

Byron Mallott
Lieutenant Governor
State Capitol
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Jun Maiquis
Department of Commerce, Community & Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: May 22, 2018

RE: Filed Permanent Regulations: Department of Commerce, Community, and Economic Development

Department of Commerce, Community, and Economic Development: Occupational Licensing Fees: Professions Regulated by the Board of Barbers and Hairdressers (12 AAC 02.140)

Attorney General File:	2017200869
Regulation Filed:	5/22/2018
Effective Date:	6/21/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO
REGULATIONS OF THE DEPARTMENT OF COMMERCE,
COMMUNITY, AND ECONOMIC DEVELOPMENT

The attached two pages of regulations, dealing with occupational licensing fees for professions regulated by the Board of Barbers and Hairdressers, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community, and Economic Development adopts under the authority of AS 08.01.065 and AS 08.13.185 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.


This action is not expected to require an increased appropriation.

In considering public comments, the Department of Commerce, Community, and Economic Development paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE:


March 7, 2018
Juneau, Alaska



Janey McCullough, Director
Division of Corporations, Business and
Professional Licensing

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on May 22, 2018 at 8:45 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: June 21, 2018.

Register: 226, July 2018.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Commerce, Community,
and Economic Development**

OFFICE OF THE COMMISSIONER

P.O. Box 110800
Juneau, AK 99811-0800
Main: 907.465.2500
Fax: 907.465.5442

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations, outside of the Division of Corporations, Business and Professional Licensing (CBPL), but for the Department of Commerce, Community, and Economic Development (DCCED), under the Alaska Administrative Procedure Act, is hereby delegated to:

Micaela Fowler
Legislative Liaison
Office of the Commissioner
DCCED
P.O. Box 110800
Juneau, AK 99811-0800
907-465-2503
micaela.fowler@alaska.gov

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations of the Division of Corporations, Business and Professional Licensing, under the Alaska Administrative Procedure Act, is hereby delegated to:

Janey McCullough
Director
CBPL
DCCED
P.O. Box 110806
Juneau, AK 99811-0806
907-465-2538
janey.mccullough@alaska.gov

This Delegation of Authority will remain in effect until modified or revoked by a subsequent delegation. This Delegation supersedes and revokes all delegations preceding it.

Dated the 29th day of January, 2018

A handwritten signature in dark ink, appearing to read "Mike Navarre", written over a horizontal line.
Mike Navarre
Commissioner
Department of Commerce, Community,
and Economic Development

Chapter 02. General Occupational Licensing Functions.

12 AAC 02.140(a)(4) is amended to read:

(4) barber, hairdresser, esthetician, advanced manicurist [NAIL TECHNICIAN],
or instructor written examination fee, \$60;

12 AAC 02.140(a)(9) is amended to read:

(9) courtesy license for practitioners of hairdressing, body piercing, or for
practitioners of tattooing and permanent cosmetic coloring, \$80; [.]

12 AAC 02.140(a) is amended by adding a new paragraph to read:

(10) advanced manicurist endorsement one-time fee, \$20.

12 AAC 02.140(b)(6) is amended to read:

(6) manicurist [NAIL TECHNICIAN], \$180;

12 AAC 02.140(c)(6) is amended to read:

(6) manicurist and advanced manicurist endorsement [NAIL TECHNICIAN],
\$180;

(Eff. 11/20/86, Register 100; am 10/1/88, Register 107; am 5/28/93, Register 126; am 5/17/95,
Register 134; am 5/30/97, Register 142; am 7/30/99, Register 151; am 11/14/99, Register 152;
am 1/14/2001, Register 157; am 6/21/2001, Register 158; am 12/6/2002, Register 164; am
6/7/2009, Register 190; am 6/28/2009, Register 190; am 8/5/2011, Register 199; am 5/15/2013,

Register 226, July 2018 **PROFESSIONAL REGULATIONS**

Register 206; am 8/15/2015, Register 215; am 8/16/2015, Register 215; am 6/8/2016, Register 218; am 6 / 21 / 2018, Register 226)

Authority: AS 08.01.065 AS 08.13.185

MEMORANDUM


State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: May 18, 2018

File No.: 2017200869

Tel. No.: 465-3600

From: Susan R. Pollard 
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Department of Commerce,
Community, and Economic
Development: Occupational
Licensing Fees: Professions
Regulated by the Board of Barbers
and Hairdressers
(12 AAC 02.140)

We have reviewed the attached Department of Commerce, Community, and Economic Development regulations against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Commerce, Community, and Economic Development after the close of the public comment period. The regulations concern occupational licensing fees for manicurists, advanced manicurists, and hairdressers. Hairdressing is added to a provision allowing for courtesy licenses, and "nail technician" is removed in favor of "manicurist" or "advanced manicurist" to account for changes to AS 08.13 by ch. 2, SLA 2017. We ask that these be filed simultaneously with a related regulations project regarding manicuring (Department of Law file 2018200868).

The December 28, 2017 public notice and the March 7, 2018 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SRP

cc w/encl: (via email)

Janey McCullough, Director
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development

Sara Chambers, Division Operations Manager
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General
Commercial and Fair Business Section
Department of Law

**NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR
PROFESSIONS REGULATED BY THE BOARD OF BARBERS AND HAIRDRESSERS
IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT**

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to update regulations regarding occupational licensing fees for professions regulated by the Board of Barbers and Hairdressers and change various references to nail technician to manicurist.

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code including the following:

12 AAC 02.140, Board of Barbers and Hairdressers, is proposed to be amended to change references to nail technician to advanced manicurist, and to introduce the terms manicurist and advanced manicurist endorsement because of changes in AS 08.13 by Chapter 12, SLA 2017 (SB 51), and to establish an advanced manicurist endorsement one-time fee.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/188257>, and using the comment link. **The comments must be received not later than 5:00 p.m. on February 1, 2018.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofBarbersHairdressers.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than January 25, 2018 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/BAH-Fees-0917.pdf>.


After the public comment period ends, the Department will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.065; AS 08.13.185

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.13.185

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 12/27/17



Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Department of Commerce, Community, and Economic Development – Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Occupational licensing fees.
3. **Citation of regulation:** 12 AAC 02.140.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations, and compliance with new or changed in statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: \$20 advanced manicurist endorsement one-time fee.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2018 or in subsequent years.
9. **The name of the contact person for the regulations:**
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2537
E-mail: jun.maiquis@alaska.gov
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.

11. Date: 12/27/17

Prepared by: 
Jun Maiquis, Regulations Specialist

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**


I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 02.140, dealing with occupational licensing fees for professions regulated by the Board of Barbers and Hairdressers, has been given by being:

1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 3/7/18
Juneau, Alaska


Jun Marquis, Regulation

SUBSCRIBED AND SWORN TO before me this 7th day of March, 2018.



Notary Public in and for the
State of Alaska
My commission expires: *w/office*

My commission expires:

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

SS.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

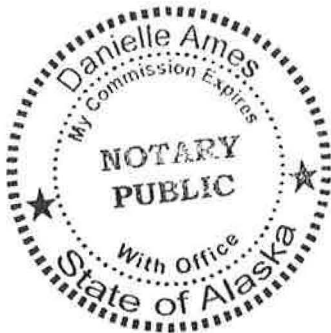
I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Commerce, Community, and Economic Development has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Commerce, Community, and Economic Development regulations on dealing with occupational licensing fees for professions regulated by the Board of Barbers and Hairdressers.

DATE: 3/7/18
Juneau, Alaska

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 7th day of march, 2018.



Notary Public in and for the
State of Alaska
My commission expires: w/office

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

AFFIDAVIT OF DEPARTMENT CONSIDERATION OF
BOARD RECOMMENDATIONS

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:


As required by AS 08.01.065(c), the Department of Commerce, Community, and Economic Development has considered the recommendations of the Board of Barbers and Hairdressers before adopting changes to the fees in 12 AAC 02.140.

DATE: 3/7/18
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 7th day of March, 2018.




Notary Public in and for the
State of Alaska
My commission expires: w/o office

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RECEIVED
Juneau

JAN 04 2013

AFFIDAVIT OF PUBLICATION

CBPL

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisa Hartlieb

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

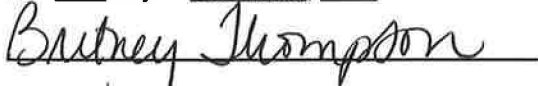
December 28, 2017

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me
this 28th day of December, 2017



Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019
Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR PROFESSIONS REGULATED BY THE BOARD OF BARBERS AND HAIRDRESSERS IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

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Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 12/27/17

/s/ Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

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Published: December 28, 2017