

CS FOR HOUSE BILL NO. 123(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 4/21/05

Referred: Rules

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to occupational licensing fees, fines, and penalties and to regulatory
2 board fines; extending the termination dates of the Boards of Barbers and Hairdressers,
3 Social Work Examiners, Pharmacy, Professional Counselors, Psychologist and
4 Psychological Associate Examiners, and Veterinary Examiners; relating to psychologist
5 licensing by credentials; relating to an exemption that allows one bill to continue more
6 than one board, commission, or agency program; and providing for an effective date."

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

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

9 (c) Except as provided in (f) - (i) of this section, the department shall establish
10 fee levels under (a) of this section so that the total amount of fees, together with the
11 fines and penalties collected for an occupation, approximately equals the actual
12 regulatory costs for the occupation. The department shall annually review each fee
13 level to determine whether the regulatory costs of each occupation are approximately

1 equal to fee, **fine, and penalty** collections related to that occupation. If the review
 2 indicates that an occupation's fee, **fine, and penalty** collections and **an occupation's**
 3 regulatory costs are not approximately equal, the department shall calculate fee
 4 adjustments and adopt regulations under (a) of this section to implement the
 5 adjustments. In January of each year, the department shall report on all fee levels and
 6 revisions for the previous year under this subsection to the office of management and
 7 budget. If a board regulates an occupation covered by this chapter, the department
 8 shall consider the board's recommendations concerning the occupation's fee levels and
 9 regulatory costs before revising fee schedules to comply with this subsection. In this
 10 subsection, "regulatory costs" means costs of the department that are attributable to
 11 regulation of an occupation plus

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

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

16 * **Sec. 2.** AS 08.01.065(f) is amended to read:

17 (f) Notwithstanding (c) of this section, the department shall establish fee levels
 18 under (a) of this section so that the total amount of fees, **fin**, **es,** **and** **penalties** collected
 19 by the State Board of Registration for Architects, Engineers, and Land Surveyors
 20 approximately equals the total regulatory costs of the department and the board for all
 21 occupations regulated by the board. The department shall set the fee levels for the
 22 issuance and renewal of a certificate of registration issued under AS 08.48.211 so that
 23 the fee levels are the same for all occupations regulated by the board.

24 * **Sec. 3.** AS 08.01.065(g) is amended to read:

25 (g) Notwithstanding (c) of this section, the department shall establish fee
 26 levels under (a) of this section so that the total amount of fees, **fin**, **es,** **and** **penalties**
 27 collected by the department for all occupations regulated under AS 08.11
 28 approximately equals the total regulatory costs of the department for all occupations
 29 regulated by the department under AS 08.11. The department shall set the fee levels
 30 for the issuance and renewal of licenses issued under AS 08.11 so that the fee levels
 31 are the same for all occupations regulated by the department under AS 08.11.

1 * **Sec. 4.** AS 08.01.065(h) is amended to read:

2 (h) Notwithstanding (c) of this section, the department shall establish fee
3 levels under (a) of this section so that the total amount of fees, **fin**, **es,** **and** **penalties**
4 collected by the Board of Barbers and Hairdressers approximately equals the total
5 regulatory costs of the department, the board, and the Department of Environmental
6 Conservation for all occupations regulated by the board. For purposes of this
7 subsection, the regulatory costs of the Department of Environmental Conservation for
8 the occupations regulated by the board include **the cost of preparing for and**
9 **conducting disciplinary hearings under AS 08.01.075,** the cost of inspections under
10 AS 08.13.210(b), the cost of developing and adopting regulations under AS 44.46.020
11 for barbershop, hairdressing, manicuring, esthetics, body piercing, ear piercing, and
12 tattooing and permanent cosmetic coloring establishments, and the cost to the
13 Department of Environmental Conservation of enforcing those regulations except for
14 the enforcement costs relating to ear piercing establishments. The department shall set
15 the fee levels for the issuance and renewal of a practitioner's license issued under
16 AS 08.13.100 so that the license and license renewal fees are the same for all
17 occupations regulated by the Board of Barbers and Hairdressers.

18 * **Sec. 5.** AS 08.01.065(i) is amended to read:

19 (i) Notwithstanding (c) of this section, the department shall establish fee levels
20 under (a) of this section so that the total amount of fees, **fin**, **es,** **and** **penalties** collected
21 by the Department of Commerce, Community, and Economic Development for
22 specialty contractors, home inspectors, and associate home inspectors approximately
23 equals the total regulatory costs of the department for those three registration
24 categories. The department shall set the fee levels for the issuance and renewal of a
25 certificate of registration issued under AS 08.18 so that the fee levels are the same for
26 all three of these registration categories and so that the fee level for a home inspector
27 with a joint registration is not different from the fee level for a home inspector who
28 does not have a joint registration. In this subsection, "joint registration" has the
29 meaning given in AS 08.18.171.

30 * **Sec. 6.** AS 08.01.075 is amended by adding a new subsection to read:

31 (g) A fine imposed and collected by a board under (a) of this section shall be

1 accounted for separately and may be appropriated by the legislature for the benefit and
2 use of the board in carrying out the board's duties.

3 * **Sec. 7.** AS 08.03.010(c)(4) is amended to read:

4 (4) Board of Barbers and Hairdressers (AS 08.13.010) - June 30, **2011**
5 [2005];

6 * **Sec. 8.** AS 08.03.010(c)(6) is amended to read:

7 (6) Board of Social Work Examiners (AS 08.95.010) - June 30, **2010**
8 [2005];

9 * **Sec. 9.** AS 08.03.010(c)(15) is amended to read:

10 (15) Board of Pharmacy (AS 08.80.010) - June 30, **2010** [2005];

11 * **Sec. 10.** AS 08.03.010(c)(17) is amended to read:

12 (17) Board of Professional Counselors (AS 08.29.010) - June 30, **2010**
13 [2005];

14 * **Sec. 11.** AS 08.03.010(c)(18) is amended to read:

15 (18) Board of Psychologist and Psychological Associate Examiners
16 (AS 08.86.010) - June 30, **2010** [2005];

17 * **Sec. 12.** AS 08.03.010(c)(21) is amended to read:

18 (21) Board of Veterinary Examiners (AS 08.98.010) - June 30, **2009**
19 [2005].

20 * **Sec. 13.** AS 08.86.150 is amended to read:

21 **Sec. 08.86.150. License by credentials.** A person who is licensed or certified
22 as a psychologist by a licensing authority other than the state is entitled to be licensed
23 in the state without examination if the person applies on the proper application form,
24 submits proof of continued competence as required by regulation of the board, pays
25 the credential review fee, and the person

26 (1) holds a doctoral degree with primary emphasis on psychology that
27 satisfies the requirements of AS 08.86.130 and the examination and qualification
28 requirements for the person's out-of-state license or certificate were essentially similar
29 to or higher than the examination and qualification requirements for licensure under
30 this chapter; [OR]

31 (2) is a diplomate in good standing of the American Board of

1 Professional Psychology; or

2 (3) is certified or registered with a credentialing organization in
 3 psychology approved by the board in regulation and with requirements
 4 essentially similar to or higher than the requirements for licensure under this
 5 chapter.

6 * **Sec. 14.** AS 37.05.146(c)(24) is amended to read:

7 (24) receipts of the Department of Commerce, Community, and
 8 Economic Development under AS 08.01.065 and from fines and penalties collected
 9 in licensing and disciplinary actions for occupations under AS 08.01.010
 10 [AS 08.01.065(a), (c), AND (f)];

11 * **Sec. 15.** AS 08.95.920 is repealed.

12 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
 13 read:

14 EXEMPTION FROM AS 44.66.050(e). Sections 7 - 12 of this Act are exempt from
 15 the provision of AS 44.66.050(e) that prohibits a bill from continuing the existence of more
 16 than one board, commission, or agency program.

17 * **Sec. 17.** This Act takes effect immediately under AS 01.10.070(c).