

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672  
4577 HHS HB 532 - HB 556

H B

5 3 2

# HOUSE COMMITTEE REPORT

(7)

Date referred: 2/17/88

FURTHER REFERRALS:

HESS  
Finance

DATE: 3-1-88

The Labor & Commerce Committee has considered HB 532

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

**RECOMMENDS:**

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

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

*David Douley*  
*[Signature]*  
*[Signature]*  
*[Signature]*  
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*David Douley*  
 Chairman's signature

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

**LEGISLATIVE AFFAIRS AGENCY**  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HHESS

3-17-88

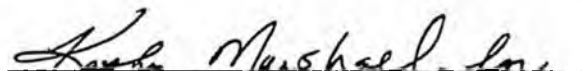
8:30 a.m.

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

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

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

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

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

Date: 2/29/88

JS/dg10041o-4  
022988a

FISCAL NOTE

REQUEST:

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill extends the Board of Examiners in Optometry to June 30, 1992 and makes amendments throughout A3 08.72 primarily to amend 'certificate' and 'certificate of registration' to read 'license', a result of Recommendation No. 1 of the Budget and Audit Committee Performance Report. Funding for the Board is included in the department's FY 89 operating budget request.

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

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

Distribution (by preparer):

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

A PERFORMANCE REPORT  
ON THE BOARD OF  
EXAMINERS IN OPTOMETRY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1312-88-R

Commissioner, Department of  
Commerce and Economic  
Development

J. Anthony Smith

Deputy Commissioner, Department  
of Commerce and Economic  
Development

John Williams

Members of the  
Board of Examiners in Optometry

Chairman  
Secretary  
Member  
Member  
Member

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

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

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

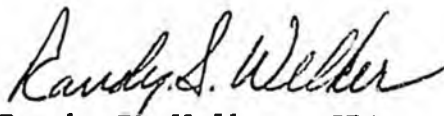
December 31, 1987

Members of the Legislative Budget  
and Audit Committee:

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

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

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



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

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

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

November 3, 1987

Members of the Legislative Budget  
and Audit Committee:

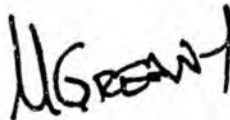
In accordance with the provisions of Title 24 and 44 of the Alaska Statutes (sunset legislation), the attached report is submitted for your review.

A PERFORMANCE REPORT  
ON THE BOARD OF  
EXAMINERS IN OPTOMETRY

July 1, 1983 - June 30, 1987

Audit Control Number

08-1312-88-R



Mike Greany, Director  
Division of Legislative Finance

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## PURPOSE AND SCOPE OF THE REPORT

### Purpose

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

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

### Scope

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

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

## ORGANIZATION AND FUNCTION

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

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

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

## REPORT CONCLUSION

### Policy Issues

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

### Report Conclusion

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

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

# **CORRECTION**

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

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

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## FINDINGS AND RECOMMENDATION

### Recommendation No. 1

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

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

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

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

### Recommendation No. 2

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

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

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

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

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

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

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

Please refer to the previous section, Findings and Recommendation.

APPENDIXES

APPENDIX A

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

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

Note 1

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

Note 2

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

Note 3

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

# **CORRECTION**

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

APPENDIXES

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APPENDIX A

BOARD OF EXAMINERS IN OPTOMETRY  
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For Fiscal Year 1987

(Unaudited)

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

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APPENDIX B

BOARD OF EXAMINERS IN OPTOMETRY  
SCHEDULE OF ESTIMATED REVENUES  
COMPARED WITH BUDGETED EXPENDITURES

For Fiscal Year 1988  
(Unaudited)  
(Note 1)

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

Schedule 1  
Types of Revenues  
(Note 4)

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

Note 1

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

Note 2

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

Note 3

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

Note 4

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

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# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

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

OFFICE OF THE COMMISSIONER

January 20, 1988

RECEIVED  
JAN 27 1988

LEGISLATIVE  
AUDIT

Mr. Randy Welker  
Acting Legislative Auditor  
Division of Legislative Audit  
Budget and Audit Committee  
P.O. Box W  
Juneau, AK 99811-3300

Dear Mr. Welker:

This is written in response to the Budget and Audit Committee's (hereinafter "Committee") audit report of its sunset performance review of the Board of Examiners in Optometry. Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on the Committee's findings and recommendations.

### Response to Recommendation No. 1.

The Committee has suggested that the board support a repeal of obsolete language in the optometry statutes. The Department supports this recommendation and will look to the legislative sunset review process to correct the confusing references contained in AS 08.72.

### Response to Recommendation No. 2.

The Committee has raised the issue of mail order companies selling contact lens and the resultant public protection concerns. As the enclosed correspondence indicates, both the Department and the Board of Examiners in Optometry are aware of the issue and have preliminarily addressed the matter. The Division of Occupational Licensing will place this issue on the agenda of the next Optometry Board meeting and will approach the Department of Law for suggestions to recommend to the Legislature to correct the current, rather muddled enforcement provisions vis-a-vis mail order contact lens. This matter could be addressed in the legislation reestablishing the Optometry Board this second session of the Fifteenth Legislature.

# HOUSE COMMITTEE REPORT

(7)

Date referred: 3/2/88

FURTHER REFERRALS: Finance

DATE: 3-17-88

The Health, Education and Social Services Committee has considered HB 532

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

**RECOMMENDS:**

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

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**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

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HB

534

# HOUSE COMMITTEE REPORT

(7)

Date referred: 2/17/88

FURTHER REFERRALS:

HESS  
Finance

DATE: 3-1-88

The Labor & Commerce Committee has considered HB 534

"An Act relating to regulation of dispensing opticians and dispensing optician apprentices; extending the termination date of the Board of Dispensing Opticians; and providing for an effective date."

**RECOMMENDS:**

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**SIGNING DO PASS:**

Dave Douley  
A. Ellis  
W. Turner  
John Thompson  
John Popper

**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dave Douley  
Chairman's signature

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H HESS

3-17-88

8:30 a.m.


HB 534: An Act relating to regulation of dispensing opticians and dispensing optician apprentices; extending the termination date of the Board of Dispensing Opticians; and providing for an effective date.

The Board of Dispensing Opticians is presently in its sunset year and scheduled to terminate on June 30, 1988. HB 534 proposes to extend the board to June 30, 1992 and amend various sections of AS 08.71 to address the concerns identified in the Legislature's Budget and Audit Committee performance report regarding apprentices and continuing competency requirements.

The amendment proposed in the new bill regarding apprentices clarifies that all dispensing optician apprentices who wish to obtain the 6,000 training hours required in order to take the licensing examination must first be registered with the board as an apprentice prior to commencing that apprenticeship. The board will then be able to better monitor the activities of the individuals claiming to be apprentices.

The bill also amends AS 08.71.130(d) to delete the specific reference to the number of continuing competency hours required for renewal of a license. This will allow the board flexibility to adjust the number or required hours as needed.

The department supports the continuation of the board and concurs with the Legislature's Budget and Audit Committee performance report recommendation that the board be reestablished.

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

Date: 2/25/88

JS/dg10041o-1  
022988b

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act relating to regulation of  
dispensing opticians & disp. opt. apprentices...  
Sponsor: House Labor & Commerce  
Requestor: \_\_\_\_\_

Agency Affected: Commerce & Economic Dev.  
BRU: Occupational Licensing  
Components: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

The bill extends the Board of Dispensing Opticians to June 30, 1992 and amends AS 08.71 to address the concerns regarding apprentices and continuing competency requirements as stated in Recommendation No. 1 of the Budget and Audit Performance Report. Funding for the board is included in the department's FY 89 operating budget request.

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

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

Distribution (by preparer):

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

A PERFORMANCE REPORT  
ON THE BOARD OF  
DISPENSING OPTICIANS

July 1, 1984 - June 30, 1987

Audit Control Number

08-1314-88-R

Commissioner, Department of  
Commerce and Economic  
Development

J. Anthony Smith

Deputy Commissioners, Department  
of Commerce and Economic  
Development

John Williams

Members of the  
Board of Dispensing Opticians

Gregg L. McClanahan  
Sharla S. Thomas  
William E. Reedy, Jr.  
Barbara J. May (Public)  
Donald R. Smith

# STATE OF ALASKA

**THE LEGISLATURE**  
BUDGET AND AUDIT COMMITTEE

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

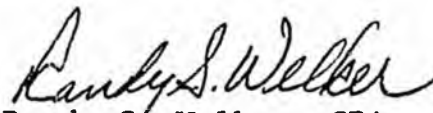
December 31, 1987

Members of the Legislative Budget  
and Audit Committee:

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

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

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



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

# STATE OF ALASKA

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

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

November 20, 1987

Members of the Legislative Budget  
and Audit Committee:

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

A PERFORMANCE REPORT  
ON THE BOARD OF  
DISPENSING OPTICIANS

July 1, 1984 - June 30, 1987

Audit Control Number

08-1314-88-R



Mike Greany, Director  
Division of Legislative Finance

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## PURPOSE AND SCOPE OF THE REPORT

### Purpose

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

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

### Scope

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

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

(Intentionally left blank)

## ORGANIZATION AND FUNCTION

The Board of Dispensing Opticians was established by the 1973 Session Laws of Alaska. This regulatory board consists of five persons; four dispensing opticians and one public member, appointed by the Governor. Board members serve staggered terms of four years.

The Board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing (DOL). DOL provides the Board with licensing and investigative support. The licensing section processes applications, maintains license files, answers inquiries, and provides other administrative help to the Board.

The Board sets the minimum standards to practice in Alaska by:

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

(Intentionally left blank)

## REPORT CONCLUSION

### Policy Issues

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

### Report Conclusion

The primary purpose of a regulatory board with a licensing function is to protect the public. The questions that have been evaluated to determine if licensing is needed are:

Does the unlicensed practice pose a serious risk to the consumer's life, health, safety, or economic well-being?

Can the potential users be expected to properly evaluate the qualifications of those offering services?

Do the benefits to the public clearly outweigh any potential harmful effects, such as a decrease in the availability of practitioner, higher cost of services, and restriction on optimum utilization of personnel?

During our review to determine if the Board's licensing function is required and meets the previously mentioned criteria, we examined existing statutes, complaints, and various Board functions. As a result of our examination we found:

1. In the area of eye glass wear, the potential for injury by an optician is very remote. However, improper fit of contact lenses can cause headaches, nausea, eye infection, or permanent restriction of vision from corneal abrasion.
2. Reductions in the Consumer Protection Agency's funding have decreased the essential functions of this agency to a bare minimum. Therefore, the Board is needed to protect the public through responding to consumers' complaints and taking proper action by revoking or suspending licenses when appropriate.

3. The dispensing opticians' statutes require the consumer to return to an optometrist or an ophthalmologist to check on the fit of their contact lenses. Unfortunately, some clients never return to verify the correctness of the fit. As mentioned earlier, an ill-fitted contact lens can cause injury. Thus, it is important to have experienced and qualified dispensing opticians to fit the contact lenses correctly. The Board provides this service by establishing minimum experience requirements that provide reasonable assurance that persons licensed are qualified.

In our opinion, the Board of Dispensing Opticians should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare.

The following findings describe areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The Board should review existing statutes and regulations and seek appropriate revision where necessary.

During our examination, we reviewed the Board's statutes and regulations to determine if any were obsolete, vague, restrictive, or unnecessary. Examples of what we found are as follows:

1. AS 08.71.130 (d) and 12 AAC 30.050 set out continuing competency requirements. These requirements were based on quadrennial licensing. In 1987, legislation was passed, Chapter 94 SLA 87, which changed the licensing renewal time frame, for all boards, to biennial. This supersedes the existing regulation in place. Therefore, continuing competency requirements need to be revised proportionately, i.e. reducing required hours from 30 hours to 15 hours.
2. AS 08.71.150 allows the State to license by reciprocity. However, none of the other 21 states, who statutorily require licensure of the practice of dispensing opticians, has granted Alaska reciprocity rights. Furthermore, licensure by credentials accomplishes the same purpose. This statute is not necessary as recommended in the prior Legislative Audit review of June 30, 1984.
3. AS 08.71.200 sets out dispensing opticians' constraints for issuing contact lenses. The language used is not specific enough and should be further defined to explain what is meant by "contact lenses shall be fitted in conjunction with and under the supervision of a licensed physician or optometrist". This problem was noted by the Governor's working group on combining Boards of Optometry and Dispensing Optician, the previous Legislative Audit review of June 30, 1984, and the Attorney General's office.
4. 12 AAC 30.110 (a) sets out the requirement for apprentice registration with the Department of Commerce and Economic Development, in that, "Before starting an apprenticeship under AS 08.71.160 the, apprentice shall register with the department on a form approved by the Board. No hours of apprentice training before registration will be counted towards the 6,000 hours requirement in AS 08.71.110 (a)."

During our examination, we reviewed several licensing files to determine if statutory and regulatory requirements were being met. Four of the files tested did not have an apprentice registration form on file. If the Board feels that this regulation is not needed then it should revise 12 AAC 30 110(a) accordingly. Otherwise, this regulation should be complied with.

AS 08.71.055 provides that the Board shall exercise general control over dispensing opticians. This cannot be done effectively without clear and concise statutes and regulation. Thus, the review of statutes and regulations for obsolescence, vagueness, and restrictiveness should continue and appropriate changes should be proposed where necessary.

Recommendation No. 2

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

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

However, a new sales technique has developed in the last few years. Mail order companies are selling and dispensing replacement contact lenses. It is our interpretation of the law, and is the attorney general's office view, that only licensed ophthalmologists, optometrists, and dispensing opticians have the legal authority to sell or dispense contact lens in Alaska, whether it is the initial sale of a contact lens or a replacement of the lens.

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

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

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

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

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

A. The Board has held meetings and exams at least once a year.

B. The Board has passed regulations concerning grading criteria and continuing competency requirements.

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

Reductions in the agency budget have prevented the Board from meeting more than once a year. The Board should at least meet twice a year to perform tasks set forth by the statute.

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

The Board has not repealed or amended obsolete or unnecessary regulatory requirements (see Recommendation No. 1.)

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

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

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

The Board has published notices of its meetings in Anchorage, Fairbanks, and Juneau.

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

According to the Division of Occupational Licensing's files, there have been approximately 9 investigation cases in the past few years. Twelve complaints were filed against one dispensing optician with the Consumer Protection Office in Anchorage. No complaints were filed with the Office of Ombudsman, Human Rights Commission, and Equal Employment Opportunity.

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

- A. In the past three years, the number of currently licensed opticians has increased from 63 to 80.
- B. The Board has established licensure by credential which helps ensure more qualified applicants.

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

There have not been any violations of statutes or regulations pertaining to affirmative action requirements. Licenses are awarded based on the applicant's qualifications.

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

Please refer to the previous section, Findings and Recommendations.

APPENDIXES

APPENDIX A

BOARD OF DISPENSING OPTICIANS  
SCHEDULE OF REVENUES COMPARED WITH EXPENDITURES

For Fiscal Year 1987

(Unaudited)

(Note 1)

Average Revenue (Note 2)	\$4,308
Expenditures (Note 3)	<u>9,158</u>
Excess of Expenditures Over Revenues	<u>\$4,850</u>

Note 1

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

Note 2

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

Note 3

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

APPENDIX B

BOARD OF DISPENSING OPTICIANS  
SCHEDULE OF ESTIMATED REVENUES  
COMPARED WITH BUDGETED EXPENDITURES  
For Fiscal Year 1988  
(Unaudited)  
(Note 1)

Average Revenue (Note 2)	\$ 4,440
Expenditures (Note 3)	<u>10,207</u>
Excess of Expenditures Over Revenues	<u>\$ 5,767</u>

Schedule 1  
Types of Revenues  
(Note 4)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Application Fee	\$ 20	With application
Examination Fee	\$ 50	With application
Reexamination Fee	\$ 50	With application
Initial License Fee	\$200	Before licensure
Renewal Fee	\$200	Every four years
Late Renewal Fee	\$ 20	If over 60 days after renewal date

Note 1

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

Note 2

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

Note 3

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

Note 4

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

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# STATE OF ALASKA

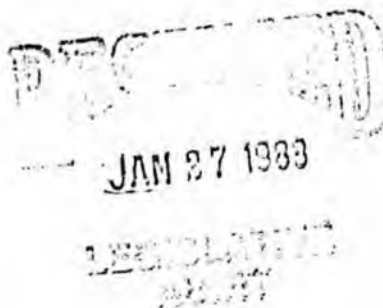
## DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

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

January 20, 1988



Mr. Randy Welker  
Acting Legislative Auditor  
Division of Legislative Audit  
Budget and Audit Committee  
P.O. Box W  
Juneau, AK 99811-3300

Dear Mr. Welker:

This letter is written in response to the Budget and Audit Committee's (hereinafter "Committee") audit report of its sunset performance review of the Board of Dispensing Opticians. Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on the Committee's findings and recommendations.

### Response to Recommendation No. 1

The Committee has reviewed the statutes and regulations governing the practice of dispensing opticianary and has found a number of instances where the work of the Board of Dispensing Opticians could be more clear, concise, or consistently applied. The Department concurs with the Committee's findings and will, in cooperation with the Legislature's sunset review process, attempt to correct the problems detailed in the audit report.

### Response to Recommendation No. 2

The Committee has raised the issue of mail order companies selling contact lens and the resultant public protection concerns. As the enclosed correspondence indicates, both the Department and the Optometry Board are aware of the issue and have preliminarily addressed the matter. The Division of Occupational Licensing will place this issue on the agenda of the next Optometry Board meeting and will approach the Department of Law for suggestions to recommend to the Legislature during this session to correct the current rather muddled enforcement provisions vis-a-vis mail order contact lens.

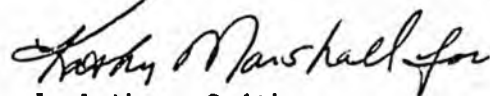
Mr. Randy Welker

-2-

January 20, 1988

The Department appreciates the Committee's decision to continue the Board of Dispensing Opticians. We believe a decision to either sunset the Board or combine the Board with the Optometry Board, as has been recommended in the past, would be detrimental to the public interest; therefore, we concur in the Committee's recommendation to maintain the Board as currently configured.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Anthony Smith".

J. Anthony Smith  
Commissioner

JAS/RPB/mst0470D  
011988c

# HOUSE COMMITTEE REPORT

(7)

Date referred: 3/2/88

FURTHER REFERRALS: Finance

DATE: 3-17-88

The Health, Education and Social Services Committee has considered HB 534

"An Act relating to regulation of dispensing opticians and dispensing optician apprentices; extending the termination date of the Board of Dispensing Opticians; and providing for an effective date."

**RECOMMENDS:**

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

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

J. Ellis

Phil Korona

George Hartley

George E. DeLoe

Max Pimental

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**SIGNING OTHER RECOMMENDATIONS:**

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\_\_\_\_\_

\_\_\_\_\_

J. Ellis  
Co Chairman's signature

Phil Korona

H B

543

Appropriation HOUSE BILL NO. 543, by the Rules Committee by Request of  
(special) the Governor. Makes a special appropriation to the Department  
(compliance w/ of Education to satisfy a condition of a conditional determina-  
federal law) tion issued by the U.S. Dept. of Education regarding the  
state's compliance with a federal education law (see accompanying  
letter).

Introduced March 21, 1988 and referred to Finance. On March 24 the  
Speaker removed the bill from Finance and added a Health, Education  
& Social Services Committee referral, with a referral to the  
Finance Committee following HESS.

In his message that accompanied the bill, Governor Cowper stated:

Transmittal letter on Page 1 of HB543  
bill history.

Appropriation HOUSE BILL NO. 543, (see page 1393). Reported back to the  
(special) House March 30, 1988 by Health, Education & Social Services  
(compliance w/ recommending it do pass. Concurring: Ellis and Koponen (Co-  
federal law) Chairs), Hanley, Phillips, Hudson, Gruenberg. To Finance.

STATE OF ALASKA  
THE LEGISLATURE

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POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HHESS

3-30-88

8:30 a.m.

(7)

# HOUSE COMMITTEE REPORT

Date referred: 3/24/88

FURTHER REFERRALS: Finance

(HESS added)

DATE: 3-30-88

The Health, Education and Social Services Committee has considered HB 543

"An Act making a special appropriation to the Department of Education to satisfy a condition of a conditional determination issued by the United States Department of Education regarding the state's compliance with P.L. 81-874 in fiscal year 1987; and providing for an effective date."

**RECOMMENDS:**

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

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

*J. Ellis*  
 \_\_\_\_\_  
*Mike Korman*  
 \_\_\_\_\_  
*Wayne Hancock*  
 \_\_\_\_\_  
*ROD E. JONES*  
 \_\_\_\_\_  
*Bill Hunt*  
 \_\_\_\_\_  
*Mike Shumaker*  
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**SIGNING OTHER RECOMMENDATIONS:**

\_\_\_\_\_  
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 \_\_\_\_\_

*J. Ellis*  
 \_\_\_\_\_  
 Co Chairman's signature  
*Mike Korman*

H

B

556

# HOUSE COMMITTEE REPORT

(7)

Date referred: 4/22/88

FURTHER REFERRALS:

DATE: 4-28-88

The Health, Education and Social Services Committee has considered HB 556

"An Act adding class size and workload to the matters subject to negotiation between school boards and their certificated employees."

**RECOMMENDS:**

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

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 4/22/88
- zero with analysis

**SIGNING DO PASS:**

*[Handwritten signatures]*

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**SIGNING OTHER RECOMMENDATIONS:**

*[Handwritten signatures]*

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 Co Chairman's signature  
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ALASKA ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS  
ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS  
ALASKA ASSOCIATION OF SCHOOL ADMINISTRATORS

• ALASKA COUNCIL OF SCHOOL ADMINISTRATORS •  
328 Fourth St., Suite #211 - Juneau, Alaska 99801 586-9702

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MEMORANDUM

TO: Members of House HESS  
FROM: Stephen T. McPhetres  
DATE: April 22, 1988  
SUBJECT: HB 556 - NEGOTIATIONS CLASS SIZE

The Alaska Council of School Administrators is opposed to the passage of HB 556 for several reasons. We felt Representative Davidson asked some key questions regarding alternative approaches to dealing with class size and need to be addressed.

- (a) Class size is definitely a bill which carries with it a fiscal note. I believe the Department of Education projected a \$20 million figure to lower the PTR in grades K-3 in all schools in Alaska.
- (b) Further, class size is a strong subject of discussion in support of HB 407, the creation of the education endowment fund, yet, the legislative is reluctant to address this proposal.
- (c) Many districts in Alaska already have district wide goal setting meetings where such topics as class size, of an issue, can be addressed in a collegial manner, not in an adversary manner that negotiations creates.
- (d) The Governor, the State Board of Education, and many organizations and educators view class size as a top priority in Alaskan schools. It will be addressed if that commitment continues to be strong.

Finally, the resources of a school district include money, energy, and time. Each of these is a limited resource and there is only so much of each to be expended in a given school year. Any process that diverts inordinate amounts of energy and time from the process of educating students is problematic.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: class size and workload.  
subject to negotiation.  
Sponsor: House HESS  
Requestor: House Labor and Commerce

Agency Affected: Education  
BRU: K-12 Support  
Components: Foundation

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Technically this is a zero fiscal note. However, the bill holds potential for significantly increasing operating cost of school districts, a substantial portion of which is offset through the foundation program.

Prepared by: Steve Hole  
Division: Commissioner's Office

Phone: 465-2800  
Date: 4-18-88

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

Date: 4-18-88

Distribution (by preparer):

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

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HL+C	4-21-88	2:00 p.m.
H HESS	4-28-88	8:30 a.m.

# HOUSE COMMITTEE REPORT

(7)

Date referred: 4/12/88

FURTHER REFERRALS: HESS

DATE: 4/21/88

The Labor & Commerce Committee has considered HB 556

"An Act adding class size and workload to the matters subject to negotiation between school boards and their certificated employees."

**RECOMMENDS:**

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

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

David Bouley  
Ellis  
Craig  
[Signature]  
[Signature]  
[Signature]  
[Signature]

David Bouley  
 Chairman's signature



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

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FAIRBANKS, ALASKA 99701  
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April 16, 1988

To: Rep. David Donley, Chair  
Members, House Labor & Commerce Committee

Re: HB 556; "An Act adding class size and workload to  
the matters subject to negotiations between  
school boards and their certificated  
employees."

NEA-Alaska supports and encourages favorable consideration  
of this legislation by the Committee.

HB 556 puts in place a method for the resolution of the  
increasing class size and workload problems in our school  
districts but it does not impose a solution for them on the  
parties.

Anticipating that there may be resistance to this  
legislation by school boards and administrators it should be  
emphasized that HB 556 only establishes a mechanism to deal  
with the problems but leaves the solution to be developed at  
the local school district level.

The Kenai decision on the scope of teacher negotiations held  
that since there was not clear legislative intent language  
on the subject of negotiability, class size and workload  
should be considered as non-negotiable matters. Subsequent  
to this decision and with the recent decline in revenues  
available to public education, we have seen in many  
districts larger class sizes and substantially increased  
teacher workloads.

As a result, teachers as employees, have not had an  
effective means to deal with these critical issues.

In late February of 1988 you were provided with copies of  
the NEA-Alaska and PTA surveys of various districts around  
the state which clearly demonstrated increased class sizes  
and workloads.

The public clearly wants lower class sizes. Governor Cowper  
in his State of the State message encouraged that the

Legislature address the issue. Research consistently shows that lower class sizes enhance the learning potential and opportunity for each child. Smaller classes make more time available for individual instruction.

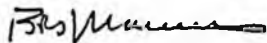
Because of the diversity of our state and the unique differences in school districts relative to their size and programs it is probably not realistically possible to legislate numbers relative to class size and workload which would adequately address this issue.

We feel that negotiability of the issue provides the potential to deal with the uniqueness of the problems and lends itself to the best potential for their resolution.

We encourage your support for this legislation.

Thank you for your consideration of our concerns.

Respectfully submitted,



Bob Manners  
Executive Secretary

c16apl1