

Introduced by: Council Member Cleworth
Introduced: November 9, 2015

RESOLUTION NO. 4696

**A RESOLUTION OPPOSING THE STATE OF ALASKA'S SOLE AUTHORITY
TO ENACT OR ENFORCE REGULATIONS FOR BUSINESS AND
OCCUPATIONAL LICENSING**

WHEREAS, Article X of the Alaska State Constitution provides for maximum local self-government and that a liberal construction shall be given to the powers of local government units; and

WHEREAS, the City of Fairbanks has provided for local business licensing and occupational licensing for many years; and

WHEREAS, the State of Alaska continues to expand its regulation of occupational and professional licensing while, in recent years, limiting or removing the authority of local municipalities to regulate some types of occupational licensing; and

WHEREAS, effective July 1, 2011, the State enacted legislation relating to the registration and operation of pawnbrokers; subsequently, the City of Fairbanks repealed FGC Chapter 14, Article VI Pawnbrokers on June 6, 2011; and

WHEREAS, effective July 1, 2015, the State assumed the sole authority to license massage therapists in Alaska requiring the City of Fairbanks to repeal FGC Chapter 14, Article VII Massage Practitioners on April 6, 2015; and

WHEREAS, in 2015, State Representatives Hughes and Gruenberg introduced HB 9 to license and regulate Private Detectives throughout the State of Alaska, and while the bill did not become law, Rep. Hughes intends to propose a 2016 bill to regulate the Private Detective industry on the State level; and

WHEREAS, the State of Alaska Division of Corporations, Business and Professional Licensing currently regulates more than 40 different professions and does not currently have the resources to review applications and issue some licenses in a timely manner; and

WHEREAS, if additional licensing criteria and specifications are warranted, they may be best administered at the local level by home rule municipal governments; and

WHEREAS, the City of Fairbanks wishes to reserve the authority to enact or enforce ordinances that regulate businesses and occupations on a local government level, as local control can provide expedited service and is often more convenient for the public; and

WHEREAS, the Fairbanks City Council supports continuous improvement in licensing administration to protect the Fairbanks community's health and safety interests, and it recognizes that stakeholder engagement is key to successful and efficient licensing regulation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fairbanks, Alaska, as follows:

SECTION 1. That the Fairbanks City Council opposes state action to deny local control of business or occupational licensing.

SECTION 2. Local control should not be pre-empted by state action absent a compelling reason for the state to exercise exclusive jurisdiction.

SECTION 3. Upon approval of this resolution, the City Clerk is directed to forward a copy to State Legislators and AML Representatives.

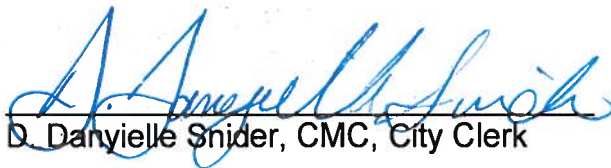
PASSED and **APPROVED** this 9th day of November 2015.



John Eberhart, Mayor

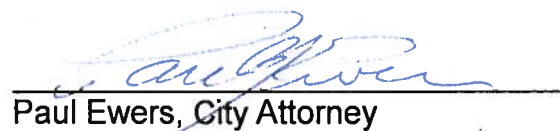
AYES: PASSED and APPROVED on the CONSENT AGENDA.
NAYS: None
ABSENT: Gatewood
APPROVED: November 9, 2015

ATTEST:



D. Danyielle Snider, CMC, City Clerk

APPROVED AS TO FORM:



Paul Ewers, City Attorney