

Kevin Meyer
Lieutenant Governor
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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: July 31, 2020

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

Division of Corporations, Business and Professional Licensing regulation re:
Occupational licensing fees for mortuary science (12 AAC 02.260)

Attorney General File:	2020200430
Regulation Filed:	7/31/2020
Effective Date:	8/30/2020
Print:	235, October 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, 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 mortuary science, is 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 and AS 08.42.010, 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 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: _____
Juneau, Alaska

Sara Chambers Digitally signed by Sara Chambers
Date: 2020.07.24 14:31:58 -08'00'

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

Ariel Simpson for

FILING CERTIFICATION

I, *↑* Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on July 31, 2020 at 1:25 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for Ariel Simpson

Kevin Meyer, Lieutenant Governor

Effective: August 30, 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

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

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 30th day of October 2019

A handwritten signature in blue ink, 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 02.260 is amended to read:

12 AAC 02.260. Mortuary science. (a) A funeral director or embalmer license and a funeral establishment permit expires on December 31 of all even-numbered years. The following fees are established for funeral directors, embalmers, and funeral establishments:

- (1) nonrefundable application fee for initial license or permit, \$150;
- (2) license or permit fee for all or part of the initial license or permit period, **\$185** [\$275];
- (3) biennial license or permit renewal fee, **\$185** [\$275];
- (4) state law examination fee, \$100.

(b) The following fees are established for funeral director or embalmer trainee permits:

- (1) application fee for initial permit, \$150;
- (2) trainee permit issuance and renewal fee, \$100.

(c) Permit fee for disposal of human remains for compensation by a person not licensed under AS 08.42 is \$75. (Eff. 9/27/86, Register 99; am 4/3/88, Register 105; am 10/1/88, Register 107; am 5/28/93, Register 126; am 10/29/94, Register 132; am 12/28/97, Register 144; am 11/27/98, Register 148; am 12/2/99, Register 152; am 10/28/2000, Register 156; am 12/16/2001, Register 160; am 11/15/2002, Register 164; am 10/15/2004, Register 172; am 6/17/2005, Register 174; am 6/22/2008, Register 186; am 12/12/2008, Register 188; am 12/9/2010, Register 196; am 11/30/2014, Register 212; am 11/11/2016, Register 220; am 8 / 30 / 2020,

Register 235)

Authority: AS 08.01.065 AS 08.42.010

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: July 29, 2020

File No.: 2020200430

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

Tel. No.: 465-3600

From: Sharla Mylar
Assistant Attorney General
Legislation and Regulations Section

Re: Division of Corporations, Business
and Professional Licensing regulation
re: occupational licensing fees for
mortuary science (12 AAC 02.260)

The Department of Law has reviewed the attached regulation of the Division of Corporations, Business, and Professional Licensing 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 Division of Corporations, Business, and Professional Licensing after the close of the public comment period. No comments were received. The regulation modifications concern lessening the fees for initial permits and licenses for funeral directors, embalmers, and funeral establishments, as well as biannual renewal fees for the same. The department requests that these regulations be filed in order to be effective by the first week of September, 2020- H for the upcoming license renewals in December, 2020.

The June 19, 2020 public notice and the July 24, 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.

SRP:mmm:arw

cc: Hon. Julie Anderson, Commissioner
Department of Commerce, Community & 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 & Economic Development

Glenn Hoskinson, Special Assistant to the Commissioner
Department of Commerce, Community & Economic Development

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

Harriet Milks, Assistant Attorney General
Department of Law

NOTICE OF PROPOSED CHANGES TO OCCUPATIONAL LICENSING FEES FOR FUNERAL DIRECTORS, EMBALMERS, AND FUNERAL ESTABLISHMENTS 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 funeral directors, embalmers, and funeral establishments.

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

12 AAC 02.260. Mortuary science, is proposed to decrease the license, permit, and renewal fees for funeral directors, embalmers, and funeral establishments.

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

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, 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/198613>, and using the comment link. **The comments must be received not later than 4:30 p.m. on July 22, 2020.** Comments received after this deadline will not be considered by the Department.

You may submit written questions relevant to the proposed action to Jun Maiquis, 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 Alaska Online Public Notice System and on the Department's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/Morticians.aspx>. 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 Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than July 15, 2020 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MOR-Fees-0620.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 08.42.010

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.065; AS 08.42.010


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

DATE: 6/19/2020


Jun Maiquis, 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 02.260.
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: \$90 decrease for license, permit, and renewal fees.
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:**
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2537
E-mail: jun.maiquis@alaska.gov
10. **The origin of the proposed action:** Division of Corporations, Business and Professional Licensing.
11. **Date:** 6/19/2020 **Prepared by:** 
Jun Maiquis
Regulations Specialist

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

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

Order #: W0016513

Cost: \$547.84

RECEIVED
Juneau
JUN 29 2020

CBPL

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 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

06/21/2020

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 23rd day of June 2020.

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

MY COMMISSION EXPIRES

7/14/2024

NOTARY PUBLIC
STATE OF ALASKA

Notice of Proposed Changes to Occupational Licensing fees for funeral directors, embalmers, and funeral establishments in the Regulations of the Department of Commerce, Community, and Economic Development

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

12 AAC 02.260. Mortuary science, is proposed to decrease the license, permit, and renewal fees for funeral directors, embalmers, and funeral establishments.

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

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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 08.01.065; AS 08.42.010

Statutes Being Implemented, interpreted, or Made Specific: AS 08.01.065; AS 08.42.010

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

DATE: 6/19/2020

/s/ Jun Maiquis, 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: June 21, 2020

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

**AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, 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 02.260, dealing with occupational licensing fees for mortuary science, 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).

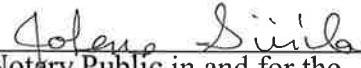
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to persons in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online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

DATE: 7/27/2020
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 27 day of July, 2020.



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



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

The Department of Commerce, Community, and Economic Development did not receive any factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Commerce, Community, and Economic Development regulations on dealing with occupational licensing fees for mortuary science.

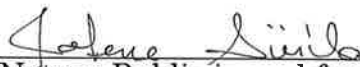
DATE: 7/27/2020
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 27 day of July, 2020.





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