



## Notice of Proposed Changes in the Regulations of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing

### Proposed Regulations - FAQ

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*October 2023*

#### 1. What is the purpose of the proposed regulations? What will these regulations do?

**12 AAC 02.105.** This will remove outdated fees that are no longer applicable, amend the returned check fee from \$20 to \$30 in order to match the fees the Division is charged by banks, and add the nonrefundable fingerprint processing fee to the general licensing fee regulations.

**12 AAC 02.110(f).** This will add a \$50 landscape architect examination eligibility application fee.

**12 AAC 02.160(a)(9); 12 AAC 02.380(4).** These are added to reference the nonrefundable fingerprint processing fees for Collection Agencies and Pawnbrokers.

**12 AAC 02.225(5); 12 AAC 02.280(10); 12 AAC 02.282(7); 12 AAC 02.390(7); 12 AAC 02.396(4).** These regulations are being amended to reference the nonrefundable fingerprint processing fees to ensure the fees remain consistent throughout the Division's boards and programs.

**12 AAC 02.400.** Ensure grammatical compliance with the Draft Manual, and to allow an appropriate board member to conduct an examination review in addition to division staff or the division's designee.

**12 AAC 02.935(c); 12 AA 02.945.** Adding language to the centralized regulations to clarify that any initial or reinstated licenses issued within 90 days of an upcoming expiration date for that license type will have the expiration date set to expire at the end of the next biennial licensing period.

**12 AAC 02.956(b)(3).** Remove the requirement for the copy of the Military ID from an applicant applying for a temporary license for spouses of military personnel. The spouse's active duty military orders showing assignment to a duty station in this state will still be required.

**12 AAC 02.960.** Simplify audit requirements across all licensing sections, including simplifying information required on the continuing education certificate. Remove the set requirement for percentages to be audited to allow for the Division to choose the percentage appropriate and necessary to protect public health and safety. All licensees audited will still be randomly selected.

**12 AAC 02.990.** Clarify definitions for ease of understanding.

**2. What are the costs to comply with the proposed regulations?**

\$75 nonrefundable fingerprint processing fee for certain boards; \$30 returned check fee; \$50 landscape architect examination eligibility application fee.

**3. How are the estimated costs determined?**

AS 08.01.065 requires *all costs* of regulating the profession to be borne by its licensees. The proposed fees are based on known and anticipated costs.

**4. What are the positive and negative consequences of the regulations?**

These regulation changes will create more transparency and clarity for licensees and applicants, as well as ensuring consistent treatment for licensees across all boards and programs. These changes will also ensure current and updated information is reflected in the division's centralized regulations.

There is a slight fee increase for returned checks and nonrefundable fingerprint processing fees for certain programs. The returned check fee is necessary to be increased to match the fee charged by banks that the Division incurs. Fingerprint processing fees are being increased to ensure that the fee is standard across all programs requiring fingerprint-based background checks, and to ensure the fee will cover the cost of having these sent and processed by the Alaska Department of Public Safety.

**5. When will the regulations and new fees be effective?**

After the public comment deadline, comments received are compiled and given to the Board for consideration. The Board may adopt the regulation as written/publicly noticed, may amend and adopt them, choose to take no action, or may withdraw the proposed regulations in part or in its whole. After Board action, the adopted regulations go to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the Lt. Governor for filing. Regulation takes effect on the 30th day after they have been filed by the Lt. Governor.

Do you have a question that is not answered here? Please email [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) so it can be added.