

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

April 11, 2023

1:04 p.m.

MEMBERS PRESENT

Representative Stanley Wright, Chair
Representative Laddie Shaw
Representative Ben Carpenter
Representative George Rauscher
Representative Dan Saddler
Representative Cliff Groh
Representative Andrew Gray

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 85

"An Act relating to professional licensing; relating to temporary licenses for some professions; and providing for an effective date."

- MOVED CSHB 85 (MLV) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 85

SHORT TITLE: PROFESSIONAL LICENSING; TEMP PERMITS

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/27/23	(H)	READ THE FIRST TIME - REFERRALS
02/27/23	(H)	L&C, FIN
03/08/23	(H)	L&C AT 3:15 PM BARNES 124
03/08/23	(H)	Heard & Held
03/08/23	(H)	MINUTE (L&C)
03/10/23	(H)	L&C AT 3:15 PM BARNES 124
03/10/23	(H)	Heard & Held
03/10/23	(H)	MINUTE (L&C)
03/17/23	(H)	L&C AT 3:15 PM BARNES 124
03/17/23	(H)	Moved CSHB 85 (L&C) Out of Committee
03/17/23	(H)	MINUTE (L&C)
03/20/23	(H)	L&C RPT CS (L&C) 5DP 1AM

03/20/23 (H) DP: CARRICK, WRIGHT, PRAX, RUFFRIDGE,
SUMNER
03/20/23 (H) AM: SADDLER
03/22/23 (H) MLV REFERRAL ADDED BEFORE FIN
03/22/23 (H) BILL REPRINTED
03/28/23 (H) MLV AT 1:00 PM GRUENBERG 120
03/28/23 (H) Heard & Held
03/28/23 (H) MINUTE (MLV)
04/11/23 (H) MLV AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

FORREST WOLFE, Staff
Representative Stanley Wright
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided the summary of changes within a proposed committee substitute for HB 85.

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

POSITION STATEMENT: Spoke on HB 85, Version S, on behalf of the bill sponsor, House Rules, by request of the governor.

GREG SMITH, Legislative Liaison
Department of Commerce, Community, and Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 85.

GLENN SAVIERS, Deputy Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 85.

BEN WILTERDINK, Director of Programs
Archbridge Institute
Washington D.C.

POSITION STATEMENT: Testified in support of HB 85.

ACTION NARRATIVE

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CHAIR STANLEY WRIGHT called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:04 p.m. Representatives Shaw, Rauscher, Saddler, Groh, Gray, and Wright were present at the call to order. Representative Carpenter arrived as the meeting was in progress.

HB 85-PROFESSIONAL LICENSING; TEMP PERMITS

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CHAIR WRIGHT announced that the only order of business would be HOUSE BILL NO. 85, "An Act relating to professional licensing; relating to temporary licenses for some professions; and providing for an effective date." [Before the committee was CSHB 85(L&C).]

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REPRESENTATIVE SHAW moved to adopt the proposed committee substitute (CS) for HB 85, Version 33-GH1614\S, Bergerud, 3/28/23, as a working document.

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REPRESENTATIVE RAUSCHER objected for the purpose of discussion.

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FORREST WOLFE, Staff, Representative Stanley Wright, Alaska State Legislature, offered a summary of changes [included in the committee packet], which read as follows [original punctuation provided]:

The House Military and Veterans' Affairs Committee CS would make the following changes to HB85:

- Changes terminology throughout the bill to conform with the federal legislation that was signed into law in January of 2023.
 - o "Temporary military courtesy license" to "military courtesy license"
 - o "Active-duty member of the armed forces of the United States" to "military servicemember"
 - This term recognizes that military orders do not always place servicemembers on active-duty status.

o Changes reference to persons "married to and living with a member of the armed forces" to "spouse of a military servicemember."

Substantive changes in the CS occur in the following sections:

- Section 2:

- o Amends AS 08.01.063(a) to reference the recently enacted federal legislation "Veterans Auto and Education Improvement Act of 2022" and

- Inserts "at a similar scope of practice and in the discipline applied for" to conform with the requirements of the federal legislation.

- o In paragraph (a)(1): Replaces language concerning "active-duty and assigned to a duty station in this state" to the federal law's requirement that the applicant "relocates their residency to the state."

- o In paragraph (a)(2): Replaces the "substantially similar" license requirement to the federal requirement that the servicemember or spouse has "actively used" a license during the two years prior to relocating.

- o In paragraph (a)(4): Replaces language to conform with the federal requirement that the applicant remain in good standing with any licensing authority that has previously issued the applicant a license of similar scope.

- o In paragraph (a)(5): Replaces existing language with language requiring an applicant to submit to the authority of the state for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

- Section 4:

- o Amends AS 08.01.063(c) to align with the federal requirement that the military courtesy license is valid for 180 days or the length of the applicant's military orders, whichever is longer.

- Adds a new Section 7:

- o Adds a definition of "military servicemember" that incorporates the federal definition.

- Adds a new Section 29:

- o Lists the Alaska regulations that will be annulled due to the federal law.

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REPRESENTATIVE RAUSCHER removed his objection to the motion to adopt the proposed CS for HB 85, Version 33-GH1614\S, Bergerud,

3/28/23, as a working document. There being no further objection, Version S was before the committee.

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SYLVAN ROBB, Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community, and Economic Development, said the division has been working with the Alaska Department of Law to determine what changes need to be made to be in line with new federal requirements, and HB 85 was determined to be the best vehicle to do so; it would require that a license be issued for 180 days or the length of the service member's orders.

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MS. ROBB responded to questions from Representative Saddler. She affirmed that the proposed legislation addresses military courtesy licenses for service members and their spouses, and "applicant" applies to both. In either case, the license would be valid for the length of the service member's order. She pointed out that to conform with the federal bill, the language in the proposed legislation is being changed from "active-duty member of the armed forces of the U.S." to "military service member" because the service members are not always on active-duty status when they are required to relocate to Alaska. She noted that the bill references federal law, under which is a definition of a military service member. She deferred to Greg Smith for further comment.

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GREG SMITH, Legislative Liaison, Department of Commerce, Community, and Economic Development, added that Section 7 in Version S of HB 85 defines "military service member", which includes members of the National Oceanic and Atmospheric Administration Commission Corps and the U.S. Public Health Service Commissioned Corps.

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MS. ROBB, in response to a question from Representative Gray regarding military members that want to "moonlight," indicated that the proposed legislation would cover, for example, a physician's assistant in the military who is licensed in another profession.

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MR. SMITH added that if a member of the military with a professional license is sent to Alaska on military order, the State of Alaska will issue that member a license providing the person has used the [out-of-state] license in the last two years.

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MS. ROBB, in response to a question from Representative Saddler regarding residency, as shown in Section 1 of Version S, stated that members of the military that are transferred to Alaska are frequently able to remain residents of their home state while being eligible for a license in Alaska.

REPRESENTATIVE SADDLER expressed he was not sure he liked that.

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MR. SMITH noted that he had worked with Mr. Wolffe on Version S, and he suggested that adding the word "residency" may have been an error on his part.

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REPRESENTATIVE GRAY offered his understanding that a person who establishes residency in Alaska would need to get a license in the state.

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GLENN SAVIERS, Deputy Director, Division of Corporations, Business, and Professional Licensing, Department of Commerce, Community, and Economic Development, answered that if the service member is no longer under military orders and moved to Alaska on their own will, the person does indeed need to attain an Alaska license; however, just establishing residency in the state would not trigger the requirement.

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REPRESENTATIVE SADDLER sought clarification that a service member or spouse could come to Alaska, retain the license from their home of record, and avail themselves of a temporary military courtesy license for the duration of their military orders, and would not have to attain an Alaska license.

MS. ROBB responded that Representative Saddler's understanding is correct, in that such military licensees need to follow the statutes and regulations of the given profession. For Alaska, the person would need to meet continuing education requirements, so it is not, "come to Alaska and do as you wish," as the person still needs to adhere to the bounds of the profession in the state.

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CHAIR WRIGHT opened public testimony on HB 85.

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BEN WILTERDINK, Director of Programs, Archbridge Institute, testified in support of HB 85. He spoke of Alaska's challenges regarding workforce recruitment and retention and population outmigration. He pointed out that Alaska law prohibits qualified licensed professionals from moving to the state and using their license without first receiving an Alaska license, which is a significant barrier for licensed professionals who consider moving to Alaska. He opined that adopting a system of universal temporary licensure (UTL) would make it easier for licensed professionals to move to Alaska and work in the state while actively working to attain a full Alaska license. He stated that economic research shows that licensing requirements can decrease inter-state mobility by as much as 7 percent, but states that have adopted UTL recognition laws experience a 50 percent increase in in-state migration among low-mobility licenses. Mr. Wilterdink said 13 states have now adopted a permanent form of UTL recognition, and another 5 have adopted a limited form of UTL recognition. He urged members to pass HB 85.

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CHAIR WRIGHT, after ascertaining that no one else wished to testify, closed public testimony on HB 85.

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MS. ROBB, in response to a question from Representative Rauscher, said there are numerous safeguards in place that allow the division to be comfortable in issuing temporary licenses. First, the person must come from a jurisdiction where the licensing requirements are substantially similar. She said that

a person can get a temporary license only if there has been no disciplinary action taken regarding the license and the person has not committed an act in the last 10 years that would prevent them from attaining a license in Alaska. For the person to get a permanent license, they would need to meet all regulatory and statutory requirements.

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REPRESENTATIVE SADDLER noted that there are many active-duty members within the district he represents, and that they are some of the most hardworking, highly motivated, and best trained individuals that come to Alaska. He stated that he is included to support legislation that lets the state avail itself of the talents that such individuals bring to the state, with the long-term goal that they will enjoy working in the state enough to choose to stay in Alaska when their military service is complete.

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MS. ROBB, in response to Representative Gray, spoke about when boards issue licenses, noting that in many cases where there are no questions for an application, the authority to issue the license is delegated to the department. In response to another question relating to verification of out-of-state licenses, she relayed that typically the verification documents are sent directly from the other state rather than the applicant. Under the proposed legislation, for any professions where Alaska statute requires that the person undergo a criminal background check, the department will conduct such a check before the person receives temporary licensure. Further, she said the fiscal note for HB 85, Version S, requests that the department be able to hire a paralegal to assist in determinations around out-of-state licenses being like Alaska licenses. She stressed that the department's first mission is to protect the public. In response to a follow-up question from Representative Gray, she assured that the various licenses would be reviewed by subject experts.

REPRESENTATIVE GRAY expressed concern that there may be a loophole that would allow a person to lie about a license and end up practicing in Alaska.

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MS. ROBB, in response to Representative Saddler, stated that under the proposed legislation, the maximum sanction when a person attains a license through fraud, deceit, or intentional misrepresentation would be that their license would be revoked, leaving the person unable to practice in their profession. The sanction for practicing without a license is a class A misdemeanor. In response to a follow-up question, she assured that crimes show up in the originating state, as well as in Alaska.

REPRESENTATIVE SADDLER pointed out that Sections 8-15 of HB 85, Version S, deal with hairdressers, and he asked whether the profession would grant temporary licenses.

MS. ROBB answered that the professions covered by the Board of Barbers and Hairdressers are eligible for the proposed temporary licenses. She explained that a large portion of the language within HB 85, Version S, would do away with existing temporary licenses to move to UTL.

REPRESENTATIVE SADDLER noted that federal law does not allow military courtesy licenses under the Veterans Auto and Education Improvement Act, which directs that such a license is not a license to practice law. He suggested that this would mean that military compact licenses do not apply to law licenses, and asked if the UTL program would apply to law licenses, and further, if one could practice law with such a license.

MS. ROBB answered no and explained that the section that covers attorneys is Title 08.08. She said that attorneys would be excluded from the UTL program, as they are handled by the Alaska Bar Association, not the division.

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MS. ROBB, in response to a question from Representative Rauscher, stated that UTL is almost universal, and of the 43 professional areas the division licenses, HB 85, Version S, would cover 40. The three that would be excluded are the licenses that require Alaska specific knowledge, which would be the Board of Marine Pilots, the Big Game Services Board, and the Board of Architects, Engineers, and Land Surveyors.

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MS. ROBB, in response to a question from Representative Saddler, said a client has the ability to check on the status of the professional's license by visiting the division's web site.

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CHAIR WRIGHT commented that HB 85, Version S, would ease the financial burden of military families.

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REPRESENTATIVE SHAW moved to report CSHB 85, Version 33-GH1614\S, Bergerud, 3/28/23, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 85(MLV) was reported out of the House Special Committee on Military and Veterans' Affairs.

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ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:49 p.m.