, 1980

CHAIRMAN:

Senator Brad Bradley

Brad Bradley

VICE-CHAIRMAN:

Senator Arliss Sturgulewski

MEMBERS:

Senator Frank Ferguson
Senator Tim Kelly
Senator Terry Stimson

ROOM:

211 - Beltz, Capitol Building

DATE:

MARCH 25, 1980

TIME:

3:00 p.m.

AGENDA

- SB 388 - Supplemental Appropriation/Alaska World War II Veterans Revolving Fund
- SB 444 - Establishing the Alaska Veterans' Loan Corporation
- SB 378 - Alaska Industrial Development Authority
- SB 379 - Transfer Loans/Alaska Industrial Development Authority
- SB 430 - Extending the Power of the Alaska Housing Authority
- SB 387 - Clarify Authority of Alaska Housing Finance Corporation/Mobile Homes
- SB 404 - Re/Alaska National Guard/Alaska Naval Militia/Retirement Benefits
- SB 405 - Re/Alaska National Guard/Alaska Naval Militia/Reenlist Bonus

Hearing will be teleconferenced with all teleconference network sites participating.



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

February 14, 1980

TO: SENATOR ARLIS STURGULEWSKI
SENATOR TIM KELLY
SENATOR FRANK FERGUSON
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Tuesday, February 19, 1980

PLACE: Assembly Building, Room 106

AGENDA:

SB 111 - "An Act Relating to Life Insurance Policy Loans"

SB 397 - "An Act making special appropriation to the Department of Commerce and Economic Development for the prospectors' revolving loan fund; and providing for an effective date."

SB 398 - "An Act establishing the prospectors' revolving loan fund."

Senate Commerce Committee Sunset Workshop on:

The Board of Welding Examiners
The Board of Hairdressing and Beauty Culture Examiners
The Board of Barber Examiners
The Board of Marine Pilots



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

February 14, 1980

TO: SENATOR ARLIS STURGULEWSKI
SENATOR TIM KELLY
SENATOR FRANK FERGUSON
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Tuesday, February 19, 1980

PLACE: Assembly Building, Room 106

Brad Bradley

AGENDA:

SB 111 - "An Act Relating to Life Insurance Policy Loans"

SB 397 - "An Act making special appropriation to the Department of Commerce and Economic Development for the prospectors' revolving loan fund; and providing for an effective date.

SB 398 - "An Act establishing the prospectors' revolving loan fund."

Senate Commerce Committee Sunset Workshop on:

The Board of Welding Examiners
The Board of Hairdressing and Beauty Culture Examiners
The Board of Barber Examiners
The Board of Marine Pilots



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

February 14, 1980

TO: SENATOR ARLIS STURGULEWSKI
SENATOR TIM KELLY
SENATOR FRANK FERGUSON
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Thursday, February 21, 1980

PLACE: Beltz Room, Capitol Building, Room 209

Brad Bradley

AGENDA:

"Veterans' Loan Corporation" bill. (bill number to be announced)

SB 388 - "An Act making a supplemental appropriation to the Alaska World War II veterans' revolving fund; and providing for an effective date."

Teleconference: All networks.



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99911

February 14, 1980

TO: SENATOR ARLIS STURGULEWSKI
SENATOR TIM KELLY
SENATOR FRANK FERGUSON
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN *Brad Bradley*

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Tuesday, February 26, 1980

PLACE: Beltz Room, Capitol Building, Room 209

AGENDA:

SB 287 - "An Act Relating to Civil Liability for Shoplifting; and providing for an effective date."

SB 183 - "An Act relating to the regulation of Public Accountants."

Senate Commerce Committee Hearing on the Board of Public Accountancy.

(Teleconference: Anchorage, Fairbanks,
Chaired in Juneau.)



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

February 14, 1980

TO: SENATOR ARLIS STURGULEWSKI
SENATOR TIM KELLY
SENATOR FRANK FERGUSON
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN *Brad Bradley*

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Tuesday, March 4, 1980

PLACE: Beltz Room, Capitol Building, Room 209

AGENDA:

Senate Commerce Committee Sunset Hearing on the
Real Estate Commission.

(Teleconference: Fairbanks, Anchorage,
Chairman in Juneau.)



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

February 14, 1980

TO: SENATOR ARLIS STURGULEWSKI
SENATOR TIM KELLY
SENATOR FRANK FERGUSON
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN *Brad Bradley*

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Thursday, March 6, 1980

PLACE: Beltz Room, Capitol Building, Room 209

AGENDA:

Alaska Public Utility Commission Hearing

(Teleconference: All networks)

Persons notified for March 11, 1980 morning meeting:

Wes Coyner (2/29/80)
Eddie Turner (2/29/80)



Alaska State Legislature

Senate

Committee on Commerce

Official Business

Pouch V
State Capitol
Juneau, Alaska 99801

March 18, 1980

Brad Bradley

CHAIRMAN: Senator Brad Bradley

VICE-CHAIRMAN: Senator Arliss Sturgulewski

MEMBERS: Senator Frank Ferguson
Senator Tim Kelly
Senator Terry Stimson

ROOM: 211 - Beltz, Capitol Building

March 20 - Thursday: AT 3:00 p.m.

Sunset Hearing on the Collection Agency Board

*Board members
to speak w/
individual
committee
members*

- OUT* SB 64 - Exempting Business Inventory/Municipal Property Taxes
- OUT* SB 345 *(CS)* Requests the Department of Revenue to compute and report average price for Alaska Salmon
- { SB 405 - Re/Alaska National Guard/Alaska Naval Militia/
- { SB 905 Reenlist Bonus
- OUT* SJR 49 - Require Mexico to Establish Consular Office in Anchorage. *all do pass*

March 25 - Tuesday: AT 3:00 p.m.

- SB 388 - Supplemental Appropriation/Alaska World War II Veterans Revolving Fund
- SB 444 - Establishing the Alaska Veterans' Loan Corporation
- SB 378 - Alaska Industrial Development Authority
- SB 379 - Transfer Loans/Alaska Industrial Development Authority
- SB 430 - Extending the Power of the Alaska Housing Authority
- SB 387 - Clarify Authority of the Alaska Housing Finance Corporation/Mobile Homes

w/CS

BOARD OF MARINE PILOTS

Key to References

- (Y) - (yellow cover) - State of Alaska Sunset Review, 1979.
Prepared by the Division of Occupational Licensing
- (B) - (blue cover) - Division of Legislative Audit Performance Review
- (W) - (white cover) - Senate Commerce Committee Public Hearing Testimony, December 10, 1979
1. Examinations - Statutory elimination of the Coast Guard exam as a prerequisite to the State Exam. Redundant.
(Y) - p 5, last paragraph; p 6, first paragraph
(B) - p 5, paragraph 4; p 7
(W) - p 2, paragraph 3; p 3, paragraph 1; p 4; p 5, paragraph 4
 2. Increase the biennial license fee (presently \$200) and the application fee (presently \$10).
(Y) - p 3; p 11, paragraphs 2 and 3
(B) - p 25
(W) - page 16; page 18
 3. Repeal Sec. 08.62.040 (2)(4) which gives the board the power to regulate pilotage fees. I suggest that this power be given to an existing regulation body, such as the ATC, which already has a rate structure within it.
(Y) - p 7, last paragraph; p 8
(B) - p 6; p 7, last paragraph; p 12
(W) - p 6 (Capt. Ed Murphy); p 28, paragraph 1; p 30
 4. The Board of Marine Pilots should be continued. (How many years?)
(Y) - p 1
(B) - p 7, paragraph 2
(W) - p 2, paragraph 3; p 6, paragraph 2
 5. Repeal Sec. 08.62.110 (AS 30.10 was repealed in 1970) and the portion of Sec. 08.62.120 which states "A license issued under AS 30.10 lapses at the end of calendar year 1970."
(Y) - p 11; p 13 (obsolete)
 6. AS 08.62.040(a)(3) - repeal vessels in section.
(a) The board shall:
(3) keep a register of licensed pilots, [vessels], operators, agents, and managers
(Y) - This is a suggestion by OL and Elaine Carbett may wish to comment on this. Evidently there is no way OL is able to keep a register on all vessels. They are performing this function for the Board of Marine Pilots.

7. Section 08.62.150 should be amended to include failure to maintain qualifications for the original license as a basis for mandatory revocation, suspension, or refusal to re-issue a license.
8. In keeping with the Board's mandate to provide for the maintenance of efficient pilot service for Alaska, AS 08.62.040(4) should be amended to require that marine pilot associations have their records audited annually by a certified public accountant approved by the Board, a copy of such report shall be submitted promptly to the Board.

1. The Guide Licensing and Control Board should continue until July 1, 1982.

2. Eliminate the Transporter laws:
Sec. 08.54.142 (Qualification)
08.54.144 (Restriction)
08.54.146 (Report)
08.54.170(c) (License fee)

3. The Board and regulations should be transferred to the Division of Fish & Wildlife Protection, Department of Public Safety.

4. Grounds for disciplining a licensee. (08.54.200)

(a)(1) complaints concerning the licensee have been filed with the board from three or more clients of separate parties within the past five years; or

(a)(2) [A LICENSEE HAS BEEN CHARGED WITH A VIOLATION OF FEDERAL OR STATE SPORT FISH, GAME OR GUIDE STATUTES OR REGULATIONS; OR]

(c) After a hearing, the board [SHALL] may revoke, suspend, or deny renewal of a license if the board finds that the licensee

(c)(3) has been convicted of two violations of federal or state sport fish, game or guide statutes or regulations within the past five years.

5. Expiration and renewal (08.54.190)

Change license renewal from the existing one year to two years.

6. Appointment and terms of office (08.54.020)

Members of the board may not serve more than two consecutive terms.

7. Creation and membership of board. (08.54.010)

There is created the Guide License and Control Board consisting of seven members. [NO MORE THAN THREE MEMBERS OF THE BOARD SHALL HAVE A GUIDE LICENSE] Three members of the board shall be active licensed guides receiving a substantial portion of their income from guiding activities.

8. Sec. 08.54.030 Chairman of Board. The board shall annually elect one of its members as chairman [.] and one of its members as vice chairman.

9. AS 16.05.340(e) repeal of head tax.

10. Sec. 08.54.170. License fees. (a) License fees for engaging in the profession of guiding are:

1) master guide license, biennial	[75]	\$200
2) registered guide license, biennial	[75]	\$200
(3) class A assist and guide, biennial	[15]	\$50
(4) assistant guide license, biennial	[10]	\$30

11. Sec. 08.54.100(5) eliminate this section.

[MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY REQUIRE.]

This change will mean that all guides will be operating by law and not isolated regulations.

12. Examinations: Instead of one exam per year for registered and master guides there should be two exams per year in two different areas of the state-i.e., one in Anchorage, one in Juneau.

13. 08.54.110(12) eliminate this section.

A person is entitled to be licensed as a registered guide if he [MEETS ADDITIONAL QUALIFICATIONS WHICH THE BOARD MAY REQUIRE.]



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

April 9, 1980

TO: SENATOR ARLISS STURGULEWSKI
SENATOR FRANK FERGUSON
SENATOR TIM KELLY
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN
SENATE COMMERCE COMMITTEE

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Thursday, April ¹⁰~~9~~, 1980

PLACE: Room 106, Assembly Building

AGENDA:

SB 384 - Re/Alaska Housing Finance Corporation/
Various Funds and Programs

Committee workshop on the following boards:

Alaska Public Utilities Commission

The Board of Marine Pilots

The Collection Agency Board



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

April 16, 1980

TO: SENATOR ARLISS STURGULEWSKI
SENATOR FRANK FERGUSON
SENATOR TIM KELLY
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN
SENATE COMMERCE COMMITTEE

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Thursday, April 17, 1980

PLACE: Room 106, Assembly Building

AGENDA:

Committee Workshop on the following:
Alaska Public Utilities Commission

Committee Hearing on the following Boards:
Board of Electrical Examiners
Board of Welding Examiners

~~ANNOUNCING MEETINGS MONDAY, APRIL 14~~

tomorrow

THE SENATE COMMERCE COMMITTEE WILL MEET ~~ON TUESDAY, APRIL 15,~~ AT 3 P.M. IN ROOM 106 OF THE ASSEMBLY BUILDING TO ~~CONSIDER THE FOLLOWING:~~ *continue our work sessions on the sunset of the*

~~SB 584 Re/ALASKA HOUSING FINANCE CORPORATION/VARIOUS FUNDS AND PROGRAMS~~

~~COMMITTEE WORKSHOP ON THE FOLLOWING BOARDS:~~

ALASKA PUBLIC UTILITIES COMMISSION, *and*
THE COLLECTION AGENCY BOARD

~~ANNOUNCING MEETINGS MONDAY, APRIL 14~~ THERE WILL BE A REPUBLICAN LUNCHEON *at noon*

today

~~AT 12:00 P.M. IN THE CAPITAL ROOM OF THE BARANOF HOTEL.~~

THE SPEAKER WILL BE ~~SENATOR~~ *Senator* STURGULEWSKI, ~~SENATOR~~

THE SENATE COMMERCE COMMITTEE WILL MEET TODAY AT 3 P.M. IN ROOM 106 OF THE ASSEMBLY BUILDING TO COMPLETE OUR WORKSHOP ON THE ALASKA PUBLIC UTILITIES COMMISSION.

WE WILL ALSO BE HAVING A COMMITTEE HEARING ON

SB 553, "CONTINUE THE EXISTENCE OF THE BOARD OF WELDING EXAMINERS."

AND THE SENATE BILL FOR THE CONTINUATION OF THE EXISTENCE OF THE BOARD OF ELECTRICAL EXAMINERS. (NUMBER TO BE ANNOUNCED)

GET EXCUSED FROM THE FLOOR SESSION ON MONDAY, APRIL 21 AND TUESDAY, APRIL 22.

Brad
Don't forget to
announce this
on the floor
today -
/on.



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

April 21, 1980

TO: SENATOR ARLISS STURGULEWSKI
SENATOR FRANK FERGUSON
SENATOR TIM KELLY
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN
SENATE COMMERCE COMMITTEE

SUBJECT: SENATE COMMERCE COMMITTEE HEARING

TIME: 3:00 p.m.

DATE: Tuesday, April 22, 1980

PLACE: Beltz Room (Room 211), Capitol Building

Brad Bradley

AGENDA:

SB 543 - "Amending the Small Loan Act"

CSHB 994 am - "Continuing the existence
of the Board of Welding Examiners"

Confirmation Hearing -
T. Colleen Bowers (Public Accountancy Board)



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

April 28, 1980

Brad Bradley

FROM: SENATOR BRAD BRADLEY, CHAIRMAN
SENATE COMMERCE COMMITTEE

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Tuesday, April 29, 1980

PLACE: Beltz Room, Capitol Building (Room 211)

AGENDA:

SB 543 - "Alaska Small Loan Act"

Confirmation Hearing for T. Colleen Bowers,
appointee for the Board of Public Accountancy

Committee work session on the Sunset for the
Real Estate Board

(Teleconference to Anchorage, Fairbanks, Ketchikan)

ARCTIC

CIRCLE

YUKON EQUIPMENT, INC.

ADDRESS YOUR REPLY TO
2020 East Third Avenue
Anchorage, Alaska 99501

April 28, 1980

The Honorable W.F. "Brad" Bradley
Alaska State Senate
Pouch V State Capitol Bldg.
Juneau, AK 99811

Re: Senate Bill #264

Dear Senator Bradley:

We've been advised that you're hearing on Senate Bill #264 on product liability on Tuesday of this week. Yukon Equipment will be unable to have anyone attend the hearing so we wish to enter this letter as testimony.

Yukon Equipment Inc. is a distributor of construction machinery for the state of Alaska, we are members of a national organization of equipment distributors known as "Associated Equipment Distributors" or, the AED; with headquarters in Chicago.

We have watched our premiums of product liability grow from approximately four hundred dollars a year back in 1970 to almost twenty thousand dollars a year in 1978! This raise in cost not unique to our organization but typical of most members of AED. The reason of these high rates are due to court settlements on claims against manufacturers and sellers of construction equipment. Those claims have been without regard to the age of the equipment the way that the manner in which the machinery has been used or maintained and the state of the art that was available at the time of its manufacture or sale.

As of July of last year there are approximately twenty states that have passed legislation similar to your bill #264.

For the reasons stated above Yukon Equipment will wish to go on record supporting bill #264 and urge its adoption.

Very truly yours,

YUKON EQUIPMENT, INC.

Glen D. Chambers

President

GDI:/jn

EQUIPMENT FOR CONTRACTING - LOGGING - INDUSTRIAL

Supports 264



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

April 28, 1980

TO: SENATOR ARLISS STURGULEWSKI ✓
SENATOR FRANK FERGUSON
SENATOR TIM KELLY
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN
SENATE COMMERCE COMMITTEE

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Tuesday, April 29, 1980

PLACE: Beltz Room, Capitol Building (Room 211)

Brad Bradley

AGENDA:

SB 543 - "Alaska Small Loan Act"

SB 544 - "Establishing the Board of Barbers
and Hairdressers"

SB 572 - "Continuing the existence of the
Board of Architects, Engineers, and
Land Surveyors"

Committee work session on the Sunset for the
Real Estate Board

Confirmation Hearing for T. Colleen Bowers,
appointee for the Board of Public Accountancy

(Teleconference to Anchorage, Fairbanks, Ketchikan)

Sherr
~~Pacific Equip~~ Arch

✓ Alaska Sales Service - ~~278-154~~ ✓
(John Deere) 274-9513

✓ Evans Engine + Equip - 276-4838 ✓

✓ Craig Taylor Equip - 276-5050 ✓

✓ Hubon Equip - 277-1541 ✓

✓ Mountain Equip - 387-4404 ✓

76x Economy Tractors.
452-3280

✓ N. Earthmoving Equip - 452-4431

✓ Craig Taylor - 452-1192

✓ Kitch - ~~Equip~~ Perry - 225-5188

3 ranches

Hubon!



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

May 1, 1980

TO: SENATOR ARLISS STURGULEWSKI
SENATOR FRANK FERGUSON
SENATOR TIM KELLY
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN
SENATE COMMERCE COMMITTEE

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

DATE: Thursday, May 1, 1980

TIME: 3:00 p.m.

PLACE: Room 106, Assembly Building

Brad Bradley

AGENDA:

SB 543 - "Alaska Small Loan Act"

Worksession on the following bill:

SB 544 - "An Act establishing the Board of Barbers and Hairdressers"



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

May 1, 1980

Brad Bradley

FROM: SENATOR BRAD BRADLEY
CHAIRMAN
SENATE COMMERCE COMMITTEE

SUBJECT: SENATE COMMERCE COMMITTEE

DATE: Thursday, May 1, 1980

TIME: 3:00 p.m.

PLACE: Room 106, Assembly Building

AGENDA:

SB 543 - "Alaska Small Loan Act"



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1980

TO: SENATOR ARLISS STURGULEWSKI
SENATOR FRANK FERGUSON
SENATOR TIM KELLY
SENATOR TERRY STIMSON

FROM: SENATOR BRAD BRADLEY, CHAIRMAN
SENATE COMMERCE COMMITTEE

SUBJECT: SENATE COMMERCE COMMITTEE MEETING

TIME: 3:00 p.m.

DATE: Thursday, May 15, 1980

PLACE: Beltz Room, Capitol Building (Room 211)

Brad Bradley

AGENDA:

CS for HB 294 am - "Relating to Mobile Homes"