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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 18, 2024

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

Board of Architects, Engineers, and Land Surveyors regulations re: reexamination and registration by examination requirements (12 AAC 36)

Attorney General File:	2023200229
Regulation Filed:	3/18/2024
Effective Date:	4/17/2024
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

Department of Law

CIVIL DIVISION

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THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

March 15, 2024

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

Re: *12 AAC 36: Board of Architects, Engineers, and Land Surveyors*
Our file: 2023200229

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 the application materials required to be approved to sit for reexamination of the Alaska Land Surveying Examination and the eligibility requirements for registration as a landscape architect by examination. The regulations also amend the chapter's definition section to add two definitions for acronyms used commonly in reference to landscape architect registration.

The November 15, 2023 public notice and the February 16, 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: 2023200229

March 15, 2024
Page 2 of 2

Please note: This regulation project has a companion project amending 12 AAC 36.010 - .990, our file number 2023200404. The regulations in project 2023200404 rely on the amendments to the regulations in this project. We respectfully request that project 2023200404 be filed at least one day after the filing date of this project.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

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

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Rebecca C. Polizzotto
Date: 2024.03.15
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BWS/fcb

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

Harriet Milks, Assistant Attorney General
Department of Law

Brad Sharp, 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 five pages of regulations, dealing with reexamination and registration by examination requirements, 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 08.01.091, AS 08.48.101, AS 08.48.171, AS 08.48.181, and AS 08.48.191, 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: 2/16/2024

Digitally signed by Sara J
Neal
Date: 2024.02.16 12:46:52
-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 18, 2024 at 2:59 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Nancy Dahlstrom

for Nancy Dahlstrom, Lieutenant Governor

Effective: April 17, 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 36.040 is repealed and readopted to read:

12 AAC 36.040. Simplified application for reexamination. An applicant who has failed the Alaska Land Surveying Examination may apply for reexamination by submitting to the board at least 45 days before the next scheduled examination

(1) a written request stating that the applicant wishes to take the next examination to be offered; and

(2) the examination fee required under 12 AAC 02.110. (Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 5/12/96, Register 138; am 7/26/97, Register 143; am 11/13/99, Register 152; am 7/22/2004, Register 171; am 10/14/2006, Register 180; am 5/11/2007, Register 182; am 7/12/2008, Register 187; am 5/4/2013, Register 206; 10/4/2015, Register 216; am 4 / 17 / 2024, Register 250)

Authority: AS 08.48.091 AS 08.48.101 AS 08.48.171

12 AAC 36.068 is repealed and readopted to read:

12 AAC 36.068. Eligibility for landscape architect registration by examination. (a)
To be eligible for registration by examination as a landscape architect in the state, an applicant shall submit to the board

(1) an application in compliance with 12 AAC 36.010;

(2) evidence satisfactory to the board of having successfully completed

(A) the appropriate examination requirements set out under 12 AAC
36.100;

(B) the cold regions design requirement set out under 12 AAC 36.110;

(C) not less than 24 months of responsible charge experience in the field of landscape architecture while under the responsible control of a professional landscape architect registered in the United States; and

(D) the number of years of work experience that corresponds with the applicant's education, as set out under the table of education, work experience, and exam requirements for professional landscape architects, which must include the responsible charge experience required under (C) of this paragraph.

**TABLE OF EDUCATION, WORK EXPERIENCE, AND EXAM
REQUIREMENTS FOR PROFESSIONAL LANDSCAPE
ARCHITECTS**

<u>Education</u>	<u>Work Experience</u>	<u>Exam</u>
LAAB or LAAC-accredited degree in landscape architecture	2 years	Pass the LARE
Non LAAB or LAAC-accredited degree in landscape architecture	4 years	Pass the LARE
Certificate in landscape architecture	6 years	Pass the LARE
Post-secondary degree in a subject other than landscape architecture	6 years	Pass the LARE
No post-secondary education	8 years	Pass the LARE

(b) Except as set out under (c) of this section, for an applicant's work experience to be applicable under this section, including towards a requirement under the table of education, work

experience, and exam requirements for professional landscape architects, the work experience must be in the field of landscape architecture and gained

(1) while under the responsible control of a professional landscape architect registered in the United States or Canada; or

(2) as part of a mentoring program that meets the requirements set out under (d) of this section.

(c) If an applicant's work experience does not meet the requirements set out under (b) of this section, the applicant may submit to the board verification of professional work, as defined under 12 AAC 36.990(a)(18), or subprofessional work, as defined under 12 AAC 36.990(a)(22). The board may, at its discretion, credit the applicant's professional work or subprofessional work towards the applicable number of years of work experience required under the table of education, work experience, and exam requirements for professional landscape architects. The board will credit professional work or subprofessional work under this subsection based on comparability within the field of landscape architecture, up to a maximum of six years of work experience.

(d) For an applicant's work experience gained as part of a mentoring program to be applicable under (b) of this section, an applicant

(1) must have completed two years of quarterly face-to-face or videoconference meetings with a mentor; the mentor must be a professional landscape architect registered in the United States or Canada;

(2) shall submit to the board a report for each meeting with the mentor; the report for each meeting must include

(A) a description of the applicant's work experience and topics reviewed during the meeting;

(B) a statement indicating whether the work experience was

(i) responsible charge experience;

(ii) directly applicable to professional landscape architectural work experience; and

(iii) performed according to industry standards;

(C) the signature and seal of the professional landscape architect who served as the applicant's mentor; and

(D) the date on which the meeting occurred; and

(3) shall submit to the board a written statement from the professional landscape architect who served as the mentor recommending the applicant for registration under AS 08.48 and this chapter.

(e) An applicant with a degree obtained from outside of the United States shall submit

(1) a transcript of the applicant's education or, if the transcript is not in English, a translation of the transcript into English with a signed and notarized affidavit by the translator attesting to the accuracy of the translation; and

(2) an evaluation of the applicant's education; the evaluation must be completed by an agency approved by the board, unless the applicant's education was earned at a school accredited by an accreditation agency recognized by the board.

(f) Upon submission of evidence of graduation from a LAAB or LAAC-accredited curriculum in landscape architecture, an applicant for examination as a landscape architect may sit for the examination as early as can be scheduled after graduation. (Eff. 11/13/99, Register 152; am 9/11/2004, Register 171; am 8/19/2006, Register 179; am 5/4/2013, Register 206; am 5/5/2023, Register 246; am 4 / 17 / 2024, Register 250)

Authority: AS 08.48.101 AS 08.48.171 AS 08.48.181

12 AAC 36.990(a) is amended by adding new paragraphs to read:

(47) “LAAC” means the Landscape Architecture Accreditation Council;

(48) “LARE” means the Landscape Architect Registration Examination. (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 219; am 5/25/2017, Register 222; am 5/5/2023, Register 246; am 4 / 17 / 2024, Register 250)

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

(((Publisher: please replace the period that follows 12 AAC 36.990(a)(46) with a semicolon)))