

Kevin Meyer  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
907.465.3520  
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530 West 7<sup>th</sup> Ave, Suite 1700  
Anchorage, Alaska 99501  
907.269.7460  
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Amy Demboski  
Department of Commerce, Community, and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor   
465.4081

**DATE:** June 4, 2020

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

Department of Commerce, Community, and Economic Development Regulation re:  
DCCED - Behavior Analyst Licensing Program - Fees (12 AAC 02.390)

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Attorney General File:	2020200265
Regulation Filed:	6/4/2020
Effective Date:	7/4/2020
Print:	235, October 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis  
Sher Zinn, Regulations Specialist

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 behavior analysts and assistant behavior analysts, 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 08.01.065, AS 08.15.020, and AS 08.15.080, 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 comment, 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: 4/27/2020  
Juneau, Alaska

**Sara Chambers** Digitally signed by Sara Chambers  
Date: 2020.04.27 09:24:25 -08'00'

Sara Chambers, Director  
Division of Corporations, Business and  
Professional Licensing

FILING CERTIFICATION

*Kevin Simpson for*

I, <sup>↑</sup>Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on  
June 4th, 2020 at 12:28 p.m., I filed the attached regulations according  
to the provisions of AS 44.62.040 – 44.62.120.

*for* *Kevin Simpson*  
Kevin Meyer, Lieutenant Governor

Effective: July 4, 2020

Register: 235, October 2020



THE STATE  
of ALASKA

GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,  
and Economic Development

OFFICE OF THE COMMISSIONER

P.O. Box 110800  
Juneau, Alaska 99811-0800  
Main: 907.465.2500  
Toll free fax: 907.465.2500

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations, outside of the Alcohol and Marijuana Control Office (AMCO), but for the Division of Corporations, Business and Professional Licensing (CBPL), under the Alaska Administrative Procedure Act, is hereby delegated to:

Sara Chambers  
Division Director  
Division of Corporations, Business and Professional Licensing  
DCCED  
P.O. Box 110806  
Juneau, AK 99811-0806  
907-465-2536  
[sara.chambers@alaska.gov](mailto:sara.chambers@alaska.gov)

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations of the Alcohol and Marijuana Control Office, under the Alaska Administrative Procedure Act, is hereby delegated to:

Amy Demboski  
Assistant Commissioner  
DCCED  
550 West Seventh Avenue, Suite 1535  
Anchorage, AK 99501  
907-269-8100  
[amy.demboski@alaska.gov](mailto:amy.demboski@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 30<sup>th</sup> day of October 2019

A handwritten signature in cursive script, appearing to read "Julie Anderson".

Julie Anderson  
Commissioner  
Department of Commerce, Community,  
and Economic Development

**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.**



*K-Meyer*  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

**Chapter 02. General Occupational Licensing Functions.**

12 AAC 02.390 is amended to read:

**12 AAC 02.390. Behavior analysts.** The following fees are established for behavior analysts and assistant behavior analysts:

- (1) nonrefundable application fee for initial license, **\$150** [\$200];
- (2) behavior analyst license fee for all or part of the initial biennial licensing period, **\$100** [\$250];
- (3) behavior analyst biennial license renewal fee, **\$100** [\$250];
- (4) assistant behavior analyst license fee for all or part of the initial biennial licensing period, **\$50** [\$150];
- (5) assistant behavior analyst biennial license renewal fee, **\$50** [\$150];
- (6) temporary license fee, **\$80** [\$100];
- (7) nonrefundable fingerprint processing fee, **\$75** [\$60]. (Eff. 12/26/2014,

Register 212; am 8/24/2016, Register 219; am 8/1/2018, Register 227; am 7 / 4 / 2020,

Register 235)

**Authority:** AS 08.01.010                      AS 08.15.020                      AS 08.15.080  
AS 08.01.065

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** June 2, 2020

**File No.:** 2020200265

**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 Regulation re: 12 AAC  
02.390: DCCED - Behavior Analyst  
Licensing Program Fees

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 fee reductions for behavioral analyst licenses, renewals, and temporary licenses, and a fee increase for fingerprint processing. Overall, the proposed changes would work a reduction in the fee amount.

The March 15, 2020, public notice and the April 27, 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.

No technical corrections were required to conform the regulations in accordance with AS 44.62.125.

SRP:sjw

Julie Anderson, Commissioner  
Department of Commerce, Community, and Economic Development

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

Amy Demboski, Assistant Commissioner  
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

Harriet D. Milks, Assistant Attorney General  
Department of Law

## **Notice of Proposed Changes to Occupational Licensing Fees for Behavior Analysts in the Regulations of the Department of Commerce, Community, and Economic Development**

**BRIEF DESCRIPTION:** The Department of Commerce, Community, and Economic Development proposes to alter the occupational license fees charged to behavior analysts and assistant behavior analysts.

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 behavior analysts and assistant behavior analysts to include:

**12 AAC 02.390, Behavior analysts**, is proposed to alter the occupational licensing and fingerprint fees for the behavior analyst licensing program.

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 programs mentioned above and proposes fee changes that reflect, to the extent possible, the actual costs of the activities under these occupational licensing programs.

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/197427>, and using the comment link. **The comments must be received not later than 4:30 p.m., April 17, 2020.** 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/ProfessionalLicensing/BehaviorAnalysts.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 April 10, 2020, 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/BEVFees-0320.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 08.01.065; AS 08.15.020; AS 08.15.080.

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.01.010; AS 08.01.065; AS



08.15.020; AS 08.15.080.

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

DATE: 3/16/2020

Sher Zinn  
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 02.390.
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:** \$50 decrease for the nonrefundable initial application fee; \$150 decrease in the initial biennial license and renewal fees for behavior analysts; \$100 decrease for the biennial license and renewal fees for assistant behavior analysts; \$20 decrease in the temporary permit fee; \$15 increase in the fingerprint processing 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 2020 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](mailto:sher.zinn@alaska.gov)
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.

11. Date: 3/16/2020

Prepared by: Sher Zinn  
Sher Zinn  
Regulations Specialist  
(907) 465-1049

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

RECEIVED  
Juneau

MAR 23 2020

CBPL

Account #: 268972 ST OF AK/DEC/OCCU  
Attention To: ATTN TO: JUN MAIQUIS  
PO BOX 110806, JUNEAU, AK 99811

Order #: W0014059

Cost: \$498.04

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

03/15/2020

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 16th day of March 2020.

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

MY COMMISSION EXPIRES

7/14/2020

### Notice of Proposed Changes to Occupational Licensing Fees for Behavior Analysts in the Regulations of the Department of Commerce, Community, and Economic Development

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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/ProfessionalLicensing/BehaviorAnalysts.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.

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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 08.01.065; AS 08.15.020; AS 08.15.080.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.010; AS 08.01.065; AS 08.15.020; AS 08.15.080.

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

DATE: 3/13/2020  
By: /s/ 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.

Published: March 15, 2020

**FIRST JUDICIAL DISTRICT )**

### 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 02.390, occupational licensing fees for the behavior analysts licensing program, 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: 4/23/2020

  
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alaska on 4/23/2020.

(date)



Jolene Siirila  
Notary Public in and for the State of Alaska  
My commission expires 12/31/2025

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 licensing fees for behavior analysts and assistant behavior analysts regulated by the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.

Date: 4/23/2020

Sher Zinn  
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, Alaska on  
4/23/2020  
(date)



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