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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Debbie Morgan
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: January 7, 2020

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

Department of Commerce, Community and Economic Development regulation re: mortgage lending licenses, and bona fide exempt organizations (3 AAC 14.020; 3 AAC 14.055; 3 AAC 14.058 - 3 AAC 14.072; 3 AAC 14.330; 3 AAC 14.420 - 3 AAC 14.525; 3 AAC 14.990)

Attorney General File:	2019200709
Regulation Filed:	1/7/2020
Effective Date:	2/6/2020
Print:	233, April 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

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

Appendix J

The attached 11 pages of regulations, dealing with mortgage lending (nonprofit exemption) 3 AAC 14 are adopted and certified to be a correct copy of the regulation changes that the Division of Banking and Securities adopts under the authority of AS 06.60.015, AS 06.60.016, AS 06.60.910 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 Division of Banking and Securities 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: January 2, 2020

Patrice Walsh
Patrice Walsh, Director
Division of Banking and Securities

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

January 7, 2020, at 2:59pm., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for April Simpson
Kevin Meyer
Lieutenant Governor

Effective: February 6, 2020.

Register: 233, April 2020.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, 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:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



Kevin Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

3 AAC 14.020(b) is amended to read:

(b) **An individual covered under AS 06.60.015(b) is** [THE FOLLOWING ARE] exempt from the licensing requirements of this section [:

- (1) AN INDIVIDUAL COVERED UNDER AS 06.60.015(b); AND
- (2) AN EMPLOYEE OF A GOVERNMENT AGENCY UNDER AS 06.60.015(a)(4) WHO ACTS AS A MORTGAGE LOAN ORIGINATOR ONLY UNDER THE EMPLOYEE'S OFFICIAL DUTIES FOR THAT AGENCY].

3 AAC 14.020 is amended by adding a new subsection to read:

(c) A bona fide nonprofit organization referenced in AS 06.60.015(a)(5) and (c) may submit an application for an exemption registration to the department through the registry to determine if the organization qualifies for an exemption. In addition to the information required under AS 06.60.015(c), an application for an exemption must contain

- (1) a complete Form MU1;
- (2) a current business license issued under AS 43.70;
- (3) documentation of the status of a tax-exempt organization under 26 U.S.C. 501(c)(3) (Internal Revenue Code);
- (4) complete and current articles of incorporation and bylaws, and a certificate of good standing issued by the domestic state; and if the corporation is not organized in this state, a copy of the corporation's certificate of authority to transact business in this state;
- (5) policies and procedures detailing how the organization ensures that the organization and the organization's mortgage loan originators meet the requirements of

AS 06.60.330;

(6) a list of other trade names if the organization is operating under a name that is different from the organization's legal name;

(7) details of each mortgage loan program that is available to consumers; the details of each program must include the interest rate, terms, underwriting guidelines, flyers, websites where the program is advertised, and funding source;

(8) a list of mortgage loan originators that are currently under contract with the organization; for each mortgage loan originator who is currently under contract with the organization, the organization shall provide

(A) a list of the originator's training and education;

(B) the date of the originator's most recent criminal history background check and independent credit report; and

(C) details of the originator's compensation plan;

(9) documentation or an explanation of affordable housing promotion or homeownership education;

(10) organization and management charts;

(11) a business plan related to mortgage origination activities;

(12) a list of any consumer complaints received, resolution of those complaints, and management response; and

(13) any other information that the department reasonably requires with respect to the organization. (Eff. 7/1/2008, Register 186; am 12/4/2010, Register 196; am 1/1/2017, Register 220; am 2 / 6 / 2020, Register 233)

Authority: AS 06.60.010

AS 06.60.015

AS 06.60.910

AS 06.60.012

3 AAC 14.055 is repealed and readopted to read:

3 AAC 14.055. Application for mortgage license. To apply for a mortgage license under AS 06.60.020, a person must submit to the department through the registry

- (1) a complete Form MU1;
- (2) a complete Form MU2 for a control person and branch manager of the applicant;
- (3) a financial statement in compliance with 3 AAC 14.054;
- (4) the designation of a registered agent under 3 AAC 14.057;
- (5) if the registry accepts fingerprints for the purpose of conducting a criminal history background check of a mortgage license applicant, consent to a federal criminal history record check and a complete set of fingerprints in a form acceptable to the registry for the applicant and each control person of the applicant;
- (6) a copy of the applicant's current business license issued under AS 43.70;
- (7) for an applicant that is a business entity,
 - (A) documentation of the business organization and authorization under 3 AAC 14.056; and
 - (B) a copy of the current filing, with the department division overseeing corporations, that designates the registered agent in the state;
- (8) a copy of the certificate of business name registration, issued by the

department division overseeing corporations, for each other trade name used by the applicant as described in 3 AAC 14.059;

(9) two complete sets of fingerprints in a form acceptable to the Department of Public Safety for the applicant and a control person of the applicant, if the registry does not accept fingerprints for a mortgage license applicant;

(10) authorization under AS 06.60.027(a)(2) for the registry and the department to obtain for the applicant and a control person of the applicant

(A) an independent credit report from a consumer reporting agency; and

(B) information related to administrative, civil, or criminal findings by a governmental jurisdiction;

(11) if the answer to any of the disclosure questions on the Form MU1 or Form MU2 is "yes," complete details in writing of each event or proceeding, including as applicable, the name and location of the court, the docket or case number, and the status and summary of the event or proceeding, and a copy of an applicable charge, order, or consent agreement; and

(12) other information, documentation, and payments as allowed by AS 06.60 and required by the department. (Eff. 7/1/2008, Register 186; am 7/24/2009, Register 191; am 12/4/2010, Register 196; am 2 / 6 / 2020, Register 233)

Authority: AS 06.60.020 AS 06.60.035 AS 06.60.910
AS 06.60.027 AS 06.60.060

3 AAC 14.058 is repealed:

3 AAC 14.058. Qualifying individual for mortgage licensee. Repealed. (Eff.

Register 233, April 2020

COMMERCE, COMMUNITY, AND EC. DEV.

12/4/2010, Register 196; repealed 2 / 6 / 2020, Register 233)

3 AAC 14.059(c) is amended to read:

(c) At the time of filing the Form MU1, and for each other trade name filed on the Form MU1, an applicant for a mortgage license must submit to the department through the registry a copy of the certificate of business name registration issued [FILED WITH AND STAMPED "RECEIVED"] by the department division overseeing corporations. (Eff. 12/4/2010, Register 196; am 2 / 6 / 2020, Register 233)

Authority: AS 06.60.020 AS 06.60.910

3 AAC 14.060(6) is amended to read:

(6) to the registry proof that the applicant has completed the approved prelicensing education required under AS 06.60.038; however, prelicensing education expires, and the applicant must complete an additional 20 hours of approved prelicensing education in order to be eligible under AS 06.60 for a state mortgage loan originator license, if the applicant

(A) fails to acquire a valid state license or federal registration as a mortgage loan originator within three years from the date of completion of any approved prelicensing education course; or

(B) fails to acquire a valid state license or federal registration as a mortgage loan originator within three years from the last date of licensure or registration as a mortgage loan originator;

Register 233, April 2020

COMMERCE, COMMUNITY, AND EC. DEV.

(Eff. 7/1/2008, Register 186; am 7/24/2009, Register 191; am 12/4/2010, Register 196; am

2 / 6 / 2020, Register 233)

Authority: AS 06.60.020 AS 06.60.035 AS 06.60.910

AS 06.60.027 AS 06.60.040

3 AAC 14.072 is amended by adding a new subsection to read:

(e) The nonrefundable fee for an annual bona fide nonprofit exemption registration under AS 06.60.015(e) is \$400. The organization shall pay the fee to the department through the registry each year for the period that expires on December 31 after the date the registration is issued. An organization that chooses to apply for a bona fide nonprofit exemption registration shall apply annually on or after November 1 to ensure that the organization continues to comply with AS 06.60. The application must be received by the department through the registry on or before December 1. (Eff. 12/4/2010, Register 196; am 1/1/2017, Register 220; am 2 / 6 / 2020,

Register 233)

Authority: AS 06.60.010 AS 06.60.015 AS 06.60.910

AS 06.60.012 AS 06.60.035

3 AAC 14.330 is repealed and readopted to read:

3 AAC 14.330. Surrender of mortgage license and surrender of registration of exempt bona fide nonprofit organization. (a) The voluntary surrender of a mortgage license is not effective until the mortgage licensee has provided proof acceptable to the department that all loans of that mortgage licensee have either been paid in full or sold. The mortgage licensee shall

submit a surrender checklist to the department through the registry for approval by the department.

(b) The voluntary surrender of the registration of an exempt bona fide nonprofit organization is not effective until the organization has provided proof acceptable to the department that all loans of that organization have either been paid in full or sold. The organization shall submit a surrender checklist to the department through the registry for approval by the department.

(c) There is no fee to surrender. (Eff. 7/1/2008, Register 186; am 2 / 6 / 2020, Register 233)

Authority: AS 06.60.015 AS 06.60.097 AS 06.60.910
AS 06.60.080

The section heading of 3 AAC 14.420 is changed to read:

3 AAC 14.420. Records of mortgage licensee, registered exempt bona fide nonprofit organization, or registered depository institution.

The introductory language of 3 AAC 14.420(a) is amended to read:

(a) A mortgage licensee, a registered exempt bona fide nonprofit organization, or a registered depository institution shall maintain

...

3 AAC 14.420(a)(2)(A) is amended to read:

(A) the original contract with the customer for the mortgage licensee's, **the registered exempt bona fide nonprofit organization's**, or the registered depository institution's compensation;

3 AAC 14.420(a)(4)(B) is amended to read:

(B) correspondence sent or received by the mortgage licensee, **the registered exempt bona fide nonprofit organization**, or the registered depository institution relating to the loan application;

(Eff. 7/1/2008, Register 186; am 12/4/2010, Register 196; am 1/1/2017, Register 220; am 2 / 6 / 2020, Register 233)

Authority: **AS 06.60.015** AS 06.60.135 AS 06.60.910

The introductory language of 3 AAC 14.435 is amended to read:

3 AAC 14.435. Shared business location. A mortgage licensee, **a registered exempt bona fide nonprofit organization**, or a registered depository institution may share office space with another business if each business

...

(Eff. 7/1/2008, Register 186; am 12/4/2010, Register 196; am 1/1/2017, Register 220; am 2 / 6 / 2020, Register 233)

Authority: **AS 06.60.015** AS 06.60.110 AS 06.60.910

3 AAC 14.440 is amended to read:

3 AAC 14.440. Amendments to information on file with department within or

outside the registry. A licensee, **a registered exempt bona fide nonprofit organization**, or a registered depository institution shall notify the department in writing no later than seven days after a change in a document or information previously submitted directly to the department. A licensee, **a registered exempt bona fide nonprofit organization**, or a registered depository institution shall submit an amendment to the department through the registry no later than seven days after any change in the information **that was** [THE LICENSEE OR A REGISTERED DEPOSITORY INSTITUTION HAS] previously submitted to the department through the registry, unless a different time period is otherwise specified. (Eff. 7/1/2008, Register 186; am 12/4/2010, Register 196; am 1/1/2017, Register 220; am 2 / 6 / 2020, Register 233)

Authority: AS 06.60.015 AS 06.60.130 AS 06.60.910
 AS 06.60.016

3 AAC 14 is amended by adding new sections to read:

3 AAC 14.520. Bona fide nonprofit organization exemption registration. The following statutes apply to bona fide nonprofit organizations who wish to complete an application for exemption:

- (1) AS 06.60.135 (records of mortgage licensee);
- (2) AS 06.60.200 (disciplinary action);
- (3) AS 06.60.250 (investigation and examination authority);
- (4) AS 06.60.330 (compliance with federal requirements);
- (5) AS 06.60.340 (prohibited activities)
- (6) AS 06.60.400 - 06.60.430 (enforcement);

(7) AS 06.60.850 - 06.60.860 (duties and powers of the department). (Eff.

2 / 6 / 2020, Register 233)

Authority: AS 06.60.015 AS 06.60.910

3 AAC 14.525. Investigation and examination of an exempt bona fide nonprofit organization. The department shall investigate and examine the affairs, business, office, and records of an exempt bona fine nonprofit organization at intervals the department considers appropriate as necessary to carry out the purposes of this chapter. The department may conduct an examination without prior notice. Examination fees are to be charged to and paid by the organization in accordance with AS 06.01.010. The department may maintain an action for the recovery of the costs in any court of competent jurisdiction. Not later than 30 days after the department requests payment, the licensee shall pay the department the cost of examination in accordance with AS 06.01.010 and any expenses required for each representative of the department who is reasonably necessary to conduct the investigation or examination, including travel costs and per diem allowance that does not exceed the allowance for employees of the state under AS 39.20.110. (Eff. 2 / 6 / 2020, Register 233)

Authority: AS 06.60.015 AS 06.60.910

3 AAC 14.990(a)(8) is repealed:

(8) repealed 2 / 6 / 2020

3 AAC 14.990(b) is amended by adding a new paragraph to read:

(8) "registry" means the Nationwide Multistate Licensing System and Registry

(NMLS), previously known as the Nationwide Mortgage Licensing System and Registry, a licensing system owned and operated by the State Regulatory Registry, LLC, for the licensing and registration of persons in the mortgage and other financial services industries.

3 AAC 14.990 is amended by adding a new subsection to read:

(c) In AS 06.60.015(b)(4)(F)(i), "the loan does not have a payment schedule that results in negative amortization" means

(1) the loan is fully amortized and each payment includes principal and interest to fulfill the loan obligation without a balloon payment;

(2) during the term of the loan the outstanding principal balance decreases;

(3) the loan has equal monthly payments during the term of the loan except for the last payment; and

(4) the last payment of the loan is equal to or less than the monthly payment.

(Eff. 7/1/2008, Register 186; am 7/24/2009, Register 191; am 12/13/2009, Register 192; am 12/4/2010, Register 196; am 1/1/2017, Register 220; am 2 / 6 / 2020, Register 233)

Authority: AS 06.60.010 AS 06.60.016 AS 06.60.990

AS 06.60.015 AS 06.60.910

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: January 6, 2020

File No.: 2019200709

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

Tel. No.: 465-3600

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

Re: Department of Commerce,
Community, and Economic
Development regulations re:
mortgage lending, licenses, and bona
fide exempt organizations (3 AAC
14.020; 3 AAC 14.055; 3 AAC
14.058 - 3 AAC 14.072; 3 AAC
14.330; 3 AAC 14.420 - 3 AAC
14.525; 3 AAC 14.990)

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 of Commerce, Community, and Economic Development after the close of the public comment period. The regulations concern mortgage lending and licensing, include changes to streamline the submission, required under AS 06.60.016, of applications through the National Multistate Licensing System and Registry (formerly known as the National Mortgage Licensing System and Registry); and establish registration procedures and requirements for an organization to act as a bona fide exempt organization, established under ch. 9, SLA 2019.

We request that filing of the regulations be expedited, so that they become effective close in time to provisions of AS 06.60.015 and 06.60.990 that, under secs. 1, 3 - 5, and 9, ch. 9, SLA 2019, took effect January 1, 2020.

The October 31, 2019 public notice and the January 2, 2020 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.

SCW

cc, w/enc: Hon. Julie Anderson, Commissioner
Department of Commerce, Community, and Economic Development

Patrice Walsh, Director
Division of Banking and Securities
Department of Commerce, Community, and Economic Development

Tracy Reno, Chief of Examinations
Division of Banking and Securities
Department of Commerce, Community, and Economic Development

Robert H. Schmidt, Assistant Attorney General
Commercial, Fair Business, and Child Support Section



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,
and Economic Development

OFFICE OF THE COMMISSIONER

550 West Seventh Avenue, Suite 1535
Anchorage, Alaska 99501
Main: 907.269.8100
Toll free fax: 907.269.8125

**ALASKA DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT**


Standing Order of Delegation

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

Patrice Walsh
Division Director
Division of Banking and Securities
Department of Commerce, Community and Economic Development
550 W. 7th Avenue, Suite 1850
Anchorage, AK 99501
907-269-5496
patrice.walsh@alaska.gov

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

Subscribed and sworn to before me this 5th day of September 2019.



Julie Anderson
Commissioner
Department of Commerce, Community and
Economic Development

NOTICE OF PROPOSED CHANGES ON MORTGAGE LENDING
IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE,
COMMUNITY, AND ECONOMIC DEVELOPMENT

BRIEF DESCRIPTION

The Department of Commerce, Community, and Economic Development proposes regulations to streamline licensing through the Nationwide Multistate Licensing System and Registry (NMLS), establish requirements to submit an application for a nonprofit organization to apply for an exemption, and update and clarify various sections throughout 3 AAC 14.

The Department of Commerce, Community, and Economic Development proposes to adopt regulation changes in Title 3, Chapter 14, of the Alaska Administrative Code, dealing with mortgage lending, including the following:

- (1) Adopt regulations to implement Ch. 9, SLA 19 (CSHB 104 (L&C) am S). The bill details can be found at <http://www.akleg.gov/basis/Bill/Detail/31?Root=hb104>
- (2) Make amendments throughout the 3 AAC 14 to require and facilitate submission of applications through the NMLS registry (registry).
- (3) Repeal and adopt regulations throughout 3 AAC 14 to clarify application requirements and the documentation that will be required for a nonprofit organization to apply for an exemption and to establish the licensing requirements and forms required in the registry for a nonprofit organization to apply for an exemption from the mortgage licensing requirements in AS 06.60.

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 Tracy Reno, Division of Banking and Securities, Department of Commerce, Community, and Economic Development, 550 W. 7th Avenue, Suite 1850, Anchorage, AK 99501. Additionally, the Department of Commerce, Community, and Economic Development (“Department”) will accept comments by facsimile at (907) 269-8146 and by electronic mail at dbsregs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. **The comments must be received not later than December 2, 2019.**

You may submit written questions relevant to the proposed action to Tracy Reno by electronic mail at dbsregs@alaska.gov or by mail at Division of Banking and Securities, Department of Commerce, Community, and Economic Development, 550 W. 7th Avenue, Suite 1850, Anchorage, AK 99501. **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 Alaska Online Public Notice System and the Division of Banking and Securities’ website at

<https://www.commerce.alaska.gov/web/dbs>. 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 Tracy Reno at dbsregs@alaska.gov or (907) 269-8112 not later than November 18, 2019, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Division of Banking and Securities' website at <https://www.commerce.alaska.gov/web/dbs> and the Alaska Online Public Notice System. You may also request a copy by contacting Tracy Reno at dbsregs@alaska.gov or (907) 269-8112.

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 06.60.015; AS 06.60.910; AS 44.33.020

Statutes being implemented, interpreted, or made specific:

AS 06.01.010; AS 06.60.015; AS 06.60.020; AS 06.60.027; AS 06.60.035; AS 06.60.040; AS 06.60.080; AS 06.60.097; AS 06.60.910; AS 06.60.990; AS 44.33.020

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

October 30, 2019

Date

Patricia Walsh

Director

The Department of Commerce, Community, and Economic Development, Division of Banking and Securities keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all the Division's Notice of Proposed Regulation Changes. To be added to or removed from the list, send the request to the Division of Banking and Securities, Department of Commerce, Community, and Economic Development, 550 W. 7th Avenue, Suite 1850, Anchorage, AK 99501 or to dbsregs@alaska.gov. Please include your name and either your electronic mail address or mailing address, as you prefer for receiving notices.



ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: DCCED – Division of Banking and Securities
2. General subject of regulation: Mortgage – Exemptions from mortgage licensing requirements
3. Citation of regulation (may be grouped): 3 AAC 14.020-990
4. Department of Law file number, if any: 201920709

5. Reason for the proposed action:

- Compliance with federal law or action (identify): _____
- Compliance with new or changed state statute
- Compliance with federal or state court decision (identify): _____
- Development of program standards
- Other (identify): Create regulations to implement CSHB104(L&C) am S/ Application through NMLS/Nonprofit organization exemption

6. Appropriation/Allocation: DCCED Banking and Securities/Banking and Securities

7. Estimated annual cost to comply with the proposed action to:

A private person: 0

Another state agency: 0

A municipality: 0

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year	Subsequent
	FY <u>2020</u>	Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>

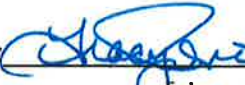
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$ 0
1004 General fund	\$ 0	\$ 0
1005 General fund/ program	\$ 0	\$ 0
Other (identify)	\$ 0	\$ 0

9. The name of the contact person for the regulation:

Name: Tracy Reno
 Title: Financial Examiner IV
 Address: 550 W. 7th Avenue, Suite 1850
Anchorage, AK 99501
 Telephone: 907-269-8112
 E-mail address: tracy.reno@alaska.gov

10. The origin of the proposed action:

Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify): _____

11. Date: 10/30/2019 Prepared by: 

[signature]

Name (printed): Tracy Reno

Title (printed): Financial Examiner IV

Telephone: 907-269-8112

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

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BANKING, SECURITIES

STATE OF ALASKA
THIRD JUDICIAL DISTRICT


Lisi Misa being first duly sworn on oath deposes and says that 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 afore-said 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

10/31/2019

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 31st day of October 2019.


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

MY COMMISSION EXPIRES

7/14/2020

STATE OF ALASKA
NOTARY PUBLIC
Jade L. Nowling

NOTICE OF PROPOSED CHANGES ON MORTGAGE LENDING IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

BRIEF DESCRIPTION

The Department of Commerce, Community, and Economic Development proposes regulations to streamline licensing through the Nationwide Multistate Licensing System and Registry (NMLS), establish requirements to submit an application for a nonprofit organization to apply for an exemption, and update and clarify various sections throughout 3 AAC 14.

The Department of Commerce, Community, and Economic Development proposes to adopt regulation changes in Title 3, Chapter 14, of the Alaska Administrative Code, dealing with mortgage lending, including the following:

- (1) Adopt regulations to implement Ch. 9, SLA 19 (CSHB 104 (L&C) am S). The bill details can be found at <http://www.akleg.gov/basis/Bill/Detail/317?Root=hb104>
- (2) Make amendments throughout the 3 AAC 14 to require and facilitate submission of applications through the NMLS registry (registry).
- (3) Repeal and adopt regulations throughout 3 AAC 14 to clarify application requirements and the documentation that will be required for a nonprofit organization to apply for an exemption and to establish the licensing requirements and forms required in the registry for a nonprofit organization to apply for an exemption from the mortgage licensing requirements in AS 06.60.

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 Tracy Reno, Division of Banking and Securities, Department of Commerce, Community, and Economic Development, 550 W. 7th Avenue, Suite 1850, Anchorage, AK 99501. Additionally, the Department of Commerce, Community, and Economic Development ("Department") will accept comments by facsimile at (907) 269-8146 and by electronic mail at dbsregs@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than December 2, 2019.

You may submit written questions relevant to the proposed action to Tracy Reno by electronic mail at dbsregs@alaska.gov or by mail at Division of Banking and Securities, Department of Commerce, Community, and Economic Development, 550 W. 7th Avenue, Suite 1850, Anchorage, AK 99501. 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 Alaska Online Public Notice System and the Division of Banking and Securities' website at <https://www.commerce.alaska.gov/web/dbs>. 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 Tracy Reno at dbsregs@alaska.gov or (907) 269-8112 not later than November 18, 2019, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Division of Banking and Securities' website at <https://www.commerce.alaska.gov/web/dbs> and the Alaska Online Public Notice System. You may also request a copy by contacting Tracy Reno at dbsregs@alaska.gov or (907) 269-8112.

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 06.60.015; AS 06.60.910; AS 44.33.020

Statutes being implemented, interpreted, or made specific: AS 06.01.010; AS 06.60.015; AS 06.60.020; AS 06.60.027; AS 06.60.035; AS 06.60.040; AS 06.60.080; AS 06.60.097; AS 06.60.910; AS 06.60.990; AS 44.33.020

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

Date: October 31, 2019
By: /s/ Patrice Walsh
Director

The Department of Commerce, Community, and Economic Development, Division of Banking and Securities keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all the Division's Notice of Proposed Regulation Changes. To be added to or removed from the list, send the request to the Division of Banking and Securities, Department of Commerce, Community, and Economic Development, 550 W. 7th Avenue, Suite 1850, Anchorage, AK 99501 or to dbsregs@alaska.gov. Please include your name and either your electronic mail address or mailing address, as you prefer for receiving notices.

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION


I, Patrice Walsh, Director, of Division of Banking and Securities, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 3 AAC 14, Mortgage Lending has been given by being

- (1) published in a newspaper;
- (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.

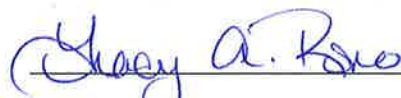
Date: December 5, 2019



Patrice Walsh, Director

Subscribed and sworn to before me at Anchorage, Alaska, on December 5, 2019.





Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

Appendix K

I, Patrice Walsh, Director for the Division of Banking and Securities, being duly sworn, state the following:

In compliance with AS 44.62.215, the Division of Banking and Securities did not receive any public comments (factual or other substantive information) that were submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Division of Banking and Securities' regulation on 3 AAC 14.

Date: December 5, 2019

Patrice Walsh
Patrice Walsh, Director

Subscribed and sworn to before me at Anchorage, Alaska on December 5, 2019.



Tracy A. Reno
Notary Public in and for the State of Alaska