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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: December 6, 2023

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

Department of Commerce, Community, and Economic Development regulations re:
General Occupational Licensing Functions (12 AAC 02.105-.990)

Attorney General File:	2023200275
Regulation Filed:	12/6/2023
Effective Date:	1/5/2024
Print:	249, April 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Sylvan Robb, Division Director
Alison Osborne, Regulations Specialist
Stefanie Davis, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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December 5, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *12 AAC 02.105-.990: DCCED - General Occupational Licensing Functions*
Our file: 2023200275

Dear Lieutenant Governor Dahlstrom:

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 letter 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 make various update and cleanup changes to the general occupational licensing functions under 12 AAC 02. These include the repeal of outdated language and acronyms, repeal of non-existent administrative fees, update of fingerprint processing and application fees, new provisions to make fingerprint processing fees consistent across occupations, clarifications on renewal for applicants who receive a license within 90 days of the close of the renewal period, the repeal of an unnecessary requirement that a spouse applicant for a temporary military courtesy license must provide a copy of their military dependent identification card, and practical updates to the department's process to audit licensees for continuing competency compliance.

Both the Oct 12, 2023 public notice and November 24, 2023 adoption order state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2023.12.05
12:34:27 -09'00'

RCP/BWS

CC w/enclosure: Stefanie Davis, Regulations Specialist
Department of Commerce, Community and Economic Development

Patty Burley, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

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

The attached nine pages of regulations, dealing with updating general occupational licensing function regulations, 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 08.01.062, AS 08.01.063, AS 08.01.065, AS 08.01.080, AS 08.01.087, AS 08.01.100, AS 08.15.020, AS 08.15.080, AS 08.24.135, AS 08.24.370, AS 08.26.060, AS 08.48.265, AS 08.61.020, AS 08.61.090, AS 08.68.220, AS 08.68.336, AS 08.76.110, and AS 08.76.140 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 comments, 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: 11/24/2023

DocuSigned by:


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Sylvan Robb, Director
Division of Corporations, Business and
Professional Licensing

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on _____
December 6, 2023 at 1:34 p.m., I filed the attached regulations
according to the provisions of AS 44.62.040 – 44.62.120.


for Nancy Dahlstrom, Lieutenant Governor

Effective: January 5, 2024.

Register: 249, April 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Register 249, April 2024 PROFESSIONAL REGULATIONS

12 AAC 02.105(6) is amended to read:

(6) returned check fee, \$30 [\$20];

12 AAC 02.105(9) is repealed:

(9) repealed 1 / 5 / 2024 [WALL CERTIFICATE FEE, \$20];

12 AAC 02.105(12) is repealed:

(12) repealed 1 / 5 / 2024 [EXPRESS DELIVERY HANDLING FEE, \$20];

12 AAC 02.105(13) is repealed:

(13) repealed 1 / 5 / 2024 [FEE FOR PROVIDING THE MOST RECENTLY PRINTED ROSTER OF ALL LICENSEES IN A LICENSING PROGRAM, OTHER THAN BUSINESS LICENSING, WITH

(A) 2,000 OR LESS LICENSEES, \$5;

(B) MORE THAN 2,000 LICENSEES, \$15;

(C) REPEALED 3/25/2004];

12 AAC 02.105 is amended by adding a new paragraph to read:

(19) nonrefundable fingerprint processing fee, \$75. (Eff. 9/27/86, Register 99; am 11/20/86, Register 100; am 4/3/88, Register 105; am 5/28/93, Register 126; am 2/13/94, Register 129; am 12/28/97, Register 144; am 11/27/98, Register 148; am 6/13/2002, Register 162; am 3/25/2004, Register 169; am 5/14/2021, Register 238; am 1 / 5 / 2024, Register 249)

Register 249, April 2024 PROFESSIONAL REGULATIONS

Authority: AS 08.01.062 AS 08.01.065 AS 08.01.100

((Publisher: please replace the period that follows 12 AAC 02.105(18) with a semicolon.)))

12 AAC 02.110 is amended by adding a new subsection to read:

(f) The following fee is established for a landscape architect examination eligibility application: \$50. (Eff. 11/20/86, Register 100; am 10/1/88, Register 107; am 5/4/90, Register 114; am 5/20/92, Register 122; am 9/5/93, Register 127; am 11/3/95, Register 136; am 4/19/97, Register 142; am 7/26/97, Register 143; am 11/29/97, Register 144; am 1/8/98, Register 145; am 11/14/99, Register 152; am 2/2/2001, Register 157; am 8/8/2003, Register 167; am 12/2/2005, Register 176; am 11/18/2006, Register 180; am 6/22/2008, Register 186; am 11/26/2009, Register 192; am 11/30/2013, Register 208; am 11/13/2014, Register 212; am 11/4/2015, Register 216; am 10/29/2017, Register 224; am 10/31/2019, Register 232; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.065 AS 08.01.100 AS 08.48.265

12 AAC 02.160(a) is amended by adding a new paragraph to read:

(9) nonrefundable fingerprint processing fee, as set out under 12 AAC 02.105(19). (Eff. 9/27/86, Register 99; am 10/1/88, Register 107; am 5/28/93, Register 126; am 4/20/96, Register 138; am 4/11/98, Register 146; am 11/14/99, Register 152; am 6/13/2002, Register 162; am 6/4/2008, Register 186; am 6/16/2010, Register 194; am 5/18/2014, Register 210; am 3/13/2020, Register 233; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.065 AS 08.24.135 AS 08.24.370
AS 08.01.100

Register 249, April 2024 PROFESSIONAL REGULATIONS

((Publisher: please replace the period that follows 12 AAC 02.160(8) with a semicolon.)))

12 AAC 02.225(5) is amended to read:

(5) nonrefundable fingerprint processing fee, as set out under 12 AAC

02.105(19) [\$59]. (Eff. 1/1/2005, Register 172; am 12/9/2010, Register 196; am 12/2/2012,

Register 204; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.065 AS 08.26.060

12 AAC 02.280(10) is amended to read:

(10) nonrefundable fingerprint processing fee, as set out under 12 AAC

02.105(19) [\$75];

(Eff. 3/6/86, Register 97; am 12/13/87, Register 104; am 6/23/90, Register 114; am 5/20/92,

Register 122; am 5/28/93, Register 126; am 2/13/94, Register 129; am 7/28/95, Register 135; am

7/25/96, Register 139; am 8/26/98, Register 147; am 8/10/2000, Register 155; am 6/21/2001,

Register 158; am 6/13/2002, Register 162; am 6/16/2002, Register 162; am 11/19/2008, Register

188; am 7/7/2010, Register 195; am 2/20/2014, Register 209; am 8/10/2016, Register 219; am

8/1/2018, Register 227; em am 4/16/2020 – 8/13/2020, Register 234; am 11/30/2020, Register

237; am 4/21/2022, Register 242; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.010 AS 08.01.065 AS 08.68.220

AS 08.01.062 AS 08.01.100

12 AAC 02.282(7) is amended to read:

(7) nonrefundable fingerprint processing fee, as set out under 12 AAC

02.105(19) [\$75]. (Eff. 8/26/98, Register 147; am 5/5/99, Register 150; am 2/26/2000, Register

Register 249, April 2024 PROFESSIONAL REGULATIONS

153; am 6/16/2002, Register 162; am 3/7/2008, Register 185; am 1/30/2010, Register 193; am 2/20/2014, Register 209; am 8/1/2018, Register 227; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.010 AS 08.01.065 AS 08.68.336

12 AAC 02.380 is amended by adding a new paragraph to read:

(4) nonrefundable fingerprint processing fee, as set out under 12 AAC 02.105(19).

(Eff 7/1/2011, Register 198; am 11/30/2013, Register 208; am 8/23/2019, Register 231; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.065 AS 08.76.110 AS 08.76.140

((Publisher: please replace the period that follows 12 AAC 02.380(3) with a semicolon.)))

12 AAC 02.390(7) is amended to read:

(7) nonrefundable fingerprint processing fee, **as set out under 12 AAC**

02.105(19) [\$75]. (Eff. 12/26/2014, Register 212; am 8/24/2016, Register 219; am 8/1/2018, Register 227; am 7/4/2020, Register 235; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.010 AS 08.15.020 AS 08.15.080
AS 08.01.065

12 AAC 02.396(4) is amended to read:

(4) nonrefundable fingerprint processing fee, **as set out under 12 AAC**

02.105(19) [\$60];

(Eff. 8/1/2015, Register 215; am 6/14/2017, Register 222; am 3/25/2020, Register 233; am 6/6/2021, Register 238; am 1 / 5 / 2024, Register 249)

Register 249, April 2024 PROFESSIONAL REGULATIONS

Authority: AS 08.01.010 AS 08.61.020 AS 08.61.090
AS 08.01.065

12 AAC 02.400(c) is amended to read:

(c) **An** [ALL] examination **review** [REVIEWS] will be conducted in the presence of **an appropriate board member**, division staff, or the division's designee at **a** [THE] time and location determined by the division. An examination review will not be conducted within 30 days of the next examination **an** [THE] applicant is scheduled to take.

12 AAC 02.400(e) is amended to read:

(e) An applicant may use the same reference materials during an examination review that were allowed during the examination itself, but **the applicant** [applicants] may not use other materials or take notes or make copies of any kind. All materials brought to an examination review are subject to inspection by the **appropriate board member or** division staff.

(Eff. 4/3/88, Register 105; am 12/28/97, Register 144; am 11/27/98, Register 148; am 12/2/99, Register 152; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.050 AS 08.01.080

12 AAC 02.935 is amended by adding a new subsection to read:

(c) If an initial license is issued within 90 days of the upcoming expiration date for that license type, the license expiration date will be set to expire at the end of the next biennial licensing period. (Eff. 9/29/2005, Register 175; am 5/14/2021, Register 238, am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02 is amended by adding a new section to read:

12 AAC 02.945. Effective date of reinstated license. If a license is reinstated within 90 days of the upcoming expiration date for that license type, the license expiration date will be set to expire at the end of the next biennial licensing period. (Eff. 1 / 5 / 2024, Register 249)

Authority: AS 08.01.050 AS 08.01.100

12 AAC 02.956(b)(3) is amended to read:

(3) a copy of the [APPLICANT'S MILITARY DEPENDENT IDENTIFICATION CARD AND A COPY OF THE] spouse's current active duty military orders showing assignment to a duty station in this state;

(Eff. 5/14/2021, Register 238; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.050 AS 08.01.063 AS 08.01.065

12 AAC 02.960(c) is amended to read:

(c) [EXCEPT AS PROVIDED IN (D) OF THIS SECTION, THE] **The** department will **audit a percentage of licensees under (a) of this section that it deems appropriate and necessary to protect public health and safety. The department's selection of licensees for audit must be random** [SELECT LICENSEES FOR AUDIT UNDER (A) OF THIS SECTION AS FOLLOWS:

(1) TEN PERCENT OF THE TOTAL NUMBER OF LICENSEES IN THAT PROFESSION IF THE TOTAL NUMBER OF LICENSEES IS LESS THAN 3,000; OR

(2) FIVE PERCENT OF THE TOTAL NUMBER OF LICENSEES IN THAT

PROFESSION IF THE TOTAL NUMBER OF LICENSEES IS 3,000 OR MORE].

12 AAC 02.960(d) is repealed:

(d) Repealed 1 / 5 / 2024 [THE DEPARTMENT WILL REQUIRE THAT A DIFFERENT PERCENT OF LICENSEES BE SELECTED FOR AUDIT, IF THE BOARD THAT REGULATES THE PROFESSION, OR THE DEPARTMENT FOR A PROFESSION NOT REGULATED BY A BOARD OR COMMISSION, FINDS THAT A DIFFERENT PERCENT TO BE AUDITED IS NECESSARY TO PROTECT PUBLIC HEALTH AND SAFETY].

12 AAC 02.960(e) is amended to read:

(e) A licensee selected for audit under [(c) OR (d) OF] this section will be notified by the department. Within 30 days of **the date on the** notification, the licensee shall submit to the department [,] documentation **that verifies the licensee's** [TO VERIFY] completion of the continuing competency activities claimed on the statement submitted with the application for license renewal **under (b) of this section**. The documentation must include a valid copy of a certificate or similar verification of satisfactory completion of the continuing competency activities claimed that provides

- (1) the name of the licensee;
- (2) the **number** [AMOUNT] of continuing competency **credits** [CREDIT] awarded;
- (3) a description of the continuing competency activity;
- (4) the dates of actual participation or successful completion; **and**

(5) the name and **Internet address or physical** mailing address of the **course provider**, instructor, sponsor, or other **entity** [VERIFIER] **that the department may contact, as needed, to verify the licensee's attendance** [; AND

(6) THE INTERNET ADDRESS OF AN ONLINE PROVIDER THAT CAN VERIFY INDIVIDUAL STUDENT ATTENDANCE].

(Eff. 12/28/97, Register 144; am 9/29/2005, Register 175; am 5/14/2021, Register 238; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.050 AS 08.01.087 AS 08.01.100
AS 08.01.080

12 AAC 02.965(b) is amended to read:

(b) For the purposes of this section, "continuing education credits" includes continuing competency, contact hours, continuing education units [(CEU'S)], and credit hours. (Eff.

3/14/2001, Register 157; am 5/14/2021, Register 238; am 1 / 5 / 2024, Register 249)

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100

12 AAC 02.990 is amended to read:

12 AAC 02.990. Definitions. As used in this chapter

(1) "department" means the Department of Commerce, Community, and Economic Development;

(2) "division" means the **Division of Corporations, Business and Professional Licensing** [DIVISION ASSIGNED OCCUPATIONAL LICENSING FUNCTIONS IN THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT];

(3) "license" means a license, certificate, permit, registration, **endorsement**, or similar evidence of authority issued by the division or by one of the boards listed in AS 08.01.010;

(4) "licensee" means a person who holds a license, **as defined under 12 AAC 02.990(3)** [ISSUED BY THE DIVISION OR BY ONE OF THE BOARDS LISTED IN AS 08.01.010]. (Eff. 12/5/84, Register 92; am 12/7/2006, Register 180; am 1 / 5 / 2024, Register 249.)

Authority: AS 08.01.050 AS 08.01.080 AS 08.01.100