

Byron Mallott
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Jun Maiquis
Department of Commerce, Community and Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor *CB*
465.4081

DATE: July 8, 2016

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

Regulations re: application deadlines (12 AAC 36.050(a),(c),(f))

Attorney General File:	JU2016200217
Regulation Filed:	July 8, 2016
Effective Date:	August 7, 2016
Print:	219, October 2016

cc with enclosures: Linda Miller, Department of Law
Micaela Fowler, Department of Commerce, Community & Economic
Development
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

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

The attached two pages of regulations, dealing with application deadlines, are hereby 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 May 5-6, 2016 meeting, under the authority of AS 08.48.101 and AS 08.48.181 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:

5/6/16
Fairbanks, Alaska


Colin Maynard, PE, SE, Chair
State Board of Registration for Architects,
Engineers, and Land Surveyors

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on July 8, 2016 at 9:50 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Byron Mallott, Lieutenant Governor

Effective: August 7, 2016.

Register: 219, October 2016.

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

The introductory language of 12 AAC 36.050(a) is amended to read:

(a) Except as provided in (e) and (f) of this section and in 12 AAC 36.040, before the board will review an application for examination, and at least 30 [14] days before the meeting of the board that is immediately before the examination date, the department must receive the applicant's

...

12 AAC 36.050(c) is amended to read:

(c) To be reviewed by the board, an application for registration by comity, and all supporting documents required for board review of the application, as defined in 12 AAC 36.010(i), must be received by the department at least 30 [14] days before the meeting of the board.

12 AAC 36.050(f) is amended to read:

(f) An application for registration upon examination as a professional landscape architect must be received by the department in the Juneau office at least 30 [14] days before the quarterly meetings of the board held in February and August, respectively, in order to review the applicant's qualifications before the Landscape Architectural Registration Examination (LARE) dates in June and December. (Eff. 5/23/74, Register 50; am 8/10/80, Register 75; am 8/13/87, Register 103; am 10/20/90, Register 116; am 5/12/96, Register 138; am 11/13/99, Register 152; am 1/20/2002, Register 161; am 10/14/2006, Register 180; am 5/4/2013, Register 206; am

Register 219, October 2016 PROFESSIONAL REGULATIONS

8 / 7 / 2016, Register 219)

Authority: AS 08.48.101 AS 08.48.181

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: July 6, 2016

File No.: JU2016200217

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Regulations re: application deadlines
(12 AAC 36.050(a), (c), (f))

We have reviewed the attached regulations from the State Board of Registration for Architects, Engineers, and Land Surveyors against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated July 6, 2016 from the Regulations Attorney. The regulations update requirements regarding application deadlines.

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 March 9, 2016 public notice and the May 6, 2016 certification of 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.

We have made a technical correction to the footer of the regulations in accordance with AS 44.62.125, as shown on the attached copy.


SCW

cc w/enc: (via email)

Colin Maynard, PE, SE, Chair
State Board of Registration for Architects, Engineers, and Land Surveyors

MEMORANDUM

State of Alaska
Department of Law

To: Colin Maynard, PE, SE, Chair State Board of Registration for Architects, Engineers, and Land Surveyors (via email through Jun Maiquis)	Date: July 6, 2016
From: Steven C. Weaver  Sr. Assistant Attorney General and Assistant Regulations Attorney Legislation and Regulations Section	File No.: JU2016200217 Tel. No.: 465-3600 Re: Regulations re: application deadlines (12 AAC 36.050(a), (c), (f))

Under AS 44.62.060, we have reviewed the attached changes by the State Board of Registration for Architects, Engineers, and Land Surveyors and approve the changes for filing by the lieutenant governor. I have reviewed this project under a specific delegation dated July 6, 2016 from the Regulations Attorney.

You might wish to contact the lieutenant governor's office to confirm the filing date and effective date of the attached regulations changes.

The March 9, 2016 public notice and the May 6, 2016 certification of 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.

Colin Maynard, PE, SE, Chair
State Board of Registration for Architects, Engineers, and Land Surveyors
Our file: JU2016200217

July 6, 2016
Page 2

We have made a technical correction to the footer of the regulations in accordance with AS 44.62.125, as shown on the attached copy.

SCW

cc w/enc: (via email)

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

Janey Hovenden, Director
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development

Richard V. Jones, Executive Administrator
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development

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

Harriet Dinegar Milks, Assistant Attorney General
Commercial and Fair Business Section

MEMORANDUM


State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: July 6, 2016

FILE NO.: JU2016200217

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard 
Chief Assistant Attorney General
& Regulations Attorney
Legislation/Regulations Section—Juneau

SUBJECT: Specific delegation of authority
regarding regulations review on
State Board of Registration for
Architects, Engineers, and Land
Surveyors regulations regarding
application deadlines (12 AAC
36.050(a), (c), (f))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SRP/SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General
Legislation/Regulations Section—Juneau

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

$$\left. \begin{array}{l}) \\) \\) \end{array} \right\} \text{SS.}$$

AFFIDAVIT OF BOARD ACTION

I, Richard V. Jones, Executive Administrator for the State Board of Registration for Architects, Engineers, and Land Surveyors, being duly sworn, state the following:

The attached motion dealing with application deadlines was passed by the State Board of Registration for Architects, Engineers, and Land Surveyors during its May 5-6, 2016 meeting.

Date: ¹¹⁵⁷ 9 May 2016
Juneau, Alaska


Richard V. Jones, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 9 day of May, 2016.



Ka WafD
Notary Public in and for the
State of Alaska
My commission expires: with office

1 **These draft minutes were prepared by the staff of the Division of Corporations,**
2 **Business and Professional Licensing. They have not been reviewed or approved**
3 **by the Board.**

4
5
6 **STATE OF ALASKA**

7
8 **DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT**
9 **DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING**
10 **BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS & LAND**
11 **SURVEYORS**

12
13 **Minutes of Meeting**
14 **May 5-6, 2016**

15
16 By authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, Article 6, the
17 Board of Registration for Architects, Engineers and Land Surveyors held a meeting February
18 10-11, 2016 in Juneau, AK.

19
20 **Thursday May 5, 2016**

21
22 **Agenda Item 1 – Call to Order and Roll Call**

23
24 9:00 a.m. The Chair called the meeting to order. Roll call, all present except Eric Eriksen, who
25 was excused by the Chair.

26
27 Members present and constituting a quorum of the Board:

- 28
29
 - Colin Maynard, Civil Engineer, Structural Engineer, Chair
 - Kathleen Schedler, Mechanical Engineer, Secretary
 - Brian Hanson, Civil Engineer, Mining Engineer
 - Catherine Fritz, Architect
 - Jeffrey Koonce, Architect
 - John Kerr, Land Surveyor
 - Dave Hale, Land Surveyor
 - Fred Wallis, Mining Engineer
 - Luanne Urfer, Landscape Architect

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38 Representing the Division of Corporations, Business and Professional Licensing were:

- 39
40
41
 - Sara Chambers, Operations Manager
 - Martha Hewlett, Administrative Officer II
 - John Savage Investigator
 - Vernon Jones, Executive Administrator.
 - Sarena Hackenmiller, Licensing Examiner.

42
43
44
45
46
47 Members of the Public present for portions of the meeting:

1 Chair asks for a roll call vote with the following results:

2
3 Eriksen, absent; Hale yes; Hanson yes; Kerr no; Koonce no; Maynard abstain; Fritz yes;
4 Schedler no; Wallis yes; 4 yes 3 no 1 abstain.

5
6 Note: There was some confusion on whether it needed a majority of the members present or a
7 majority of the Board. Chair will do some research during lunch and find out.

8
9 Chair: started discussing item D under old business. Item C is a change to 12 AAC 36.050
10 Application Deadlines. The reason for this change is so that Staff has time to get applications
11 ready for Board review. The move to electronic everything has slowed the process down
12 somewhat. Each evolution has to be done from start to finish before moving on to the next one.
13 All items received via email have to be scanned, all incoming mail is scanned. Where before
14 you could take action, print a copy and put in a folder or toss a copy in a basket to be filed later
15 now it all has to be done before moving on. Files for board review have to be transferred to
16 thumb drives. It just takes longer. There were a couple of comments from the public but they
17 were actually questions asking why instead of comments. I explained the reason to them and
18 heard no further from them.

19
20 **On a motion duly made by Hanson, seconded by Kerr and passed unanimously it was**
21 **RESOLVED to adopt changes to 12 AAC 36.050 Application Deadlines as public noticed.**
22

23 **Agenda item 9 – Correspondence Received since February 2016.**

24 CLARB

25 Luanne explains CLARB's task analysis project and the LEED certification
26 process. They had asked the Board for email addresses and the Board refused so Luanne
27 went to the Society and asked them to distribute the survey. She asks who to send the support
28 she got for the landscape architect change to permanent and was told they could send it to the
29 Legislature next session.

30
31 NCARB

32 Jeff reviews the correspondence from NCARB. He notes that the ARE is being
33 updated to 5.0 which will be out later this year. There were a couple of letters from candidates
34 for office. He mentioned a resolution that will be introduced at Annual. Chair asks if any of the
35 resolutions are in violation of our Statutes. Jeff talked about a resolution to accept an
36 agreement with Australia and New Zealand similar to the one with Canada. Catherine asks if
37 the Board has info on the AXP change and what it's all about. Jeff will send her the info he has
38 received. He asks about the voting delegate designation for the Annual Meeting.

39
40 NCEES

41 Brian summarizes the BOD report and CEO email re competency model. There
42 were several nominations for office. Southern zone has a resolution in regarding experience
43 verification in the council record. National Surveying Education Award was approved. There
44 was correspondence regarding ABET Criterion 3 and 5 that Colin explained.

45
46 11:50 am break for lunch.

47
48 1:07 pm called to order. Roll call, all present except Eriksen.

49
50 Chair reports that his research on the voting shows that it needs a majority of the Board not the
51 quorum so we need 6 votes to pass it so the motion on the structural regulations failed.

FIRST JUDICIAL DISTRICT

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
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 36.050, dealing with application deadlines, has been given by being:

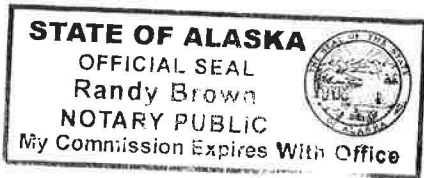
1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
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);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.


As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 5/31/16
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 31st day of May, 2016.




Notary Public in and for the
State of Alaska
My commission expires: _____

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

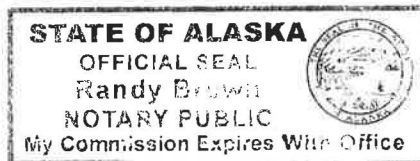
I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the State Board of Registration for Architects, Engineers, and Land Surveyors has kept a record of its use or rejection of 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 State Board of Registration for Architects, Engineers, and Land Surveyors regulations on dealing with application deadlines.

DATE: 5/31/16
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 31st day of May, 2016.



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

**NOTICE OF PROPOSED CHANGES TO APPLICATION DEADLINES IN THE
REGULATIONS OF THE STATE BOARD OF REGISTRATION FOR ARCHITECTS,
ENGINEERS, AND LAND SURVEYORS**

BRIEF DESCRIPTION: The State Board of Registration for Architects, Engineers, and Land Surveyors proposes to change the application deadlines from 14 days to 30 days.

The State Board of Registration for Architects, Engineers, and Land Surveyors (Board) proposes to adopt regulation changes in Title 12, Chapter 36, of the Alaska Administrative Code, dealing with application deadlines, including the following:

12 AAC 36.050, Application deadlines, is proposed to be changed to alter the requirements for application deadlines from 14 days to 30 days before the meeting of the Board.

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 Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974, and by electronic mail at marilyn.zimmerman@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/180542>, and using the comment link. **The comments must be received not later than 4:30 p.m. on April 8, 2016.**

You may submit written questions relevant to the proposed action to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at marilyn.zimmerman@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofArchitectsEngineersandLandSurveyors.aspx> or on the Alaska Online Public Notice System. The Board 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 Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov not later than April 1, 2016 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Marilyn Zimmerman at the address or phone number above, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/AELS-0316.pdf>.


After the public comment period ends, the Board 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 regulations may be different from that of the proposed regulations. **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 08.48.101; AS 08.48.181

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.48.101; AS 08.48.181

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


DATE: 3/8/16



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:** State Board of Registration for Architects, Engineers, and Land Surveyors – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Application deadlines.
3. **Citation of regulation:** 12 AAC 36.050.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None.
Another state agency: None.
A municipality: None.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2016 or in subsequent years.
9. **The name of the contact person for the regulations:**
Richard (Vern) Jones, Executive Administrator
State Board of Registration for Architects, Engineers, and Land Surveyors
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-1676
E-mail: richard.jones@alaska.gov
10. **The origin of the proposed action:** State Board of Registration for Architects, Engineers, and Land Surveyors.
11. **Date:** 3/8/16 **Prepared by:** 
Jun Maiquis
Regulations Specialist
(907) 465-2537

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0001381946
\$415.85

RECEIVED
Juneau

MAR 14 2016

CBPL

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch 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

March 09, 2016

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

Emma Dunlap

Subscribed and sworn to before me
this 9th day of March, 2016

Britney Thompson

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

2/23/2019

NOTICE OF PROPOSED CHANGES TO APPLICATION DEADLINES IN THE REGULATIONS OF THE STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS

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Statutory Authority: AS 08.48.101; AS 08.48.181

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.48.101; AS 08.48.181

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

DATE: 3/8/16

/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: March 9, 2016

