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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

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

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

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

**DATE:** March 19, 2024

**RE:** Filed Permanent Regulations: Board of Architects, Engineers, and Land Surveyors

Board of Architects, Engineers, and Land Surveyors regulations re: examination updates  
(12 AAC 36.010 - .990)

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Attorney General File:	2023200404
Regulation Filed:	3/19/2024
Effective Date:	4/18/2024
Print:	250, July 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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March 15, 2024

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

Re: *12 AAC 36.010 - .990: Board of Architects, Engineers, and Land Surveyors*  
Our file: 2023200404

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the State Board of Registration for Architects, Engineers, and Land Surveyors 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 State Board of Registration for Architects, Engineers, and Land Surveyors after the close of the public comment period.

The regulations amend Title 12, Chapter 36 of the Alaska Administrative Code to update various provisions, implementing statutory changes to AS 08.48 under SB 126 (Chapter 13, SLA 2023) and update requirements for the use of digital signatures.

The November 15, 2023 public notice and the March 6, 2024 order certifying changes each state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

The Honorable Nancy Dahlstrom  
Re: 2023200404

March 15, 2024  
Page 2 of 2

*Please note: This regulation project is companion to a project amending 12 AAC 36, our file number 2023200229. The regulations in this companion project 2023200404 rely on the amendments to the regulations in project 2023200229. We respectfully request that regulations in project 2023200404 be filed at least one day after the filing date of project 2023200229.*

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: 2024.03.15  
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SCW/fcb

CC w/enclosure: Alison Osborne  
Department of Commerce, Community and Economic Development

Harriet Milks, Assistant Attorney General  
Department of Law

Steve Weaver, Senior Assistant Attorney General  
Department of Law

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE STATE BOARD OF REGISTRATION FOR ARCHITECTS,  
ENGINEERS, AND LAND SURVEYORS

The attached <sup>fourteen</sup> ~~fifteen~~ pages of regulations, dealing with updating terminology in various regulations in accordance with implementing statutory changes to AS 08.48 under SB 126 – Chapter 13, SLA 2023 and updating the requirements for the use of digital signatures, are certified to be a correct copy of the regulation changes that the State Board of Registration for Architects, Engineers, and Land Surveyors adopted at its February 8, 2024 meeting, under the authority of AS 08.01.050, AS 08.48.101, AS 08.48.171, AS 08.48.181, AS 08.48.191, AS 08.48.201, AS 08.48.215, AS 08.48.221, AS 08.48.241, and AS 08.48.331, 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.

On the record, in considering public comments, the State Board of Registration for Architects, Engineers, and Land Surveyors 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: 3/6/2024

Digitally signed by Sara  
J Neal  
Date: 2024.03.06  
12:17:13 -09'00'

\_\_\_\_\_  
Sara Neal, Executive Administrator  
Alaska State Board of Registration for Architects,  
Engineers, and Land Surveyors

*April Simpson for*

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on March 19, 2024 at 2:08 P.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

*Nancy Dahlstrom*  
\_\_\_\_\_  
Nancy Dahlstrom, Lieutenant Governor

Effective: April 18, 2024

Register: 250, July 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**

**Chapter 36. State Board of Registration for Architects,  
Engineers, and Land Surveyors.**

12 AAC 36.010(b) is amended to read:

(b) An applicant will not be admitted to an examination or approved for registration until the applicant's qualifications are accepted by the board, the executive **administrator** [SECRETARY] of the board, or the board's designee.

The introductory language of 12 AAC 36.010(c) is amended to read:

(c) Except as provided in 12 AAC 36.060(a) **and 12 AAC 36.068(f)**, the board will approve an application for examination or for registration by comity if

...

12 AAC 36.010(d) is amended to read:

(d) Except as provided in 12 AAC 36.060(a) **and 12 AAC 36.068(f)**, the board, the executive **administrator** [SECRETARY] of the board, or the board's designee will give conditional approval of an application for examination or for registration by comity pending receipt of missing documents, payment of applicable fees for examination or registration, or other corrections to the application if the

(1) application form is substantially complete and includes the applicant's notarized signature;

(2) application fee has been paid;

(3) board, executive **administrator** [SECRETARY] of the board, or the board's designee has determined that the applicant's qualifications as listed on the application form show that the applicant meets the registration requirements in AS 08.48 and this chapter;

(4) board, executive **administrator** [SECRETARY] of the board, or the board's designee has received all supporting documents required for board review of the application, as defined in (i) of this section; and

(5) board, executive **administrator** [SECRETARY] of the board, or the board's designee has determined that any missing supporting documents and the correction of other deficiencies in the application do not require board discretion to review and approve.

12 AAC 36.010(e) is amended to read:

(e) If the board, the executive **administrator** [SECRETARY] of the board, or the board's designee gives conditional approval of an application, the board, **executive administrator**, or **the board's designee** [PERSON] will write a statement of conditional approval. **The conditional approval** [; THE] statement will identify the missing supporting documents or other corrections required to complete the application. **The department** [; DEPARTMENT] staff shall change the conditional approval to "approval" when the **department receives the** missing documents and [OTHER] corrections [ARE RECEIVED] if the documents and corrections clearly show the information required **in the statement of conditional approval. If** [BY THE BOARD, EXECUTIVE SECRETARY, OR BOARD'S DESIGNEE IN ITS STATEMENT OF CONDITIONAL APPROVAL; IF] the [MISSING] supporting documents or corrections received **by the department require** [REQUIRED] interpretation or discretion, **the** department staff shall resubmit the application to the board for approval.

12 AAC 36.010(f) is amended to read:

(f) Except as provided in 12 AAC 36.060(a) **and 12 AAC 36.068(f)**, if the board, the executive **administrator** [SECRETARY] of the board, or the board's designee **is unable to determine if the applicant meets the registration requirements in AS 08.48 and this chapter from the application form and supporting documents, the board, executive administrator, or the board's designee** will determine that **the** [AN] application is incomplete[,] and will notify the applicant [, IF THE BOARD, THE EXECUTIVE SECRETARY OF THE BOARD, OR THE BOARD'S DESIGNEE IS NOT ABLE TO DETERMINE FROM THE APPLICATION FORM AND SUPPORTING DOCUMENTS WHETHER THE APPLICANT MEETS THE REGISTRATION REQUIREMENTS IN AS 08.48 AND THIS CHAPTER].

12 AAC 36.010(j) is amended to read:

(j) The board, the executive **administrator** [SECRETARY] of the board, or the board's designee may approve an application for licensure by comity only if credentials are submitted by NCEES, NCARB, or CLARB record. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 6/3/89, Register 110; am 10/20/90, Register 116; am 5/12/96, Register 138; am 3/8/2001, Register 157; am 10/29/2009, Register 192; am 5/5/2023, Register 246; am 4 / 18 / 2024, Register 250 )

<b>Authority:</b>	AS 08.01.050	AS 08.48.101	AS 08.48.191
	AS 08.48.055	AS 08.48.171	AS 08.48.201



The introductory language of 12 AAC 36.063(b) is amended to read:

(b) Education for initial registration must be in the branch of engineering in which the applicant seeks registration for full credit to be given. If the education is not in the branch of engineering in which the applicant seeks registration, the board will determine the amount of credit to be given based on comparability with the branch of engineering for which the applicant has applied for registration. An applicant with a [FOREIGN] degree **obtained outside of the United States** shall submit

...

(Eff. 9/30/78, Register 67; am 6/29/84, Register 90; am 8/13/87, Register 103; am 6/3/89, Register 110; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/20/99, Register 152; am 3/8/2001, Register 157; am 6/13/2003, Register 166; am 7/22/2004, Register 171; am 9/11/2004, Register 171; am 10/29/2009, Register 192; am 9/9/2016, Register 219; am 5/25/2017, Register 222; am 5/5/2023, Register 246; am 4 / 18 / 2024, Register 250)

**Authority:** AS 08.48.101 AS 08.48.171 AS 08.48.181

The introductory language of 12 AAC 36.065(e) is amended to read:

(e) An applicant with a [FOREIGN] degree **obtained outside of the United States** shall submit

...

(Eff. 9/30/78, Register 67; am 2/22/81, Register 81; am 8/13/87, Register 103; am 6/3/89, Register 110; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/8/2001, Register 157; am 1/20/2002, Register 161; am 9/11/2004,

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Register 171; am 10/29/2009, Register 192; am 2/16/2012, Register 201; am 5/25/2017, Register 222; am 5/5/2023, Register 246; am 4 / 18 / 2024, Register 250 )

**Authority:** AS 08.48.101 AS 08.48.171 AS 08.48.181

The introductory language of 12 AAC 36.103(a) is amended to read:

(a) Under AS 08.48.191(a), the board, the executive administrator [SECRETARY] of the board, or the board's designee may issue a certificate of registration as an architect to an applicant who

...

(Eff. 6/3/89, Register 110; am 1/1/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 11/13/99, Register 152; am 6/13/2003, Register 166; am 7/12/2008, Register 187; am 7/25/2008, Register 187; am 3/11/2012, Register 201; am 3/28/2019, Register 229; am 5/5/2023, Register 246; am 4 / 18 / 2024, Register 250 )

**Authority:** AS 08.01.101 AS 08.48.171 AS 08.48.191

The introductory language of 12 AAC 36.105(a) is amended to read:

(a) Under AS 08.48.191(b), the board, the executive administrator [SECRETARY] of the board, or the board's designee may issue an engineering certificate of registration to an applicant who

...

(Eff. 9/30/78, Register 67; am 8/13/87, Register 103; am 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 6/11/2005, Register 174; am 7/25/2008,

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Register 187; am 7/19/2009, Register 191; am 5/25/2017, Register 222; am 3/28/2019, Register 229; am 5/5/2023, Register 246; am 4 / 18 / 2024, Register 250 )

**Authority:** AS 08.01.101 AS 08.48.181 AS 08.48.191  
AS 08.48.171

The introductory language of 12 AAC 36.109(a) is amended to read:

(a) Under AS 08.48.191(d), the board, the executive **administrator** [SECRETARY] of the board, or the board's designee may issue a landscape architecture certificate of registration to an applicant who

...

(Eff. 11/13/99, Register 152; am 7/25/2008, Register 187; am 5/5/2023, Register 246; am 4 / 18 / 2024, Register 250 )

**Authority:** AS 08.01.101 AS 08.48.181 AS 08.48.191  
AS 08.48.171

The introductory language of 12 AAC 36.112(c) is amended to read:

(c) The executive **administrator** [SECRETARY] or the executive **administrator's** [SECRETARY's] designee shall issue a temporary military courtesy certificate of registration under AS 08.01.063

...

(Eff. 1/29/2023, Register 245; am 4 / 18 / 2024, Register 250 )

**Authority:** AS 08.01.062 AS 08.48.101 AS 08.48.171  
AS 08.01.063 AS 08.48.111 AS 08.48.191

12 AAC 36.135 is amended to read:

**12 AAC 36.135. Review of application for corporate, limited liability company, [OR] limited liability partnership, or limited partnership authorization.** An applicant who meets the requirements established by the board in this section has demonstrated the necessary qualifications for a certificate of authorization for corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** practice. An applicant who does not meet the requirements on this checklist or whose responses on the application form do not clearly show that the applicant is qualified to receive a certificate of authorization will not be issued a certificate unless the board further reviews the application and determines that the applicant meets the qualifications in AS 08.48.241 for a certificate of authorization. A certificate of authorization for corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** practice will be issued to an applicant who submits

(1) a completed form for application that includes the

(A) name and address of the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership**;

(B) type of architecture, engineering, land surveying, or landscape architecture practiced by the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership**;

(C) name and current state registration number of the registrant who will be in responsible charge for the activities of the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** in this state of each branch of practice requiring registration under AS 08.48;

(D) names of the majority stockholders of the corporation, the names of the members holding a majority interest of a limited liability company, or the names of the partners of a limited liability partnership **or limited partnership**; and

(E) signature and title of an agent authorized by the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** to apply for corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** authorization under this chapter;

(2) the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** certification fee in 12 AAC 02.110;

(3) a certified copy of a resolution of the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of the limited liability partnership **or limited partnership** that

(A) designates an individual or individuals with a current registration in this state as responsible for each field of practice; and

(B) provides that full authority to make all final practice decisions on behalf of the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** for work performed by the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** in this state is granted by the board of directors of the corporation, the managing members or manager of the limited liability company, or the general partners of a limited liability partnership **or limited partnership** to the individual designated in the resolution as responsible for the relevant field of practice; **the** [. THE] individual or individuals in responsible charge of a discipline may grant other employees, who are registered in that discipline, the authority

to seal drawings on behalf of the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership; this** [. THIS] does not relieve the individual or individuals in responsible charge from responsibility for the work delegated to the other employee;

(4) a copy of the bylaws of the corporation, the articles of organization or operating agreement of the limited liability company, or the partnership agreement of the limited liability partnership **or limited partnership** showing that the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** has complied with the requirements in AS 08.48.241(b)(1);

(5) [REPEALED 8/19/2006;

(6)] a statement of the experience of the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** in each field of practice of architecture, engineering, land surveying, or landscape architecture during the five years before the date of application;

**(6)** [(7)] a certified statement on a form provided by the board, stating that each licensee designated in responsible charge for each branch of practice acknowledges and agrees to that designation by the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership**; the statement must include each responsible charge licensee's

(A) state registration number;

(B) registration expiration date;

(C) professional seal; and

(D) signature. (Eff. 10/1096, Register 140; am 11/13/99, Register 152; am

3/8/2001, Register 157; am 3/9/2001, Register 157; am 8/19/2006, Register 179; am

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10/31/2019, Register 232; am 5/5/2023, Register 246; am 4 / 18 / 2024, Register 250)

**Authority:** AS 08.48.101 AS 08.48.241

12 AAC 36.145(c)(2) is amended to read:

(2) "entity" means a sole practitioner, partnership, corporation, limited liability company, limited liability partnership, **limited partnership**, or governmental agency.

(Eff. 10/31/2019, Register 232; am 4 / 18 / 2024, Register 250)

**Authority:** AS 08.48.101 AS 08.48.111 AS 08.48.221

12 AAC 36.160 is repealed:

**12 AAC 36.160. Duplicate certificate.** Repealed. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 8/13/87, Register 103; am 3/16/96, Register 137; repealed 4 / 18 / 2024, Register 250)

12 AAC 36.165(a) is amended to read:

(a) A certificate of registration **of** [OR] corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** authorization that is not renewed for a period of five years expires at the end of that period.

12 AAC 36.165(c) is amended to read:

(c) An expired certificate of corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** authorization may not be reinstated. A corporation, limited

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liability company, [OR] limited liability partnership, **or limited partnership** whose certificate of corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** authorization has expired must apply for a new certificate of corporate, limited liability company, [OR] limited liability partnership, **or limited partnership** authorization under AS 08.48.241.

(Eff. 5/30/82, Register 82; am 3/16/96, Register 137; am 11/13/99, Register 152; am 3/9/2001,

Register 157; am 1/20/2002, Register 161; am 4 / 18 / 2024, Register 250 )

**Authority:** AS 08.01.100            AS 08.48.231            AS 08.48.241  
AS 08.48.101

12 AAC 36.185(f) is amended to read:

(f) **A registrant shall validate the seal on a document** [AN ELECTRONIC IMAGE OF A SIGNATURE MAY BE USED ON THE SEAL IF THE REGISTRANT OR THE OWNER OF THE DOCUMENTS RETAINS AN ORIGINAL COPY OF THE DOCUMENTS, ACCESSIBLE FOR LATER REFERENCE,] that has either

(1) an original **handwritten** [HAND] signature over **each** [THE] seal; or

(2) **an electronic image of the original handwritten signature and a digital signature, both of which must be affixed to the document and meet the following requirements:** [SOFTWARE IN PLACE THAT WILL AUTOMATICALLY REMOVE OR MODIFY THE ELECTRONIC IMAGE OF THE SIGNATURE IF THE DOCUMENT IS MODIFIED.]

**(A) the electronic image must be permanently affixed to each seal on the document directly over the seal of the registrant;**

**(B) the digital signature must be**



**(i) unique to the registrant using it;**

**(ii) capable of verification;**

**(iii) under the exclusive control of the registrant using it; and**

**(iv) linked to a document in such a manner that the digital signature is invalidated if the document is changed.**

12 AAC 36.185(g)(4) is amended to read:

(4) the certificate of authorization number issued to the corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** to practice architecture, engineering, land surveying, or landscape architecture, if applicable.

12 AAC 36.185(h) is amended to read:

(h) On documents where multiple entities that are authorized to practice architecture, engineering, land surveying, or landscape architecture are indicated, the registrant shall clearly identify the sole proprietor, partnership, corporation, limited liability company, limited liability partnership, **limited partnership**, or other authorized entity responsible for the work.

12 AAC 36.185 is amended by adding a new subsection to read:

(j) The registrant or the owner of sealed documents shall retain them and keep them accessible for later reference. (Eff. 5/30/82, Register 82; am 8/29/87, Register 103; am 11/13/99, Register 152; am 6/13/2003, Register 166; am 6/11/2005, Register 174; am 7/13/2011, Register 199; am 6/18/2016, Register 218; am 9/9/2016, Register 219; am 10/31/2019, Register 232; am 4 / 18 / 2024, Register 250 )

**Authority:** AS 08.01.101 AS 08.48.111 AS 08.48.221

12 AAC 36.200(a) is amended to read:

(a) In order to establish and maintain a high standard of integrity, skill, and practice in the professions of architecture, engineering, land surveying, and landscape architecture[,] and to safeguard the life, health, property, and welfare of the public, 12 AAC 36.200 - 12 AAC 36.245 are binding upon every individual holding a certificate of registration as an architect, engineer, land surveyor, or landscape architect, and upon all partnerships, corporations, limited liability companies, [OR] limited liability partnerships, **limited partnerships**, or other legal entities authorized to offer or perform architectural, engineering, land surveying, or landscape architectural services in this state.

(Eff. 5/23/74, Register 50; am 8/29/87, Register 103; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 4 / 18 / 2024, Register 250)

**Authority:** AS 08.01.101 AS 08.48.111

12 AAC 36.990(a)(25) is amended to read:

(25) "registrant" means an individual architect, engineer, land surveyor, landscape architect, corporation, limited liability company, [OR] limited liability partnership, **or limited partnership** registered or issued a certificate of authorization under this chapter;

(Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 6/29/84, Register 90; am 8/29/87, Register 103; am 10/20/90, Register 116; am 3/16/96, Register 137; am 7/26/97, Register 143; am 8/26/98, Register 147; am 11/13/99, Register 152; am 3/9/2001, Register 157; am 1/26/2012, Register 201; am 3/11/2012, Register 201; am 10/4/2015, Register 216; am 9/9/2016, Register

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219; am 5/25/2017, Register 222; am 5/5/2023, Register 246; am 4 / 18 / 2024, Register 250 )

**Authority:** AS 08.48.101            AS 08.48.181            AS 08.48.331  
                 AS 08.48.171            AS 08.48.191