

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
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Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Sher Zinn
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: September 7, 2018

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

Occupational Licensing Fees for Optometrists Regulated by the Board of Examiners in Optometry (12 AAC 02.300)

Attorney General File:	2018200708
Regulation Filed:	9/7/2018
Effective Date:	10/7/2018
Print:	228, January 2019

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 one page of regulations, dealing with occupational licensing fees for Optometrists regulated by the Board of Examiners in Optometry, 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 08.01.063, AS 08.01.065, AS 08.72.191, 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.

Although no public comments were received, 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 described in 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: August 20, 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 September 7, 2018 at 832A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Byron Mallott, Lieutenant Governor

Effective: October 7th, 2018.

Register: 228, January 2019.



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:

Linda Mattson
Administrative Specialist
Office of the Commissioner
DCCED
P.O. Box 110800
Juneau, AK 99811-0800
907-465-2500
linda.mattson@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 16th day of July, 2018

A handwritten signature in cursive script, reading "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 02.300 is amended to read:

12 AAC 02.300. Board of Examiners in Optometry. The following fees are established for optometrists:

- (1) nonrefundable application fee for initial license, **\$450** [\$300];
- (2) examination fee, **\$250** [\$100];
- (3) license fee for all or part of the initial biennial license period, **\$600** [\$480];
- (4) biennial license renewal fee, **\$600** [\$480];
- (5) retired status license fee, \$150;
- (6) temporary military courtesy license fee, \$240;
- (7) extension of temporary military courtesy license fee, \$240. (Eff. 11/20/86,

Register 100; am 10/1/88, Register 107; am 5/28/93, Register 126; am 10/29/94, Register 132; am 11/15/96, Register 140; am 11/27/98, Register 148; am 10/28/2000, Register 156; am 12/16/2001, Register 160; am 11/15/2002, Register 164; am 11/18/2006, Register 180; am 10/16/2011, Register 200; am 12/2/2012, Register 204; am 11/30/2014, Register 212; am 4/30/2015, Register 214; am 11/26/2016, Register 220; am 10 / 7 / 2018, Register 228)

Authority: AS 08.01.063 AS 08.01.065 AS 08.72.191

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: September 5, 2018

File No.: 2018200708

Tel. No.: 465-3600

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

Re: Department of Commerce,
Community, and Economic
Development Regulations re:
Occupational Licensing Fees for
Optometrists Regulated by the
Board of Examiners in Optometry
(12 AAC 02.300)

We have reviewed the attached regulations from the Department of Commerce, Community, and Economic Development against the statutory standards of the Administrative Procedure Act. The regulations update occupational licensing fees for professions regulated by the Board of Examiners in Optometry.

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 July 12, 2018 public notice and the August 20, 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/ljm
cc w/enc: (via email)

Honorable Mike Navarre, Commissioner, Dept. of Commerce, Community, and Economic Development
Linda Mattson, Regulations Contact, Dept. of Commerce, Community, and Economic Development
Janey McCullough, Director, Div. of Corporations, Business, and Professional Licensing, Dept. of
Commerce, Community, and Economic Development
Sara Chambers, Operations Manager, Div. of Corporations, Business, and Professional Licensing, Dept.
of Commerce, Community, and Economic Development
Jun Maiquis, Regulations Specialist, Dept. of Commerce, Community, and Economic Development
Sher Zinn, Regulations Specialist, Dept. of Commerce, Community, and Economic Development
Megyn Weigand, Assistant Attorney General, Commercial, Fair Business, and Child Support Section,
Dept. of Law

**Notice of Proposed Changes to Occupational Licensing Fees for Professions Regulated by
the Board of Examiners in Optometry in the Regulations of the Department of Commerce,
Community, and Economic Development**

BRIEF DESCRIPTION: The Department of Commerce, Community, and Economic Development proposes to change occupational license fees charged to optometrists.

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

12 AAC 02.300. Board of Examiners in Optometry, is proposed to be changed to alter the application, examination, license and renewal fees for optometrists.

Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing program for the Board of Examiners in Optometry and proposes fee changes that reflect, to the extent possible, the actual costs of the activities related to the program.

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 Sher Zinn, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Department 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/190673>, and using the comment link. **The comments must be received not later than 5:00 p.m. on August 16, 2018.**

You may submit written questions relevant to the proposed action to Sher Zinn, 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 Department will aggregate its response to substantially similar questions and make the questions and responses available on the Department's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofOptometry.aspx>, or on the Alaska Online Public Notice System. The Department 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 Sher Zinn at (907) 465-1049 or sher.zinn@alaska.gov not later than August 7, 2018, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or RegulationsAndPublicNotice@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/OPT-Fees-0618.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 08.01.063, AS 08.01.065, AS 08.72.191

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.063, AS 08.01.065, AS

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

DATE: 7/11/18


Sher Zinn, 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 REGULATION 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 02.300.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: \$150 increase for the optometrist nonrefundable application fee; \$150 increase for the examination fee; \$120 increase for the optometrist initial biennial license fee; \$120 increase for the optometrist biennial license renewal 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 2019 or in subsequent years.
9. **The name of the contact person for the regulation:**
Patricia Lonergan, Licensing Examiner
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-1037
E-mail: patricia.lonergan@alaska.gov
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.

11. Date: 7/11/18

Prepared by: 
Sher Zinn
Regulations Specialist

(907) 465-1049

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

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

I, Sher Zinn, 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 02.300, dealing with occupational licensing fees for Optometrists, regulated by the Board of Examiners in Optometry has been given by being:

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
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);

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 8/21/18

Sher Zinn
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska on 8/21/18



D. Ames
Notary Public in and for the State of Alaska
My commission expires W/O office

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

The Department of Commerce, Community, and Economic Development did not receive any 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 licensing fees for optometrists regulated by the Board of Examiners in Optometry.

Date: 8/21/18

Sher Zinn
Sher Zinn, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 21 day of August,
2018.



DAmes
Notary Public in and for the State of Alaska
My commission expires: at office

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

AFFIDAVIT OF DEPARTMENT CONSIDERATION OF
BOARD RECOMMENDATIONS

I, Sher Zinn, 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 08.01.065(c), the Department of Commerce, Community, and Economic Development has considered the recommendations of the Board of Examiners in Optometry before adopting changes to the fees in 12 AAC 02.300.

Date: 8/21/18

Sher Zinn

Sher Zinn, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 21 day of August,
2018.



Danielle Ames

Notary Public in and for the State of Alaska
My commission expires 8/21/18

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972

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0001424447

Cost

\$443.24

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ANC-Anchorage Daily News

Placement

0300

Position

0301

STATE OF ALASKA THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily 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

July 12, 2018

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

Joleesa Stepetin

Subscribed and sworn to before me
this 12th day of July, 2018

Britney Thompson

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 Examiners in Optometry in the Regulations of the Department of Commerce, Community, and Economic Development

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

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A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Sher Zinn at (907) 465-1049 or RegulationsAndPublicNotice@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/OP1-Fees-0618.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.

The Legislative Affairs Agency does

interviewed.

Only selected applicants will be

than 5:00 p.m. on July 20, 2018.

through Workplace Alaska no later

Applications must be received

resume and a writing sample.

<https://www.governmentjobs.com/careers/alaska> and attach your

at

Please apply online at Workplace

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