

HOUSE BILL NO. 169

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 5/14/19

Referred: House Special Committee on Military and Veterans' Affairs, Labor & Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to occupational licensing fees for low-income workers and military
2 families; relating to licensing of individuals with criminal records; relating to
3 apprenticeship programs; relating to the minimum wage; relating to lobbying; and
4 relating to municipal occupational licensing fees and requirements."

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

6 * **Section 1.** AS 08.01.065(c) is amended to read:

7 (c) Except as provided in **(f) - (m)** [(f) - (j)] of this section, the department
8 shall establish fee levels under (a) of this section so that the total amount of fees
9 collected for an occupation approximately equals the actual regulatory costs for the
10 occupation. The department shall annually review each fee level to determine whether
11 the regulatory costs of each occupation are approximately equal to fee collections
12 related to that occupation. If the review indicates that an occupation's fee collections
13 and regulatory costs are not approximately equal, the department shall calculate fee
14 adjustments and adopt regulations under (a) of this section to implement the

adjustments. In January of each year, the department shall report on all fee levels and revisions for the previous year under this subsection to the office of management and budget. If a board regulates an occupation covered by this chapter, the department shall consider the board's recommendations concerning the occupation's fee levels and regulatory costs before revising fee schedules to comply with this subsection. In this subsection, "regulatory costs" means costs of the department that are attributable to regulation of an occupation plus

(1) all expenses of the board that regulates the occupation if the board regulates only one occupation;

(2) the expenses of a board that are attributable to the occupation if the board regulates more than one occupation.

* **Sec. 2.** AS 08.01.065 is amended by adding new subsections to read:

(k) The applicable board or department shall waive initial occupational licensing fees and examination fees for an individual who applies for a waiver and who

(1) meets the low-income threshold established by the department;

(2) is a current or former member of the armed forces of the United States; or

(3) is the spouse of a current or former member of the armed forces of the United States.

(l) An individual seeking waiver of initial occupational licensing fees and examination fees under (k) of this section must apply to the appropriate licensing board or the department in a format prescribed by the licensing board or department. The licensing board or department shall process the application within 30 days after receiving it from the applicant.

(m) The licensing board or department shall adopt regulations necessary to implement (k) and (l) of this section. The regulations must include a low-income threshold for waiver of licensing fees and examination fees that is based on enrollment in a state or federal public assistance program or on the applicant's household adjusted gross income being under 130 percent of the federal poverty line, unless a higher threshold is set by the department.

1 * **Sec. 3.** AS 08.01.077 is amended by adding new subsections to read:

2 (b) Notwithstanding any other provision of this title, the licensing board or
3 department may not consider an arrest that is not followed by a conviction as the basis
4 for the denial or nonrenewal of a license or grounds for disciplinary action.

5 (c) A licensing board and the department shall specify in regulation the
6 criminal convictions that disqualify an applicant from obtaining a license and shall
7 define "good moral character" or "moral turpitude" in regulation if either standard is
8 used by the licensing board or department in determining whether to issue or renew a
9 license. A disqualifying criminal conviction must directly relate to the duties and
10 responsibilities of the applicable licensed occupation.

11 (d) In determining whether to deny a license to an applicant with a criminal
12 conviction, the board or department shall consider

13 (1) the nature and seriousness of the crime;

14 (2) the amount of time that has passed since the conviction;

15 (3) the relationship between the nature of the crime and the duties and
16 responsibilities of the occupation for which the license is sought; and

17 (4) evidence of rehabilitation or treatment undertaken by the applicant
18 since the conviction.

19 (e) Notwithstanding any other provision of this title, the licensing board or
20 department may not disqualify an applicant for more than three years from the later of
21 the date of the most recent criminal conviction or release from incarceration based on
22 a criminal conviction, unless the

23 (1) disqualifying conviction is for a violation of AS 11.41 or a crime in
24 another jurisdiction that has similar elements; or

25 (2) applicant has been convicted of any other crime during the
26 disqualification period.

27 (f) An individual with a conviction of record may petition the licensing board
28 or department for a determination of whether the individual's conviction will
29 disqualify the individual from obtaining a license. The licensing board or department
30 may charge a fee not to exceed \$25 for each petition. The board or department shall
31 inform the individual of its determination within 30 days after receiving the

individual's application.

(g) If the board or department denies an application based on an applicant's prior criminal conviction, the board or department shall notify the applicant

(1) of the grounds and reasons for the denial or disqualification;

(2) of the applicant's right to a hearing;

(3) of the earliest date the applicant may reapply for the license; and

(4) that evidence of rehabilitation or treatment may be considered upon reapplication.

(h) Before denying an application, the board or the department shall find, by substantial evidence in light of the whole record, that an applicant's criminal conviction is a disqualifying conviction and is directly related to the duties and responsibilities of the licensed occupation. The board or department shall document written findings for each of the factors under (d) of this section.

(i) The board or department shall have the burden of proof to show that a disqualifying criminal conviction directly relates to the occupation for which the license is sought.

* **Sec. 4.** AS 08.02 is amended by adding a new section to read:

Sec. 08.02.060. Apprenticeship programs. (a) Notwithstanding any other provision of this title, a board or the department shall grant an occupational license to an applicant who

(1) has completed eighth grade;

(2) has successfully completed an apprenticeship approved by the appropriate licensing board, the department, or the United States Department of Labor, or that is otherwise permitted under state or federal law;

(3) has passed the appropriate licensing examination, if applicable;

(4) is at least 18 years of age; and

(5) has completed the number of apprenticeship hours equal to the number of hours required for licensing training.

(b) This section does not apply to a license or certificate issued under AS 08.04.100, 08.04.110, AS 08.11.010, AS 08.29.110, AS 08.36.110, AS 08.38.030, AS 08.42.050, AS 08.45.030, AS 08.63.100, AS 08.64.200, 08.64.205, 08.64.225,

AS 08.68.170, AS 08.72.140, AS 08.80.110, AS 08.84.030, 08.84.032, AS 08.86.130, 08.86.162, AS 08.95.110, or AS 08.98.165.

(c) The applicable board or department may adopt regulations to implement this section.

* **Sec. 5.** AS 29.10.200 is amended by adding a new paragraph to read:

(68) AS 29.35.143 (municipal occupational licensing fees and requirements).

* **Sec. 6.** AS 29.35 is amended by adding a new section to read:

Sec. 29.35.105. Minimum wage. A municipality may not enact or enforce a minimum wage that differs from the state minimum wage calculated under AS 23.10.065.

* **Sec. 7.** AS 29.35 is amended by adding a new section to read:

Sec. 29.35.143. Municipal occupational licensing fees and requirements; lobbying services. (a) Except as specifically provided by statute, the authority to regulate and establish occupational licensing fees and requirements is reserved to the state, and, except as specifically provided by law, a municipality may not enact or enforce an occupational licensing fee or requirement that was not enacted before the effective date of this Act.

(b) For an occupational licensing fee enacted by a municipality before the effective date of this Act, the municipality shall waive initial occupational licensing fees for an individual who qualifies for a waiver under AS 08.01.065(k) and who applies for a municipal license on or after the effective date of this Act. An individual seeking a waiver under this subsection must apply to the municipality in a format prescribed by the municipality. The municipality shall process the application within 30 days after receiving it from the applicant.

(c) A municipality may not purchase lobbying services from a professional lobbyist or private entity that provides lobbying services for a municipal licensing board or agency.

(d) This section applies to home rule and general law municipalities.

* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

1 APPLICABILITY. AS 29.35.143(c), added by sec. 7 of this Act, applies to the
2 purchase of lobbying services and contracts relating to lobbying services entered into on or
3 after the effective date of this Act.