

**ALASKA STATE LEGISLATURE  
SENATE LABOR AND COMMERCE STANDING COMMITTEE**

February 4, 2020

1:31 p.m.

**MEMBERS PRESENT**

Senator Click Bishop, Chair  
Senator Gary Stevens, Vice Chair  
Senator Mia Costello  
Senator Joshua Revak  
Senator Elvi Gray-Jackson

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 157

"An Act relating to professional licensing; relating to temporary licenses for some professions; relating to audiologists and speech-language pathologists; relating to the regulation of hair braiding; relating to the demonstration of traditional Alaska Native tattoo techniques; relating to home inspector licensing; relating to collection agency licensing; relating to hearing aid dealer licensing; repealing requirements for certification of professional geologists; repealing the requirements for registration of concert promoters; repealing the athletic commission; relating to boxing, sparring and wrestling contests, matches, and exhibitions; relating to dental radiological equipment; repealing certain oil and gas business bonding and cash deposit requirements; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 157

SHORT TITLE: LICENSING: TEMP., ELIG., BONDS, REPEALS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/22/20	(S)	READ THE FIRST TIME - REFERRALS
01/22/20	(S)	L&C, HSS, RES, FIN

02/04/20

(S)

L&C AT 1:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

JULIE ANDERSON, Commissioner

Department of Commerce, Community and Economic Development  
Anchorage, Alaska

**POSITION STATEMENT:** Provided opening comments on SB 157.

JOHN SPRINGSTEEN, Deputy Commissioner

Department of Commerce, Community and Economic Development  
Anchorage, Alaska

**POSITION STATEMENT:** Commented on and delivered the sectional analysis for SB 157.

SARA CHAMBERS, Director

Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community and Economic Development  
Juneau, Alaska

**POSITION STATEMENT:** Delivered a PowerPoint to introduce SB 157.

**ACTION NARRATIVE**

1:31:07 PM

**CHAIR CLICK BISHOP** called the Senate Labor and Commerce Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Costello, Revak, Stevens, Gray-Jackson, and Chair Bishop.

**SB 157-LICENSING: TEMP., ELIG., BONDS, REPEALS**

1:32:02 PM

CHAIR BISHOP announced the consideration of SENATE BILL NO. 157, "An Act relating to professional licensing; relating to temporary licenses for some professions; relating to audiologists and speech-language pathologists; relating to the regulation of hair braiding; relating to the demonstration of traditional Alaska Native tattoo techniques; relating to home inspector licensing; relating to collection agency licensing; relating to hearing aid dealer licensing; repealing requirements for certification of professional geologists; repealing the requirements for registration of concert promoters; repealing the athletic commission; relating to boxing, sparring and wrestling contests, matches, and exhibitions; relating to dental radiological equipment; repealing certain oil and gas business

bonding and cash deposit requirements; and providing for an effective date."

He advised that the commissioner will make opening remarks after which the deputy commissioner will present a sectional analysis.

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JULIE ANDERSON, Commissioner, Department of Commerce, Community and Economic Development (DCCED), Anchorage, Alaska, stated that when enacted, SB 157 will eliminate certain outdated licensing requirements, align with federal requirements, and lessen regulatory delays and redundancies in the current licensing system.

[1:34:38 PM](#)

JOHN SPRINGSTEEN, Deputy Commissioner, Department of Commerce, Community and Economic Development (DCCED), Anchorage, Alaska, stated that SB 157 will address inconsistencies in the issuance of temporary professional licenses to better protect the public. This provision will allow health care facilities to fill much needed positions more quickly, support military families transitioning into the Alaska workforce, and ensure regulated services are available without undue delay to Alaskans throughout the state. SB 157 also clarifies when a previous brush with the law would disqualify a person from licensure, setting fair and transparent boundaries for licensing boards and applicants reentering the workforce after rehabilitation. This will keep citizens safe but still allow streamlined, efficient and robust professional licensing. He concluded that SB 157 seeks efficiency, alignment, consistency, and supports Alaska's military families.

CHAIR BISHOP asked the record to reflect his request for a list of the 100 professions affected by SB 157.

[1:36:35 PM](#)

SARA CHAMBERS, Director, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community and Economic Development (DCCED), Juneau, Alaska, delivered a PowerPoint to introduce SB 157.

She stated that SB 157 is an omnibus bill to move toward right-sizing government without placing the public at risk. It updates some statutes that have been in place for 20 to 30 years but are impossible to enforce. The purpose of this effort is:

- Improve and expand regulatory solutions to modern licensing issue[s].

MS. CHAMBERS turned to a list of agencies and five states on slide 3 to illustrate that this effort is not being done in a vacuum. The occupational licensing review was begun by the White House in 2015. It started a national conversation to consider laws for those seeking licensure to ensure that government is headed in the right direction and to consider the barriers and restrictions placed on professional individuals. These fields range from medical doctors and nurses to barbers and hairdressers. She listed the entities that are calling on states to pay attention, including the National Conference on State Legislatures (NCSL) and the Council of State Governments (CSG). This has come to a head in Alaska because the military says it will consider state licensure reciprocity when it makes decisions on military bases or military base expansions. Alaska does not have reciprocity across its professions in its licensing laws. This bill is balanced so it will not jeopardize Alaska's future as a military power and strategic Arctic defense location.

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MS. CHAMBERS reviewed the key features of the legislation on slide 4.

Improves workforce opportunities by establishing Universal Temporary Licensure for qualified individuals seeking licensure in one of more than 100 professions

- Allows temporary license-holders to work in their field while completing ancillary requirements for full licensure and four more bullets
- Reduces paperwork burdens on military spouses
- Allows healthcare facilities to more quickly hire much-needed staff
- Mandates the department to issue temporary licenses to qualified individuals. Currently, the law gives this option to professional licensing boards, and many have not adopted regulations to do so.
- Permits the department to renew the license for an additional 180 days

She said SB 157 will allow the department to step in when boards and professions have not done so since the legislature passed military licensing provisions in 2011 and 2014. The law currently gives the boards and professions an option to issue temporary licenses and many have not done so. Some boards have antiquated loopholes that do not allow them to offer a temporary license, even for practitioners not affiliated with the military.

MS. CHAMBERS reiterated this would streamline the process to allow professionals the opportunity for licensure in Alaska when they are qualified to do so, provided they do not have disciplinary actions that would preclude licensure. These individuals may be waiting for ancillary pieces that are important in the long term but may not be critical to their core competency. Sometimes the delay occurs when another state requires fewer hours than Alaska for licensure. This bill would provide flexibility in regulation to determine what is "close enough." Another example is the board that oversees engineering in Alaska has a specific requirement that applicants take an Arctic engineering course. Not everyone coming to Alaska is going to be practicing engineering in Arctic conditions, she said. Under the bill, these engineers could be granted temporary licenses but complete the requirement within 180 days.

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MS. CHAMBERS continued with key features on slide 5.

Improves fairness and transparency of licensure by adding a "reasonable basis review" of applicants with criminal convictions

- Requires a review to evaluate time since conviction, relevance to profession, rehabilitation, nature and seriousness of the crime.
- Allows an applicant to request a determination prior to application.
- Requires the department and licensing boards to define nebulous phrases like "good moral character" in regulations.

She said Alaska has a robust reentry for those rehabilitated. These individuals should not be punished several times for their actions. This bill would allow boards to evaluate time, relevance, and seriousness of crimes for applicants who have

convictions. The applicants will know in advance the obstacles they face and if it is possible to obtain licensure.

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MS. CHAMBERS reviewed slide 6.

Repeals unnecessary licensing programs:

- Athletic Commission and regulation of boxing and wrestling
  - Has not been operational since 2002 due to statutory lack of funding.
- Regulation of geologists
  - There is no state requirement to hold a geologist license.
  - The current requirement for state licensure does not increase public safety.
  - No enforcement requirements.
- Regulation of concert promoters
  - Available current market technology makes this requirement unnecessary.
  - No violations in recent history.

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MS. CHAMBERS reviewed more key features of this legislation on slide 7.

Updates various outdated, unnecessary, or misaligned administrative requirements for the following programs:

- Dental radiological equipment
- Collection agencies
- Home inspectors
- Speech-language pathologists
- Hearing aid dealers
- Board of Veterinary Examiners
- Business licensing

She reviewed some cleanup provisions, such as moving the dental radiological equipment function to the Department of Health & Social Services, Division of Public Health. Collection agency provisions will be aligned with federal law. The Board of Veterinary Examiners would like more flexibility in determining

foreign license requirements that would allow Canadians and others to work in Alaska.

She reviewed business licensing fees. In 2017, a bill passed that required an oil and gas surety bond on business licenses. The Division of Insurance looked for a provider but couldn't find one. The department requests this requirement be repealed and address this program in another bill. The division is not requiring surety bonds on business licenses since it is impossible.

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CHAIR BISHOP asked if the Department of Revenue (DOR) could do this.

MS. CHAMBERS said it had been discussed with DOR several years ago and currently DCCED would like to collaborate and resolve the matter.

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SENATOR STEVENS said it is difficult to go through the bill without having a list of affected licensees and professions. He asked if the Department of Education and Early Development (DEED) licensing is included in this bill.

MS. CHAMBERS answered that the division does not license teachers or attorneys but DCCED oversees 100 license types. She reiterated that she would provide a list of professions to the committee.

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SENATOR GRAY-JACKSON asked if more than three professions will be eliminated.

MS. CHAMBERS answered no, just three.

SENATOR GRAY-JACKSON asked if the public has had any other areas of concern with the bill.

MS. CHAMBERS answered that there will be no reduction in public safety. This is a tool to reduce barriers to get people to work. The department is not proposing anything that is radical. She said she has not heard any concerns.

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SENATOR COSTELLO asked about the removal of the National Association of Home Inspectors examination. She asked the

difference between the American Society of Home Inspectors test and the national examination.

MS. CHAMBERS replied the test that the division proposes no longer exists. She said the division is working with the association on wording that perhaps could be better. She said she will also meet with the Alaska State Home Building Association (ASHBA) on the language.

SENATOR COSTELLO said it looks like the department is doing more in regulation than it has in the past in terms of competency requirements. She asked for the reason for this.

MS. CHAMBERS said the department would like to move those requirements into regulation and out of statute to obtain more flexibility.

CHAIR BISHOP asked Ms. Chambers to review the sectional analysis for the bill.

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MS. CHAMBERS read the sectional analysis for SB 157.

#### DETAILED SECTIONAL ANALYSIS

Section 1: Amends centralized statutes under AS 08.01.020 relating to board participation requirements to remove the sentence, "A board may provide by regulation that three or more unexcused absences from meetings are cause for removal."

She said only one of the boards was taking advantage of that so it will be addressed in another section.

MS. CHAMBERS continued:

Section 2: Replaces the existing temporary/courtesy licensing language in AS 08.01.062 with a statute to authorize temporary licensing, that would apply to most professions listed in AS 08.01.010. Applicants would apply and pay fees directly to the department for a temporary license of up to 180 days, with the option to apply for one 180-day extension, which could be longer if demonstrated to be necessary to complete training requirements. In order to receive a temporary license, an applicant would be required to show that they are either licensed to practice the profession

elsewhere; meet the relevant qualifications and requirements and live in a location which does not license the profession; are training in or studying the profession; are awaiting test results and otherwise qualified for a professional license; or hold relevant military training, education, or experience to qualify for licensure. Applicants would also be required to show that they are not subject to disciplinary action and have not committed an act within the previous ten years that would have constituted grounds for denial or revocation of a license. This section does not apply to Big Game Commercial Services licensees or Marine Pilots.

Section 3: Retains expedited temporary licensing procedures for applicants on active duty and spouses of an active duty member of the armed forces.

Section 4: Eliminates the equitable fee provision for the Board of Barbers and Hairdressers in AS 08.01.065. This will allow more appropriate fees to be set for lower-tier professions like hair-braiding and non-chemical barbering.

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CHAIR BISHOP referenced Section 2. He related his understanding that applicants could apply for a temporary license of up to 180 days, with the option to apply for an additional 180-day extension.

MS. CHAMBERS replied there would be an option for an additional 180 days for temporary license applicants.

CHAIR BISHOP said it makes him uncomfortable to change statutes to regulations. He recalled some omnibus bills passed the legislature, but the regulations were not implemented. He asked how many regulation packages the division estimates it would need to implement.

[2:00:20 PM](#)

SENATOR STEVENS asked why just spouses of active duty members are included, not other family members.

MS. CHAMBERS said that issue has not been raised by the military community, but the division will entertain the suggestion.

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MS. CHAMBERS continued to Section 5.

Section 5: Allows the division to collect fees to cover the expense of dental radiological inspections performed by DHSS. Fees will be transferred to DHSS through an RSA as an efficiency measure.

Section 6: Sets standards for boards and the department to ensure a reasonable basis review of criminal convictions on applications for licensure. Standards include defining of types of criminal convictions in regulations, relevance of the crime to the profession, time since conviction, seriousness of the crime, and rehabilitation. This section allows a person to inquire prior to application whether a conviction would be disqualifying. This section also requires the board or department to communicate the applicant's rights, reasons for denial, and standards for reapplication for licensure.

Section 7: Amends centralized statutes under AS 08.01.080 to allow the department to set in regulation the requirements for board member attendance and participation.

She explained that boards have the opportunity for establishing attendance requirements by regulation. She said she thought only one board had done so. However, the boards often cannot achieve a quorum resulting in licensure delays. Although board members are volunteers, the members sometimes do not understand the time commitment. The department would like to establish the standard through regulation in conjunction with board input.

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Sections 8-13: Amend the chapter regulating audiologists, speech-language pathologists, and speech-language pathologist assistants to provide the department with specific regulatory authority. Section 13 adds a new paragraph to the same chapter to define "field work".

She said this language is outdated and the division needs more flexibility to keep up with the industry.

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CHAIR BISHOP asked whether this is the result of feedback from industry experts.

MS. CHAMBERS answered no. She said it was the result of having to deny licenses to people who were working in other states because Alaska's laws are outdated.

CHAIR BISHOP asked if that means the applicants are overqualified.

MS. CHAMBERS answered that usually it is that Alaska's regulations require certain standards that are not norms in other states. She said these professionals may wish to be licensed in Alaska but cannot do so without going through additional hoops that aren't necessary to public safety.

She continued the sectional analysis.

Section 14: Removes hair braiding from the list of professions the Board of Barbers and Hairdressers must adopt regulations for, under AS 08.13.120.

MS. CHAMBERS said hair braiding does not pose a safety and sanitation risk so it does not make sense for businesses to jump through hoops when providing this service.

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MS. CHAMBERS continued the sectional analysis.

Sections 15: Amends AS 08.13.120, shop license, to conform to Section 2 of this act.

Section 16: Amends AS 08.13.150, disciplinary sanctions and grounds for refusal of license or permit, to conform to Section 2 of this act.

Sections 17-19: Conform to Section 2 of this Act, and Section 17 exempts the demonstration of Alaska [Native] tattoo techniques at special events from licensure.

She said this is another example of something unique to Alaska that needs to be honored and not subject to licensure.

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MS. CHAMBERS continued.

Section 20: Requires a civil penalty under AS 08.13 to be paid "no later than" 30 days after entry of an order, rather than "within" 30 days.

Section 21: Amends AS 08.18.022, home inspectors; associate home inspectors, to remove a reference to a defunct national association.

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CHAIR BISHOP related his understanding that this speaks to Senator Costello's concern.

MS. CHAMBERS agreed. She said Section 22 also addresses it.

Section 22: Moves home inspector continuing competency requirements into regulation. Section 21 Speaks to SENATOR COSTELLO question

Section 23: Amends AS 08.20.180, fees for chiropractic examiners, to insert a reference to the new temporary licensing provision and remove references to sections which would be repealed by this Act.

Section 24: Amends applicant requirements under AS 08.24.110, qualification for a collection agency operator's license. Currently, an applicant to operate a collection agency may not have been convicted of certain crimes. This section would limit this requirement to within 10 years of applying. Currently, an applicant may not have filed bankruptcy; this section would eliminate this requirement.

Section 25: Amends AS 08.24.240, failure to file a statement, by removing a requirement to mail notice and by extending the time to respond from 15 to 30 days after the date of notice.

Section 26: Amends AS 08.24.290, suspension, revocation, or refusal to renew or grant a license or certificate, to allow the department to take certain actions regarding a license if an applicant or licensee has at any time been disbarred from the practice of law, convicted of certain crimes, or violated provisions of the chapter or regulations adopted under the authority of the chapter at any

time; rather than "since the date of the application" as it currently stands.

Section 27: Amends AS 08.24.340, statement of persons employed by agency, to require collection agencies to submit to the department annual lists of employees instead of with each new hire.

MS. CHAMBERS commented this would save paper for the applicant and for staff.

Section 28: Moves oversight of dental radiological equipment from the Board of Dental Examiners to the Department of Health and Social Services.

Section 29: Amends AS 08.36.100, dental licensing, to conform to Section 2 of this Act.

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Section 30: Amends AS 08.42.085(c) (mortician trainee licensing), to conform to Section 2 of this Act.

Sections 31-33: Amends AS 08.55.010, 08.55.020, and 08.55.110 to remove a reference to a section being repealed by this Act and to remove the requirement that hearing aid dealers are required to have a current business license.

MS. CHAMBERS said Sections 31-33 provide streamlining for staff.

Section 34: Amends AS 08.64.279, interview for permits (physician licensing), to conform to Section 2 of this Act.

Sections 35-36: Amend AS 08.84.010(b) and AS 08.84.150 (under physical therapy and occupational therapy licensing), to conform to Section 2 of this Act.

Sections 37-39: Amend 08.98.120(a), 08.98.180, and 08.98.188(e) (under veterinary licensing) to conform to Section 2 of this Act and allow the board to set standards for a foreign graduate certification process.

Section 40: Amends AS 09.65.290, civil liability for sports or recreational activities. This amendment would clarify that a person who participates in a

sport or recreational activity, including boxing, mixed martial arts, sparring or wrestling, assumes the inherent risk of that activity.

She said Section 40 relates to repeal of the Athletic Commission.

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CHAIR BISHOP asked if there are promoted fights in the state.

MS. CHAMBERS answered yes; there is no commission for oversight but matches are held.

2:13:13 PM

Section 41: Amends AS 31.05.009(a), qualifications of members (under the Alaska Oil & Gas Conservation Commission), to remove reference to AS 08.02.011, certification of professional geologists, being repealed by this Act.

She said the commission's representatives agreed with this change because it did not change the qualifications of the membership.

CHAIR BISHOP commented that someone has documentation on the qualifications of professional geologists.

MS. CHAMBERS said she would hope that boards and commissions are checking prior to making those appointments. She continued.

Section 42: Moves oversight of dental radiological equipment from the Board of Dental Examiners to the Department of Health and Social Services.

Section 43: Amends Department of Environmental Conservation statute AS 44.46.020(a) to remove hair braiding safety and sanitation requirements.

Section 44: Moves oversight of dental radiological equipment from the Board of Dental Examiners to the Department of Health and Social Services.

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MS. CHAMBERS continued to read the repealed references in HB 157. She said Section 45 is the repealer section. Most are temporary licenses. All take effect January 1, 2025.

Section 45: Repeals various provisions within Title 5, Title 8, Title 25, Title 43, and Title 44. The repeals would take effect January 1, 2021:

- AS 08.05.010-05.05.040 & AS 08.10.010-08.10.170: Chapters relating to the Athletic Commission and regulation of boxing and wrestling.
- AS 08.01.010(4), (13), & (21): References to the Athletic Commission, regulation of Concert Promoters, and regulation of geologists.
- AS 08.01.063: Military Courtesy Licenses (no longer needed due to revised language on AS 08.01.062).
- AS 08.01.064(b) & (d): References to temporary licenses under "Military education, training, and service credit; temporary license."
- AS 08.02.011: Relating to professional geologist certification.
- AS 08.11.020 & AS 08.11.025: References to temporary licensure for audiologists and speech-language pathologists.
- AS 08.13.160(a) & (b): References to licenses issued under AS 08.12 and AS 08.28 (both repealed in 1980). Current language states the licensee may continue practicing until the license expires.
- AS 08.13.170: Reference to temporary permits under the Board of Barbers and Hairdressers.
- AS 08.13.220(14): Definition of "shampoo person".
- AS 08.15.030: Reference to temporary permits under regulation of Behavior Analysts.
- AS 08.20.160: Reference to temporary permits under the Board of Chiropractic Examiners.
- AS 08.20.160: Reference to temporary permit for locum tenens practice.
- AS 08.24.370: Reference to collection agency licensure for nonresidents, stating nonresidents can

obtain an agency or operator license on the same basis as a resident, but will pay double the fee.

- AS 08.26.050: Reference to temporary licensure under regulation of professional guardian and conservators.

She said the temporary licensure provisions are no longer needed due to the provisions in Section 2.

[2:18:34 PM](#)

CHAIR BISHOP questioned removing AS 08.24.370.

MS. CHAMBERS explained that the fees are being made the same as collection agency licenses.

[2:18:58 PM](#)

MS. CHAMBERS continued to read the repealed references in HB 157.

- AS 08.36.254: Reference to temporary permit under the Board of Dental Examiners.
- AS 08.42.085(c): Reference to a temporary permit under the regulation of Morticians.
- AS 08.45.035(a) & (b): Reference to temporary licensure under the regulation of Naturopathy.

She advised that the temporary permits are no longer needed due to the changes in section 2. She continued to read the repealed references in HB 157.

- AS 08.55.010(a)(4): Requirement for a hearing aid dealer to hold a business license.

MS. CHAMBERS commented that every other profession requires the person to obtain the professional license first.

CHAIR BISHOP asked if the 180-day timeline would apply to audiologists.

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MS. CHAMBERS explained that hearing aid dealers must get a license as a precursor to professional licensing. The division would like to switch that and issue the professional license first, then the business license. She said it was purely an administrative switching of the order of things to make it easier to track who is practicing in the state. She characterized it as a software issue.

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MS. CHAMBERS continued the sectional analysis.

- AS 08.55.010(a)(6)(D): Requirement to disclose reorganization, debt adjustment, or bankruptcy, (for a hearing aid dealer application).
- AS 08.55.130(13): Disciplinary sanctions for indebtedness.

She said these provisions are in line with federal law.

AS 08.63.030: Reference to temporary permit under the Board of Marital and Family Therapy.

- AS 08.64.101(b)(2), AS 08.64.270 & AS 08.64.275: References to temporary permits under the State Medical Board.
- AS 08.68.210: References to temporary permits under the Board of Nursing.
- AS 08.70.130: References to provisional licenses under the regulation of Nursing Home Administrators.

She said these provisions related to temporary permits and licenses are not necessary, due to the changes in Section 2.

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MS. CHAMBERS continued to read the repealed references in HB 157.

- AS 08.80.150 & AS 08.80.155: References to temporary licenses and emergency permits under the Board of Pharmacy.
- AS 08.84.065 & AS 08.84.075: Reference to temporary permits and limited permits under the Board of Physical Therapy and Occupational Therapy.
- AS 08.86.135, 166: Reference to temporary licenses under the Board of Psychologist and Psychological Associate Examiners.

She said these provisions related to temporary permits and licenses are not necessary, due to the changes in Section 2.

- AS 08.92.010-8.92.090: Chapter relating to Concert Promoters.

- AS 08.95.050(8): Reference to temporary licenses under the Board of Social Work Examiners.
- AS 08.98.050(8): Requirement to collect data concerning the practice of veterinary technology.
- AS 08.98.186: Reference to temporary permits under the Board of Veterinary Examiners.

She said these provisions related to temporary permits and licenses are not necessary, due to the changes in Section 2.

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MS. CHAMBERS continued the sectional analysis on HB 157.

- AS 08.98.188(a), (b) & (d): Reference to student permits under the Board of Veterinary Examiners
- AS 08.98.1790(6) & (7): References to fees for temporary licenses and temporary permits under the Board of Veterinary Examiners.
- AS 25.27.244(s)(2)(A)(i): Reference to a license for boxing or wrestling under AS 05.10.
- AS 43.710.025: Bond or cash deposit requirement for an oil and gas business.
- AS 43.710.028: Claims against an oil or gas business.
- AS 44.29.027: Dental Radiologist Equipment.

She said the provisions related to temporary permits and licenses are not necessary, due to the changes in Section 2.

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MS. CHAMBERS continued with the sectional analysis of SB 157.

Sections 46-47: Provides transition provisions regarding regulations; ongoing proceedings; existing certificates or permits, liabilities, and property.

Section 28: Makes the transition provisions effective immediately.

Section 29: Makes the remaining sections effective  
January 1, 2021.

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SENATOR STEVENS asked if Section 24 pertains to collection agencies. He expressed concern that someone determined that if the operator was convicted of certain crimes, the person could no longer have a license. This would change it to pertain to crimes within the past ten years.

MS. CHAMBERS answered that the department would like the ability to use discretion in making the determination. People can demonstrate the ability to overcome their transgressions. The division chose ten years because it seemed long enough for someone to prove good behavior and be eligible for licensure. The division would retain the ability to revoke the license if it was wrong.

SENATOR STEVENS offered his belief that some crimes are so heinous that someone could never become a collection agency operator.

MS. CHAMBERS answered that the bill would limit someone who committed a felony, larceny, embezzlement, or crime involving moral turpitude, typically a serious crimes against a person within 10 years. If the person committed those crimes more than 10 years ago, the division would have less ability to deny licensure.

SENATOR STEVENS asked for further clarification.

MS. CHAMBERS read, "to qualify for an operator's license the applicant shall not have been convicted of a felony or a crime of larceny or embezzlement or a crime involving moral turpitude within ten years before applying."

SENATOR STEVENS related his understanding that someone could be convicted of embezzlement if it was longer than ten years ago. He commented that seemed pretty bad for a collections operator. He asked if the division would be unable to deny the person a license if the crime occurred more than ten years ago.

MS. CHAMBERS answered yes. She said that would not be a disqualifying event.

SENATOR STEVENS commented that seemed pretty bad to him.

CHAIR BISHOP offered his belief that there should be language to clarify that the commissioner has the last say.

MS. CHAMBERS answered that the commissioner has the last say over every license unless a board is overseeing the profession. The department regulates the decisions and the commissioner delegates the authority to her as division director. A commissioner in the future could rescind that and make the decisions personally.

CHAIR BISHOP commented that the language on page 12, lines 29-30, would cover that.

MS. CHAMBERS agreed.

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SENATOR COSTELLO asked if the bill has a victim notification provision to notify victims of crimes that someone who may have been incarcerated is being issued a license.

MS. CHAMBERS said none of the licenses have that provision now and it is not contemplated in this bill.

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SENATOR COSTELLO referred to the temporary license process and asked if it would be run through the boards or her office.

MS. CHAMBERS answered that this bill would allow the process to run through the department and not the board. She said it could take too long, perhaps months, to run it through the board. The department wants to be able to approve licenses within days. The department plans to work with boards to ensure that these professional boards are comfortable with the regulatory language. The department is not planning to water down licensure but make it more efficient and faster. The agency wants to be able to provide a temporary license process if the boards have not done so.

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SENATOR COSTELLO asked how many boards and commissions the division oversees.

MS. CHAMBERS answered that the division oversees 21 boards and the department manages the other 22 non-board professional licensing programs.

SENATOR COSTELLO said Alaskans with expertise are appointed to boards and commissions. These boards would not have any say over temporary licensure process. She questioned why the professionals would not have more of a role but suggested that could be answered at another time. She asked her to walk through the regulation process and timeframe.

MS. CHAMBERS explained that regulations for almost all departments are subject to a public process. The boards would be included in the determination of regulation standards. The department will draft regulations for temporary licensure and put them out for public comment for 30 days, including board comment. If the comments are valid, the department will incorporate them into the regulation. If substantial changes are made, there will be an additional 30-day public comment. Technical changes or comments that the department rejects for good reason do not require additional time. The regulations are sent to the Lieutenant Governor's office for filing, she said. The department can usually accomplish department regulations in 3-5 months. If the board must meet to review draft language or adopt the regulation, it can take longer than that.

SENATOR COSTELLO recalled an earlier comment on home inspector regulations that if the department promulgated the regulations that would provide more flexibility and may be quicker. However, if the regulation review, the promulgation process, and the legislative process is weighed, it seems that passing a bill might be faster and provide a better public process since all the hearings are televised and public comment is taken. Although the regulatory process includes public comment, she feared that the process would be too internal to the department. She offered her belief that the most public process is the legislative process.

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SENATOR STEVENS offered his understanding that an applicant can obtain a temporary license for six months, but for a permanent license the applicant must go through the board for approval.

MS. CHAMBERS agreed. She said this would be the first step in providing the information to the repository. Once the temporary license process was finished, the applicant would complete the small remaining requirements necessary for their professional license and that would go to the board for approval. It is not two applications.

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CHAIR BISHOP asked how long it took to put this bill together and how many people worked on it.

MS. CHAMBERS said the department began working on this over a year ago, piecing together clean up language. She said the heavy lift has been for the temporary licenses. She has worked with the Fairbanks North Star Borough mayor's office on this. An outline was sent to the Department of Law and two attorneys put this together for the legislature to consider. She said it is important to military families and spousal licensure.

CHAIR BISHOP recalled that Senator Stevens pointed out family members should also be considered.

MS. CHAMBERS answered yes.

2:41:10 PM

SENATOR COSTELLO recalled last year when a bill went through to help military spouses gain their professional licenses in Alaska, there was substantial interest to expedite the process. She offered her belief that this is a different approach to solve the same problem. She asked if this could be solved by allowing the board to meet more often or address obstacles that might slow down the boards. She expressed concern over removing the boards' authority to use the expertise that board members bring.

MS. CHAMBERS answered that the department has tried the administrative approach. She pointed out one problem is that the statutory language says that the board "may" issue temporary licenses, but it does not mandate it with the language "shall." Further, it states, "only where temporary licenses are existing." Many of the programs do not have temporary licenses, she said. She agreed that there are difference approaches to address this problem and it would be fantastic to streamline the process for military spouses or anyone applying for licensure in Alaska to enable the professionals to get to work quickly. Currently, an administrative process cannot ensure that every board has a temporary license.

2:43:26 PM

SENATOR COSTELLO said it seems that the agency would know the professions that have the highest need; for example, the health care professions. She asked whether the legislature should pass language that says the boards "shall" provide licensure for the top ten professions. She said that she is hearing that slowing this down impedes the state when the military makes decisions

about bases. She commented that of course the state and legislature support military families and bases.

She said this issue is significant. She offered to work with the agency and Chair Bishop to figure out the right approach that would allow military spouses to obtain professional licensure and get to work quickly in Alaska. However, she was not sure that this was the right approach since it would take the licensure decisions away from the boards and place it with the agency. Further, doing this faster does not seem like it is in the best interest of anyone. However, she did understand the issue and is on board with helping alleviate issues for military families.

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MS. CHAMBERS answered that the department wants to solve the problem and looks forward to finding a path forward.

[2:45:48 PM](#)

SENATOR REVAK asked if the department had communicated with the military to determine if there were specific disciplines and professions that had problems with licensing.

MS. CHAMBERS answered that the division has a strong and regular relationship with the U.S. Department of Defense (DoD) and other military stakeholders. There are some specific professions that have been identified nationally. The department felt that giving everyone this opportunity would be better for Alaska than to cherry pick the professions.

SENATOR REVAK asked if the boxing commission is active.

MS. CHAMBERS replied no. She said that no one has been appointed to the commission since 2002 since it cannot function under the existing statutes.

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SENATOR STEVENS opined that the commissioner should have opportunity to override licensure for applicants who have a criminal history. He expressed concern that someone could be convicted for embezzlement and still obtain a license. He asked for further clarification if the commissioner could overrule licensure decisions if a heinous crime had been committed.

MS. CHAMBERS answered no. She said the statute that allows for the commissioner to override a decision is related to collection agencies and is not in the centralized statutes. That

flexibility may be something to discuss in the future. She said some boards have the discretion to do so.

SENATOR STEVENS commented that it seems the commissioner should have that authority.

[2:49:52 PM](#)

CHAIR BISHOP said the committee raised good questions and articulated their concerns. He noted that he had additional questions that he would submit. He said it would be good to hear from the military and professional engineers and geologists. He said that's the reason he wanted the record to reflect the amount of time DCCED and the Department of Law put into the bill. He questioned such a large omnibus bill.

CHAIR BISHOP held SB 157 in committee for further consideration.

[2:52:12 PM](#)

There being no further business to come before the committee, Chair Bishop adjourned the Senate Labor and Commerce Standing Committee meeting at 2:52 p.m.