

SENATE BILL NO. 51

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR MYERS

Introduced: 1/22/25

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Sunrise Review Board; relating to review of proposed**
2 **legislation relating to authorization to engage in the practice of a profession or**
3 **occupation; and providing for an effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE FINDINGS. The legislature finds that it is in the interest of the state
8 to promote economic development, competition, and job growth by lowering barriers to entry
9 created by professional and occupational licensure whenever possible, to prevent barriers to
10 entry for professional and occupational licensure, to encourage as many competent
11 practitioners as possible to practice in the state, and to increase the participation of
12 nongovernmental organizations that issue certifications for or regulate the quality of
13 professions and occupations in the governing of those professions and occupations.

14 * **Sec. 2.** AS 08.02 is amended by adding new sections to read:

1 **Article 3A. Sunrise Review Board.**

2 **Sec. 08.02.200. Board established.** (a) The Sunrise Review Board is
3 established in the department. The board shall meet at the call of the chair. The board
4 may meet in person, telephonically, or by electronic means.

5 (b) The board consists of seven members, as follows:

6 (1) the director of the division in the Department of Commerce,
7 Community, and Economic Development responsible for corporations and business
8 and professional licensing, or the director's designee, who shall serve as chair;

9 (2) the director of the division in the Department of Health responsible
10 for public health, or the director's designee;

11 (3) the director of the division in the Department of Labor and
12 Workforce Development responsible for standards and safety, or the director's
13 designee;

14 (4) an employee in the division of the Department of Law responsible
15 for civil cases who has a background in fraud or consumer protection, appointed by
16 the attorney general;

17 (5) an employee who conducts research in the Department of Labor
18 and Workforce Development, appointed by the commissioner of labor and workforce
19 development;

20 (6) a public member with experience in business or accounting,
21 appointed by the governor;

22 (7) a public member with experience in health and safety, appointed by
23 the governor.

24 (c) Members of the board serve without compensation but are entitled to per
25 diem and travel expenses authorized for boards and commissions under AS 39.20.180.

26 (d) Members appointed under (a)(4) - (7) of this section serve staggered terms
27 of three years or until a successor is appointed.

28 **Sec. 08.02.210. Regulations.** The board may adopt regulations necessary to
29 implement AS 08.02.200 - 08.02.290.

30 **Sec. 08.02.220. Board review of change to licensure.** (a) The board shall
31 review legislation proposing a change to licensure that is introduced in the legislature,

1 unless the proposed change has been the subject of a review within the preceding four
2 years.

3 (b) The board shall review other proposed changes to licensure upon request.

4 (c) The board may request from a department, board, commission, association,
5 or person requesting a review additional information the board finds necessary to
6 complete a review of a proposed change to licensure.

7 **Sec. 08.02.230. Request for review.** (a) A review of a proposed change to
8 licensure may be requested by

9 (1) the governor, a legislator, or the head of a principal executive
10 department of the state; or

11 (2) a person practicing a profession or occupation, group representing
12 a profession or occupation, or person receiving goods or services from another person
13 in the practice of the other person's profession or occupation, upon payment of a fee
14 set by the board in regulation.

15 (b) A request for review of a proposed change to licensure for a profession or
16 occupation must be submitted in a form prescribed by the board and must

17 (1) identify the requestor and the requestor's relationship to the
18 profession or occupation;

19 (2) describe the proposed change; the description may include draft
20 legislation;

21 (3) explain the problem the proposed change seeks to address and the
22 reason the change is necessary;

23 (4) describe any previous efforts made to address the problem without
24 a change to licensure, including voluntary efforts made by members of the profession
25 or occupation and the reason those efforts were insufficient;

26 (5) explain how the proposed change is the least-restrictive method of
27 regulation to protect the public;

28 (6) describe alternatives to the proposed change that have been
29 considered, the manner in which the alternatives would restrict the practice of the
30 profession or occupation, and the reason the alternatives are not preferred;

31 (7) describe potential benefits to the public that would result from the

1 proposed change;

2 (8) describe potential harm to the public that could result from the
3 proposed change;

4 (9) estimate the costs to the state associated with the proposed change;

5 (10) describe the group that would be affected by the proposed change,
6 including the names of professional or occupational associations that would be
7 affected, and the estimated number of practitioners and businesses that would be
8 affected by the proposed change;

9 (11) if the proposed change would regulate the practice of a profession
10 or occupation, document specific harm caused to the public by a lack of regulation;
11 documentation may include reference to a civil or criminal action against an individual
12 relating to the practice of the profession or occupation in the state;

13 (12) list the state and federal laws enacted in the preceding five years
14 related to the profession or occupation and the reasons the laws were insufficient to
15 carry out the proposed change;

16 (13) describe the cost, availability, and appropriateness of training and
17 examination requirements, if the proposed change imposes a new training or
18 examination requirement;

19 (14) review the availability of nongovernmental organizations that
20 issue certifications for or regulate the quality of the profession or occupation;

21 (15) if the proposed change would require a new license, describe
22 anticipated disqualifying conditions and how the conditions would serve public safety,
23 commercial, or consumer protection interests;

24 (16) propose a funding mechanism to pay the administrative costs
25 associated with the proposed change.

26 **Sec. 08.02.240. Scope of review; recommendations.** (a) The board's review
27 of a proposed change to licensure must evaluate

28 (1) the possibility of harm arising from the unregulated practice of the
29 profession or occupation;

30 (2) whether the public needs and reasonably expects to benefit from an
31 assurance of initial and ongoing professional or occupational competence, and whether

1 the public can be adequately protected through other means in a more cost-effective
2 manner; and

3 (3) the anticipated costs to the state, the public, and persons being
4 regulated, and whether the costs are reasonable and can be met.

5 (b) If the board finds a possibility of harm arising from the unregulated
6 practice of the profession or occupation, the board shall recommend the least-
7 restrictive means reasonably necessary to protect the public interests. When possible,
8 the board shall recommend regulating a business or employer instead of an employee,
9 profession, or occupation. The board shall recommend the least-restrictive type of
10 regulation within the following categories:

11 (1) strengthening protections under AS 45.50.471 - 45.50.561 (Alaska
12 Unfair Trade Practices and Consumer Protection Act) if the proposed change is
13 predominantly intended to protect consumers against fraud;

14 (2) requiring periodic inspections if the proposed change is
15 predominantly intended to protect against unsanitary facilities or general health,
16 safety, or welfare concerns;

17 (3) requiring bonding or insurance if the proposed change is
18 predominantly intended to protect against potential damages to third parties;

19 (4) requiring registration with the state if the proposed change is
20 predominantly intended to protect against potential damages by persons who, while
21 physically located in the state, practice a profession or occupation in an organized
22 borough of the state or a census area in an unorganized borough of the state for less
23 than 30 days in a calendar year;

24 (5) offering voluntary state certification, unless suitable private
25 voluntary certification exists, if the proposed change is predominantly intended to
26 protect against asymmetric information between the seller and buyer;

27 (6) developing formal licensure if the proposed change is
28 predominantly intended to protect the immediate health and safety of consumers or the
29 general public and no other adequate system of regulation exists.

30 (c) In this section, "possibility of harm" means a clear potential that the
31 unregulated practice of a profession or occupation could endanger the health, safety,

1 or welfare of the public.

2 **Sec. 08.02.250. Reports.** (a) For each review of a proposed change to
3 licensure, the board shall prepare a review report.

4 (b) A review report must include

5 (1) the recommended level of regulation, as provided in
6 AS 08.02.240(b);

7 (2) a comparison of how other states regulate the profession or
8 occupation;

9 (3) reference to applicable federal statutes and regulations and
10 proposed federal legislation;

11 (4) the cost of regulation to consumers, including an increase or
12 decrease in services available;

13 (5) the cost of regulation to current and future practitioners, including
14 job creation, retention, and wages;

15 (6) the costs to employers;

16 (7) an analysis of each item listed in AS 08.02.230(b)(1) - (16).

17 (c) For a review requested under AS 08.02.230(b), the board shall submit the
18 report to the senate secretary and the chief clerk of the house of representatives, and
19 notify the legislature that the report is available, on or before the first day of

20 (1) the next regular legislative session following the date the request
21 was received by the board for requests received by the board before April 1 of a
22 calendar year;

23 (2) a regular legislative session after the next regular session following
24 the date the request was received by the board for requests received by the board on or
25 after April 1 of a calendar year.

26 (d) The board shall deliver a copy of a report prepared in response to a request
27 under AS 08.02.230(b) to the person that requested the review.

28 **Sec. 08.02.290. Definitions.** In AS 08.02.200 - 08.02.290,

29 (1) "board" means the Sunrise Review Board established in
30 AS 08.02.200;

31 (2) "change to licensure" means the creation or recognition in statute

1 of a new type of license to engage in a profession or occupation, a change in the scope
2 of practice of a license issued, or the elimination of a license;

3 (3) "license" means a certificate, registration, permit, or other
4 authorization to engage in a profession or occupation issued under this title by the
5 department or a board, commission, or association.

6 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 SUNRISE REVIEW BOARD; STAGGERED TERMS. Notwithstanding
9 AS 08.02.200, added by sec. 2 of this Act, the initial terms of the members of the Sunrise
10 Review Board appointed under AS 08.02.200, added by sec. 2 of this Act, are as follows:

- 11 (1) the member appointed under AS 08.02.200(4) shall serve a one-year term;
12 (2) the member appointed under AS 08.02.200(5) shall serve a two-year term;
13 (3) the members appointed under AS 08.02.200(6) and (7) shall each serve a
14 three-year term.

15 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 TRANSITION: REGULATIONS. The Department of Commerce, Community, and
18 Economic Development may adopt regulations necessary to implement the changes made by
19 this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not
20 before the effective date of the law implemented by the regulation.

21 * **Sec. 5.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).

22 * **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect January 1, 2026.