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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: September 15, 2023

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

State Board of Registration for Architects, Engineers, and Land Surveyors regulations re:
Continuing Education Requirements (12 AAC 36.510 - .550)

Attorney General File:	2023200145
Regulation Filed:	9/15/2023
Effective Date:	10/15/2023
Print:	248, January 2024

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



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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September 12, 2023

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

Re: *12 AAC 36.510 - .550: Bd. of Architects, Engineers, and Land Surveyors -
Continuing Education Requirements*

Our file: 2023200145

Dear Lieutenant Governor Dahlstrom:

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

The regulations concern the continuing education requirements for professional architects, engineers, land surveyors and landscape architects. The regulations streamline existing provisions by eliminating redundant and repetitive references that impede readability, simplifying requirements related to computation and recordkeeping of education credits, and adding clarifying definitions.

The June 14, 2023 public notice and the August 31, 2023 certification of adoption both 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.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

Rebecca C. Polizzotto
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Rebecca C. Polizzotto
Date: 2023.09.12
12:49:57 -08'00'

By:

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

RCP/pwp

CC w/enclosure: Stephanie Davis, Regulations Specialist 2
Department of Commerce, Community and Economic Development

Harriet D. Milks, Senior Assistant Attorney General
Department of Law

Parker W. Patterson, 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 fourteen pages of regulations, dealing with updating the continuing education requirements for professional architects, engineers, land surveyors, and landscape architects, 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 August 28, 2023 meeting, under the authority of AS 08.48.071, AS 08.48.101, and AS 08.48.341, 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: 8/31/2023

Digitally signed by Sara
J Neal
Date: 2023.08.31
10:30:19 -08'00'

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 _____
September 15, 2023 at 3:38 p.m., I filed the attached regulations
according to the provisions of AS 44.62.040 – 44.62.120.

for *Nancy Dahlstrom*
Nancy Dahlstrom, Lieutenant Governor

Effective: October 15, 2023

Register: 248, January 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**

12 AAC 36.510 is amended to read:

12 AAC 36.510. Continuing education requirements. (a) Unless exempted under 12 AAC 36.530, a **registrant shall** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT MUST] meet the continuing education requirements of 12 AAC 36.510 - 12 AAC 36.550 as a condition of the renewal, reinstatement, or reactivation of **the registrant's** [THE PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] registration.

(b) Unless exempted under 12 AAC 36.530, a **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] seeking renewal, reinstatement, or reactivation of **the registrant's** [A PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] registration shall submit, on a form provided by the department, a certification that the **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] has met the continuing education requirements of 12 AAC 36.510 - 12 AAC 36.550.

(c) To renew a professional architect, engineer, land surveyor, or landscape architect registration, a **registrant shall** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT MUST] obtain a minimum of 24 professional development hours during the 24 months immediately preceding that registration period.

(d) To reinstate a lapsed professional architect, engineer, land surveyor, or landscape architect registration, a **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] seeking reinstatement **shall** [MUST] obtain a minimum of 24 professional development hours during the 24 months immediately preceding the application for reinstatement of **the registrant's** [THE PROFESSIONAL ARCHITECT,

ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] registration **unless the registrant meets the requirements of 12 AAC 36.530(e) and obtains eight professional development hours during the 24 months immediately preceding the application for reinstatement of the registrant's registration, except as provided in AS 08.01.100(d).**

(e) Repealed 10 / 15 / 2023.

(f) A professional architect, engineer, land surveyor, or landscape architect holding multiple registrations in the state is required to earn at least the minimum number of professional development hours of continuing education as those required for a single registration holder [HOWEVER, AT LEAST EIGHT HOURS OF THE PROFESSIONAL DEVELOPMENT HOURS MUST BE IN EACH REGISTRATION HELD].

(g) Continuing education courses or activities are not pre-approved by the board, but must **be in technical and professional subjects related to the scope of practice of the registrant** [MEET THE FOLLOWING CRITERIA:

(1) THE SUBJECT MATTER MUST ADDRESS THE PUBLIC'S HEALTH, SAFETY, AND WELFARE BY INSTRUCTING IN THE PROPER PLANNING AND DESIGN IN THE AREA OF THE REGISTRANT'S REGISTRATION OR DISCIPLINE, FOR THE CONSTRUCTION OF BUILDINGS, STRUCTURES, INFRASTRUCTURE, OR THE SPACES WITHIN AND SURROUNDING SUCH FACILITIES, PRESERVATION AND ENHANCEMENT OF LAND USE AND NATURAL LAND FEATURES, MEASURING AND LOCATING LAND FOR PROPERTY BOUNDARIES, PLATTING, PLANNING AND DESIGN OF SUBDIVISIONS, OR THE PREPARATION AND PERPETUATION OF MAPS OR RECORD PLATS SO THAT GENERALLY

(A) RISK OF INJURY TO PERSONS OR PROPERTY IS MINIMIZED;

(B) THE RESULTS ARE DURABLE AND ENVIRONMENTALLY FRIENDLY;

(C) THE RESULTS FUNCTION PROPERLY IN ALL RELEVANT RESPECTS; OR

(D) THE RESULTS ENHANCE THE GENERAL WELFARE OF THE PUBLIC;

(2) THE COURSE OR ACTIVITY MUST BE RELEVANT TO THE PRACTICE OF PROFESSIONAL ARCHITECTURE, ENGINEERING, LAND SURVEYING, OR LANDSCAPE ARCHITECTURE, AND MAY INCLUDE TECHNICAL, ETHICAL, OR MANAGERIAL CONTENT;

(3) THE COURSE OR ACTIVITY MUST BE DESIGNED TO MAINTAIN, IMPROVE, OR EXPAND PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT SKILLS AND KNOWLEDGE;

(4) EACH COURSE OR ACTIVITY MUST BE WELL ORGANIZED AND THE CONTENT PRESENTED IN A SEQUENTIAL MANNER; AND

(5) THE PRESENTATION MUST BE MADE BY PERSONS WHO ARE WELL QUALIFIED IN THE SUBJECT BY EDUCATION OR EXPERIENCE IN THE SUBJECT].

(h) Repealed 10 / 15 / 2023.

(i) A **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] who also holds a registration as a professional architect, engineer, land surveyor, or landscape architect in another licensing jurisdiction may meet the requirements of 12 AAC 36.510 - 12 AAC 36.550 by establishing that the **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE

ARCHITECT] has met the mandatory continuing education requirements for renewal of the professional architect, engineer, land surveyor, or landscape architect registration in the other licensing jurisdiction, if the mandatory continuing education requirements of the other jurisdiction are substantially similar to or exceed those of 12 AAC 36.510 - 12 AAC 36.550 at the time that continuing education credit is claimed.

(j) To reactivate a retired professional architect, engineer, land surveyor, or landscape architect registration, a professional architect, engineer, land surveyor, or landscape architect seeking reactivation must obtain 24 professional development hours during the 24 months immediately preceding the application for reactivation of the professional architect, engineer, land surveyor, or landscape architect registration **unless the registrant meets the requirements of 12 AAC 36.530(e) and obtains eight professional development hours during the 24 months immediately preceding the application for reinstatement of the registrant's registration, except as provided in AS 08.01.100(d).**

(k) If an applicant for renewal of an architect, engineer, land surveyor, or landscape architect registration fails to meet the continuing education requirements of (c) of this section on or before **December 31** [DECEMBER 31ST] of the current biennium, the applicant may request an extension to complete the required professional development hours. This extension does not function as a license extension and the registrant cannot practice during this period. The applicant must

(1) submit a completed application for biennial registration renewal on a form provided by the department;

(2) pay the biennial registration renewal and continuing education extension fees established in 12 AAC 02.110;

(3) complete the required professional development hours before the first January 31st of the new biennium; and

(4) submit a continuing education audit form with documentation, acceptable to the board, showing completion of the required continuing education. (Eff. 10/18/2007, Register 184; am 7/12/2008, Register 187; am 7/13/2011, Register 199; am 9/11/2015, Register 215; am 10/31/2019, Register 232; am 10 / 15 / 2023, Register 248)

Authority: AS 08.48.071 AS 08.48.101 AS 08.48.341

12 AAC 36.520 is amended to read:

12 AAC 36.520. Computation of continuing education credit. (a) The board has final authority with respect to the acceptance of courses, activities, credits, professional development hour values, and other methods of earning continuing education credits. Continuing education credit is computed as follows:

(1) credit for college approved courses is based upon course credit established by the college and contingent upon receipt of a passing grade; for college approved courses,

(A) one unit of college semester credit equals 45 professional development hours;

(B) one unit of college quarter credit equals 30 professional development hours;

(2) credit for qualifying courses or activities including seminars, in-house workshops, and other professional [OR TECHNICAL] presentations is based on one professional development hour for each hour of attendance [AT THE SEMINAR, IN-HOUSE WORKSHOP, OR PROFESSIONAL OR TECHNICAL PRESENTATION];

(3) each hour of teaching equals two hours of credit for teaching under (1) and (2) of this subsection, full-time faculty may not claim teaching credit associated with the registrant's regular duties [ATTENDANCE AT QUALIFYING PROGRAMS PRESENTED AT PROFESSIONAL AND TECHNICAL SOCIETY MEETINGS, CONVENTIONS, OR CONFERENCES EARNS ONE PROFESSIONAL DEVELOPMENT HOUR FOR EACH HOUR OF ATTENDANCE AT THE PROGRAM];

(4) credit for published papers, articles, or books is

(A) based on one professional development hour for each hour of professional preparation of the paper, article, or book; **and**

(B) based on one professional development hour for each hour of technical or peer review of the paper, article, or book [DETERMINED BY THE PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT; AND

(C) SUBJECT TO REVIEW AND APPROVAL BY THE BOARD UNDER THE STANDARDS SET OUT IN 12 AAC 36.510 – 12 AAC 36.550];

(5) up to eight hours annually may be credited [CREDIT] for participation [PARTICIPATING] in each professional and technical organization; credit [SOCIETIES] may be claimed for a year of service as an officer or in active participation in a committee of the organization [SOCIETY], based on one professional development hour for every two hours of service or participation in each organization; [PROFESSIONAL DEVELOPMENT HOUR CREDITS UNDER THIS PARAGRAPH ARE EARNED AT THE END OF EACH FULL YEAR OF SERVICE OR PARTICIPATION]

(6) up to 10 professional development hours may be credited for each patent

awarded:

(7) up to eight professional development hours may be credited for successfully completing a course or activity that has content areas focusing on ethics or business-related activity, improving a registrant's business practice or operations, or advancing professionally related skills and practices as applicable to the practice of the registrant;

(8) up to one professional development hour may be credited for each hour of outreach activity the registrant completes;

(9) up to four hours annually may be credited for structured self-study in the subject for which the registrant holds a registration;

(10) not more than 12 professional development hours may be claimed on a single calendar day;

(11) fractions of hours are rounded down to the nearest half hour.

(b) Repealed 10 / 15 / 2023. (Eff. 10/18/2007, Register 184; am 7/12/2008, Register 187; am 7/13/2011, Register 199; am 10 / 15 / 2023, Register 248)

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.530 is amended to read:

12 AAC 36.530. Exemptions. (a) A professional architect, engineer, land surveyor, or landscape architect is exempt from the continuing education requirements of 12 AAC 36.510 - 12 AAC 36.550 for the first biennial registration renewal period following initial issuance of the professional architect, engineer, land surveyor, or landscape architect registration.

(b) A **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR,

OR LANDSCAPE ARCHITECT] is exempt from the continuing education requirements of 12 AAC 36.510 - 12 AAC 36.550 for renewal of the professional architect, engineer, land surveyor, or landscape architect registration for the biennial registration period immediately following a period of service by the **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] on active duty in the armed forces of the United States exceeding 120 consecutive days within a 12-month period.

(c) A **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] who is in retired status under 12 AAC 36.115 is exempt from the continuing education requirements of 12 AAC 36.510 - 12 AAC 36.550 during the time the **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] is retired, **except that a** [. A] retired **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] who wishes to return to active practice as a professional architect, engineer, land surveyor, or landscape architect must meet the requirements of 12 AAC 36.115, including continuing education requirements applicable under 12 AAC 36.510(j).

(d) A **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] may request an exemption from the continuing education requirements of 12 AAC 36.510 - 12 AAC 36.550 by submitting a written request to the board that describes the reasons for the request and includes supporting documentation. If the board finds good cause, the board will grant an exemption under this subsection to a **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] who is experiencing a physical disability, serious illness, family emergency, or other extenuating circumstance.

(e) A professional architect, engineer, land surveyor, or landscape architect is partially exempt from the continuing education requirements of 12 AAC 36.510 - 12 AAC 36.550 if that individual has been registered as a professional architect, engineer, land surveyor, or landscape architect for a duration of 30 or more years in a NCEES, NCARB, or CLARB recognized jurisdiction. The individual must complete eight hours per biennial licensing period. (Eff. 10/18/2007, Register 184; am 7/12/2008, Register 187; am 7/13/2011, Register 199; am 10 / 15 / 2023, Register 248)

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.540 is amended to read:

12 AAC 36.540. Record keeping and review of records. (a) A professional architect, engineer, land surveyor, or landscape architect shall maintain records that may be used to verify professional development hours claimed under 12 AAC 36.510 - 12 AAC 36.550. These required records include

(1) a log showing the course or activity claimed, the sponsoring organization, the [LOCATION AND] duration of the course or activity, the **activity title and description of content** [NAME OF THE SPEAKER OR INSTRUCTOR, AND THE UNIT OF CREDIT OR NUMBER OF PROFESSIONAL DEVELOPMENT HOURS EARNED]; and

(2) **a board-approved continuing education structured report for publishing, teaching, presenting, active participation in professional and technical societies, in-house programs, patents, outreach activities, and structured self-study** [ATTENDANCE VERIFICATION RECORDS IN THE FORM OF COMPLETION CERTIFICATIONS, SIGNED ATTENDANCE RECEIPTS, RECEIPTS FOR THE PAYMENT OF TUITION OR

FEES, A COPY OF A LIST OF PARTICIPANTS SIGNED BY THE SPEAKER OR INSTRUCTOR, OR SIMILAR DOCUMENTS SHOWING EVIDENCE OF ATTENDANCE].

(b) Records required under (a) of this section must include sufficient detail to permit verification during an audit, and must be maintained for at least four years from the date that the course or activity was completed.

(c) The board may request at any time that a **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] provide proof of compliance with the continuing education requirements of 12 AAC 36.510 - 12 AAC 36.550. A **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] must provide a copy of the records required under (a) of this section to the board **not** [NO] later than 30 days after receipt of a request for the records.

(d) Audits of compliance of **registrant** [PROFESSIONAL ARCHITECT, ENGINEER, LAND SURVEYOR, OR LANDSCAPE ARCHITECT] continuing education requirements will be conducted in accordance with 12 AAC 02.960. (Eff. 10/18/2007, Register 184; am 7/13/2011, Register 199; am 10 / 15 / 2023, Register 240)

Authority: AS 08.48.071 AS 08.48.101

12 AAC 36.550 is amended to read:

12 AAC 36.550. Definitions. In 12 AAC 36.500 - 12 AAC 36.550, unless the context requires otherwise,

(1) "college" includes a community college and a university;

(2) "continuing education unit" means a **unit of credit customarily used for**

continuing education courses; for purposes of this paragraph, one continuing education

unit equals 10 contact hours in an approved continuing education course [UNIFORM UNIT OF MEASURE FOR CONTINUING EDUCATION AND TRAINING ESTABLISHED BY A NATIONALLY RECOGNIZED PROFESSIONAL OR TECHNICAL SOCIETY ACCEPTABLE TO THE BOARD];

(3) repealed 10 / 15 / 2023 ;

(4) repealed 10 / 15 / 2023 ;

(5) "professional development hour" means not less than 50 minutes of instruction or presentation in a continuing education course or activity that meets the requirements of 12 AAC 36.510;

(6) "ethics or business-related course or activity" means a qualifying course or activity with content areas related to

(A) awareness of ethical concerns and conflicts;

(B) familiarity with the codes of conduct;

(C) understanding of standards of practice;

(D) project management and risk-management; or

(E) other similar topics aimed at maintaining, improving, or

expanding the skills set and knowledge relevant to the registrant's field and methods of practice;

(7) "outreach activity" includes active participation in educational outreach activities pertaining to professional licensure or the architecture, engineering, land surveying, or landscape architecture professions that involve K - 12 or higher education students;

(8) "qualifying course or activity"

Register 248, January ²⁰²⁴ ~~2023~~ PROFESSIONAL REGULATIONS

(A) means a course or activity

(i) with a clear purpose and objective; and

(ii) that will maintain, improve, or expand the skills and

knowledge relevant to the registrant's field of practice;

(B) does not include regular duties;

(9) "structured self-study" means time spent engaging in self-guided

professional development. (Eff. 10/18/2007, Register 184; am 7/12/2008, Register 187; am

7/13/2011, Register 199; am 10 / 15 / 2023, Register 248)

Authority: AS 08.48.101 AS 08.48.341