

Valerie Nurr'araaluk Davidson  
Lieutenant Governor  
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Anchorage, Alaska 99501  
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**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:** November 2, 2018

**RE:** Filed Permanent Regulations: Department of Commerce, Community and Economic Development  
  
Department of Commerce, Community and Economic Development; Business Licensing (12 AAC 12.010-.990)

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Attorney General File:	2018200814
Regulation Filed:	11/2/2018
Effective Date:	1/1/2019
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 four pages of regulations, dealing with business licensing updates, changes implemented under Chapter 57, SLA 2018 (SB 15), and repeal of outdated regulations, under 12 AAC 12, regulated by the Department of Commerce, Community, and Economic Development, are adopted and certified to be a correct copy of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 08.01.010; AS 08.01.050; AS 08.01.060; AS 08.01.065; AS 08.01.080; AS 08.01.100; AS 43.70.020; AS 43.70.030; AS 43.70.075; AS 43.70.090; AS 43.70.105; and AS 43.70.110 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 January 1, 2019, as provided in AS 44.62.180.

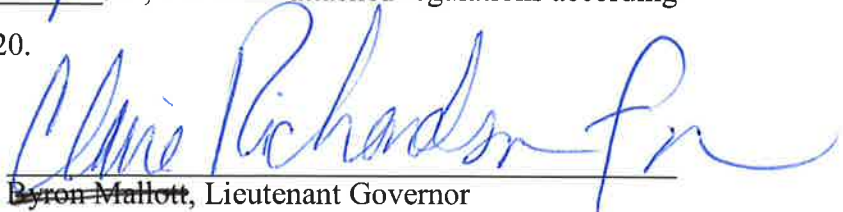
DATE: October 4, 2018  
Juneau, Alaska

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



FILING CERTIFICATION

Valerie Nunn'aaaluk Davidson  
I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on Nov 2, 2018 at 1:21 p. m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
Byron Mallott, Lieutenant Governor

Effective: January 1, 2019

Register: 228, January 2019

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, VALERIE NURR'ARAALUK DAVIDSON, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Claire Richardson  
Scott Meriwether  
April Simpson  
Kady Levale**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Anchorage, on October 24,  
2018.**



A handwritten signature in blue ink, appearing to read "Valerie", is written over a horizontal dotted line.

**VALERIE NURR'ARAALUK DAVIDSON  
LIEUTENANT GOVERNOR**

## Chapter 12. Business Licensing.

12 AAC 12.010(c) is repealed:

(c) Repealed 1 / 1 / 2019.

12 AAC 12.010(d) is amended to read:

(d) The fee under AS 43.70.075 for a business license endorsement or for renewal of an endorsement is \$100 for each location or outlet in a location where the person offers tobacco products, electronic smoking products, or products containing nicotine for sale, regardless of whether the business license to which each endorsement is attached is annual or biennial.

12 AAC 12.010 is amended by adding a new subsection to read:

(e) A business license that has been issued under this section is non-refundable in accordance with 12 AAC 02.015. (Eff. 3/11/89, Register 109; am 11/4/98, Register 148; am 6/27/2004, Register 170; am 12/13/2009, Register 192; am 3/26/2015, Register 213; am 1 / 1 / 2019, Register 228)

<b>Authority:</b>	AS 08.01.010	AS 43.70.020	AS 43.70.075
	AS 08.01.065	AS 43.70.030	AS 43.70.090
	AS 08.01.100		

12 AAC 12.020 (e) is repealed:

(e) Repealed 1 / 1 / 2019.

12 AAC 12.020(f) is repealed:

(f) Repealed 1 / 1 / 2019.

(Eff. 11/4/98, Register 148; am 3/26/2015, Register 213; am 1 / 1 / 2019, Register 228)

Authority: [AS 08.55.010] AS 43.70.090 AS 43.70.110  
AS 43.70.020 AS 43.70.105

12 AAC 12.030(6) is amended to read:

(6) a statement as to whether the business will sell tobacco products, **electronic smoking products, or products containing nicotine** as a retailer and the physical address of each outlet or location where tobacco products, **electronic smoking products, or products containing nicotine** will be sold;

(Eff. 11/4/98, Register 148; am 6/27/2004, Register 170; am 3/26/2015, Register 213; am 1 / 1 / 2019, Register 228)

Authority: AS 08.01.050 AS 43.70.020 AS 43.70.075  
AS 08.01.060 AS 43.70.030 AS 43.70.090  
AS 08.01.080

The article heading of 12 AAC 12, Article 2 is changed to read;

**Article 2. Business License Endorsement for Sale of Tobacco Products, Electronic Smoking Products, and Products Containing Nicotine: Administrative Hearing and Review Procedures**

12 AAC 12.855(a) is amended to read:

(a) If a document must be filed on or before a specified date under a provision of

12 AAC 12.800 – 12 AAC 12.855, the document may be filed by personal delivery, **certified** [FIRST CLASS] mail, or facsimile transmission. If the document is filed by

...

12 AAC 12.855(c) is amended to read:

(c) For purposes of calculating a time period under AS 43.70.075 and 12 AAC 12.800 – 12 AAC 855, the date when a notice of a department action is issued to an aggrieved person is the date that the department personally delivers the notice, sends it by **certified** [FIRST CLASS] mail, or transmits it by facsimile transmission, whichever occurs first. An aggrieved person represented by an attorney will be presumed to have been issued the decision if the decision is issued to the attorney by one of the means in this subsection.

(Eff. 6/27/2004, Register 170; am 9/29/2005, Register 175; am 1 / 1 / 2019, Register 228)

**Authority:** AS 43.70.075 AS 43.70.090

12 AAC 12.990 is amended by adding new paragraphs to read;

(9) “cigarette” has the meaning given in AS 43.50.170;

(10) “endorsement” means authorization on the business license issued in accordance with AS 43.70.020 and ~~AS~~ 43.70.075, to sell tobacco products, electronic smoking products, or products containing nicotine;

(11) “tobacco product” has the meaning given in AS 43.50.390. (Eff. 11/4/98, Register 148; am 6/27/2004, Register 170; am 3/26/2015, Register 213; am 1 / 1 / 2019, Register 228)

**Authority:** AS 08.01.080 AS 43.70.090 AS 43.70.110

AS 43.70.075

AS 43.70.105

[AS 08.70.075]

# MEMORANDUM


## State of Alaska Department of Law

To: The Honorable Valerie Nurr'araaluk  
Davidson  
Lieutenant Governor

Date: November 1, 2018

File No.: 2018200814

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; Business Licensing;  
(12 AAC 12.010-.990)

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. 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 after the close of the public comment period and implement ch. 57, SLA 2018 provisions establishing business license endorsement for persons selling electronic smoking products or products containing nicotine. *The adoption order identifies an effective date of January 1, 2019.*

The August 28, 2018 public notice and the October 4, 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. We have made a minor technical correction to conform the regulations in accordance with AS 44.62.125 as shown on the attached copy of the regulations.

SRP:srp

cc: Janey McCullough, Director  
Department of Commerce, Community, and Economic Development

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

Sher Zinn, Regulations Specialist II  
Department of Commerce, Community, and Economic Development

Sara Chambers, Division Operations Manager  
Department of Commerce, Community, and Economic Development

Harriet Milks, Assistant Attorney General  
Department of Law





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](mailto: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](mailto: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 16<sup>th</sup> 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

**NOTICE OF PROPOSED CHANGES TO BUSINESS LICENSING IN THE  
REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND  
ECONOMIC DEVELOPMENT**

**BRIEF DESCRIPTION:** The Department of Commerce, Community, and Economic Development proposes to amend the regulations pertaining to repeal of outdated regulations, updating methods of filing a document, and business license endorsements to implement amendments to AS 43.70 enacted under Chapter 57, SLA 2018 (SB 15).

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

**12 AAC 12.010. Business license fees,** is proposed to be changed to repeal the fee for written confirmation of a current business license, amend wording for the business license endorsement and other fees.

**12 AAC 12.020. Business license,** is proposed to be changed to repeal regulations that are outdated.

**12 AAC 12.030. Application for business license,** is proposed to be changed to conform with the new language enacted under SB 15.

**12 AAC 12 Article 2,** the title of the article is proposed to be changed to conform with the new language enacted under SB 15.

**12 AAC 12.855. Time periods and methods for filing,** is proposed to be changed to amend the methods of filing a document.

**12 AAC 12.990. Definitions,** is proposed to be changed to add definitions.

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](mailto: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/191185>, and using the comment link. **The comments must be received not later than 5:00 p.m. on October 1, 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](mailto: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/BusinessLicensing.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](mailto:RegulationsAndPublicComment@alaska.gov) not later than September 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 [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/BL-0818.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 08.01.010; AS 08.01.050; AS 08.01.060; AS 08.01.065; AS 08.01.080; AS 08.01.100; AS 43.70.020; AS 43.70.030; AS 43.70.075; AS 43.70.090; AS 43.70.105; AS 43.70.110

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.01.010; AS 08.01.050; AS 08.01.060; AS 08.01.065; AS 08.01.080; AS 08.01.100; AS 43.70.020; AS 43.70.030; AS 43.70.075; AS 43.70.090; AS 43.70.105; AS 43.70.110

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

DATE: 8/29/18

  
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:** Repealing outdated regulations, updating methods of filing documents, amending business license endorsement regulations to comply with SB 15.
- 3. Citation of regulation:** 12 AAC 12.010; 12 AAC 12.020; 12 AAC 12.030; 12 AAC 12.855; 12 AAC 12.990
- 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:** None known.

**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:**

Kathy Fagerstrom

Division of Corporations, Business and Professional Licensing

Department of Commerce, Community, and Economic Development

Telephone: (907) 465-2427

E-mail: [kathryn.fagerstrom@alaska.gov](mailto:kathryn.fagerstrom@alaska.gov)

**10. The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.

**11. Date:** 8/29/18

**Prepared by:** Sher Zinn

Sher Zinn

Regulations Specialist

(907) 465-1049

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 268972

ST OF AK/DEC/OCCU

PO BOX 110806

JUNEAU, AK 998110806

Order#

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Cost

\$572.72

Product

ADN-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

August 29, 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 30th 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 BUSINESS LICENSING 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 12 of the Alaska Administrative Code, dealing with business license regulations, including the following:

**12 AAC 12.010. Business license fees**, is proposed to be changed to repeal the fee for written confirmation of a business license, amend wording for the business license endorsement and other fees.

**12 AAC 12.020. Business license**, is proposed to be changed to repeal regulations that are outdated.

**12 AAC 12.030. Application for business license**, is proposed to be changed to conform with the new language enacted under SB 15.

**12 AAC 12 Article 2**, the title of the article is proposed to be changed to conform with new language enacted under SB 15.

**12 AAC 12.855. Time periods and methods for filing**, is proposed to be changed to amend the methods of filing a document.

**12 AAC 12.990. Definitions**, is proposed to be changed by the addition of definitions.

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](mailto: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/191185>, and using the comment link. **The comments must be received not later than 5:00 p.m. on October 1, 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](mailto: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/BusinessLicensing.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](mailto:RegulationsAndPublicComment@alaska.gov) not later than September 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 [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/BL0818.pdf>

After the public comment period ends, the Department will



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 12.010 – 12 AAC 12.990, dealing with business licensing regulated by the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, 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: 10/4/18

*Sher Zinn*  
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Tuneam Alaska  
on 10-4-2018.

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

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 changes to business licensing regulated by the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.

Date: 10/4/18

Sher Zinn  
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau Alaska

on 10.4.2018.



D. Ames  
Notary Public in and for the State of Alaska  
My commission expires: 10/4/2020