

HOUSE BILL NO. 373

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/21/18

Referred: House Special Committee on Military and Veterans' Affairs, Labor and 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 is amended by adding new subsections to read:

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

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

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

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

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

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

12 * **Sec. 2.** AS 08.01.077 is amended by adding new subsections to read:

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

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

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

- 24 (1) the nature and seriousness of the crime;
25 (2) the amount of time that has passed since the conviction;
26 (3) the relationship between the nature of the crime and the duties and
27 responsibilities of the occupation for which the license is sought; and
28 (4) evidence of rehabilitation or treatment undertaken by the applicant
29 since the conviction.

30 (e) Notwithstanding any other provision of this title, the licensing board or
31 department may not disqualify an applicant for more than three years from the later of

1 the date of the most recent criminal conviction or release from incarceration based on
2 a criminal conviction, unless the

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

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

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

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

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

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

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

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

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

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

28 * **Sec. 3.** AS 08.02 is amended by adding a new section to read:

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

- 1 (1) has completed eighth grade;
- 2 (2) has successfully completed an apprenticeship approved by the
3 appropriate licensing board, the department, or the United States Department of Labor,
4 or that is otherwise permitted under state or federal law;
- 5 (3) has passed the appropriate licensing examination, if applicable;
- 6 (4) is at least 18 years of age; and
- 7 (5) has completed the number of apprenticeship hours equal to the
8 number of hours required for licensing training.

9 (b) This section does not apply to a license or certificate issued under
10 AS 08.04.100, 08.04.110, AS 08.11.010, AS 08.29.110, AS 08.36.110, AS 08.38.030,
11 AS 08.42.050, AS 08.45.030, AS 08.63.100, AS 08.64.200, 08.64.205, 08.64.225,
12 AS 08.68.170, AS 08.72.140, AS 08.80.110, AS 08.84.030, 08.84.032, AS 08.86.130,
13 08.86.162, AS 08.95.110, or AS 08.98.165.

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

16 * **Sec. 4.** AS 29.10.200 is amended by adding a new paragraph to read:

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

19 * **Sec. 5.** AS 29.35 is amended by adding a new section to read:

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

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

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

30 (b) For an occupational licensing fee enacted by a municipality before the
31 effective date of this Act, the municipality shall waive initial occupational licensing

1 fees for an individual who qualifies for a waiver under AS 08.01.065(j) and who
2 applies for a municipal license on or after the effective date of this Act. An individual
3 seeking a waiver under this subsection must apply to the municipality in a format
4 prescribed by the municipality. The municipality shall process the application within
5 30 days after receiving it from the applicant.

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

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

10 * **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **APPLICABILITY.** AS 29.35.143(c), added by sec. 6 of this Act, applies to the
13 purchase of lobbying services and contracts relating to lobbying services entered into on or
14 after the effective date of this Act.