

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

M E M O R A N D U M

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

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: September 27, 2018

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

Professional licensing fees for construction contractors and home inspectors (12 AAC 02.180; 12 AAC 02.235)

| | |
|------------------------|-------------------|
| Attorney General File: | 2018200753 |
| Regulation Filed: | 9/20/2018 |
| Effective Date: | 10/20/2018 |
| 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

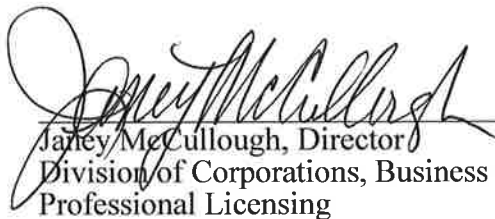
The attached two pages of regulations, dealing with occupational licensing fees for contractors and home inspectors, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community and Economic Development adopts under the authority of AS 08.01.065, AS 08.18.022, and AS 08.18.041, 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 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: September 17, 2018
Juneau, Alaska


Jarey 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 20, 2018 at 1146 A.m., I filed the attached regulations according
to the provisions of AS 44.62.040 – 44.62.120.


Byron Mallott, Lieutenant Governor

Effective: October 20, 2018.

Register: 228, January 2019.

Chapter 02. General Occupational Licensing Functions.

12 AAC 02.180(a) is amended to read:

12 AAC 02.180. Construction contractors. (a) The following fees are established for general, mechanical, and all specialty construction contractors:

(1) nonrefundable application fee for initial registration or residential contractor endorsement, **\$100** [\$65];

(2) certificate of registration and license enforcement support fee, for all or part of the initial biennial registration period, **\$250** [\$235];

(3) biennial certificate of registration renewal and license enforcement support fee, **\$250** [\$235];

(4) fee for change from one specialty to another specialty, or from specialty to mechanical, or from mechanical to specialty, contractor registration, \$35;

(5) name change, \$65;

(6) bonding research, \$30;

(7) residential contractor endorsement fee, for all or part of the initial biennial endorsement period, **\$250** [\$235];

(8) biennial residential contractor endorsement renewal fee, **\$250** [\$235];

(9) repealed 10 / 20 / 2018 ; [RESIDENTIAL CONTRACTOR ENDORSEMENT EXAMINATION FEE, \$75.]

(10) fee for change from a specialty or mechanical contractor registration to a general contractor registration, or a general contractor registration to a specialty contractor or mechanical contractor registration, \$75.

12 AAC 02.180(b) is repealed:

(b) Repealed 10 / 20 / 2018. (Eff. 9/27/86, Register 99; am 11/20/86, Register 100; am 10/1/88, Register 107; am 5/4/90, Register 114; am 5/20/92, Register 122; am 8/20/93, Register 127; 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 3/25/2004, Register 169; am 5/18/2014, Register 210; am 10 / 20 / 2018, Register 228)

Authority: AS 08.01.065 AS 08.18.041

12 AAC 02.235 is amended to read:

12 AAC 02.235. Home inspectors. The following fees are established for home inspectors and associate home inspectors:

- (1) nonrefundable application fee for initial license, **\$100** [\$65];
- (2) certificate of registration and license enforcement support fee, for all or part of the initial biennial licensing period, **\$250** [\$235];
- (3) biennial certificate of registration renewal and license enforcement support fee, **\$250** [\$235];
- (4) bonding ~~and~~ research, \$30;
- (5) fee for adding an additional type of authorized inspection to a registration, \$30. (Eff. 3/25/2004, Register 169; am 5/18/2014, Register 210; am 10 / 20 / 2018, Register 228)

Authority: AS 08.01.065 AS 08.18.022 AS 08.18.041

MEMORANDUM

State of Alaska Department of Law


To: The Honorable Byron Mallott
Lieutenant Governor

Date: September 19, 2018

File No.: 2018200753

Thru:

Tel. No.: 465-3600

From: Steven C. Weaver 
Senior Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Commerce,
Community, and Economic
Development regulations re:
professional licensing fees for
construction contractors and home
inspectors (12 AAC 02.180; 12 AAC
02.235)

The Department of Law has reviewed the attached regulations of the Department of Commerce, Community, and Economic Development against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. I have reviewed this project under a general delegation dated December 5, 2014 from the Regulations Attorney. 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 adjust fees for construction contractors and home inspectors, professions regulated directly by the the Department of Commerce, Community, and Economic Development.

The August 1, 2018 public notice and the September 17, 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.

Please note that the agency has requested that these regulations be filed not later than October 2, 2018, to achieve a target effective date not later than November 1, 2018.

We have made some technical corrections to the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc: Honorable Mike Navarre, Commissioner
Department of Commerce, Community, and Economic Development

Linda Mattson, Regulations Contact
Department of Commerce, Community, and Economic Development

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

Sher Zinn, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

April Simpson, Notary Administrator
Office of the Lieutenant Governor

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

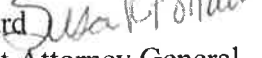
MEMORANDUM

State of Alaska
Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: December 5, 2014

Tel. No.: 465-3600

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

Re: Delegation of Authority for
Regulations Matters

In my absence, when I am traveling or otherwise out of the office, Senior Assistant Attorney General and Assistant Regulations Attorney Steven C. Weaver is designated as Acting Regulations Attorney. Under this delegation, Steve Weaver has my full authority under AS 44.62 to conduct the legal review of regulations or take necessary actions as Acting Regulations Attorney.

This delegation is effective immediately and is in effect until revoked by me.

If you have any questions, please let me know.

SRP/pav

cc: Scott Meriwether, AAC Coordinator
Office of the Lt. Governor

Jim Cantor, Deputy Attorney General
Civil Division

Nancy Gordon, Statewide Office Chief
Civil Division

Steven C. Weaver, Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Cori Mills, Assistant Attorney General
Legislation and Regulations Section

Linda Miller, Legal Editor
Legislation and Regulations Section

Lisa Rickey, Legal Editor
Legislation and Regulations Section



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

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 02.180 and 12 AAC 02.235, dealing with changes to license and renewal fees for contractors and home inspectors, 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);

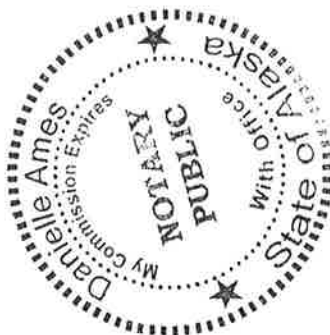
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on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

Date: 9/17/18

Sher Zinn
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska on
9-17-2018

(date)



D. Ames
Notary Public in and for the State of Alaska
My commission expires 2/01/21

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:

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 Contractors and Home Inspectors regulated by the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.

Date: 9/17/18

Aker Zinn

Sher Zinn, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 17 day of Sept., 2018.



Dames

Notary Public in and for the State of Alaska

My commission expires: W/office

**NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR
CONTRACTORS AND HOME INSPECTORS 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 contractors and home inspectors.

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 for contractors and home inspectors, including the following:

12 AAC 02.180, Construction contractors, is proposed to be changed to alter the non-refundable application fee, license and renewal fees for contractors, and repeal the residential contractor endorsement examination fee.

12 AAC 02.235, Home inspectors, is proposed to be changed to alter the non-refundable application fee, license and renewal fees for home inspectors and associate home inspectors.

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/190911>, and using the comment link. **The comments must be received not later than 5:00 p.m. on August 31, 2018.** Comments received after this deadline will not be considered by the Department.

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/ConstructionContractors.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 RegulationsAndPublicComment@alaska.gov not later than August 24, 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/CON-Fees-0718.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 08.18.022, AS 08.18.041

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065, AS 08.18.022, AS 08.18.041


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

DATE: 7/31/18


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 02.180, 12 AAC 02.235.
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: \$35 increase for non-refundable application fee, \$15 increase for initial biennial license; \$15 increase for biennial license renewal.
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:**
Sher Zinn, Regulations Specialist
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-1049
E-mail: sher.zinn@alaska.gov
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.
11. **Date:** 7/31/18 **Prepared by:** 
Sher Zinn
Regulations Specialist
(907) 465-1049

ANCHORAGE DAILY NEWS

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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

August 01, 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 2nd day of August, 2018

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

MY COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska

My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR CONTRACTORS AND HOME INSPECTORS IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

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Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065, AS 08.18.022, AS 08.18.041

ANCHORAGE DAILY NEWS

Published: August 1, 2018

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