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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 22, 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: Experience requirements, definitions, and examination requirements (12 AAC 36)

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Attorney General File:	2023200087
Regulation Filed:	9/22/2023
Effective Date:	10/22/2023
Print:	248, January 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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September 19, 2023

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 -  
Experience requirements, definitions, examination requirements*  
Our file: 2023200087

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 concern experience requirements, definitions, examination requirements, especially with respect to structural engineers.

The June 15, 2023 public notice and the August 31, 2023 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 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

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: 2023.09.19  
16:28:07 -08'00'

RCP/scw

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

Harriet D. Milks, Assistant Attorney General  
Department of Law

Steven C. Weaver, 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>nine</sup> ten pages of regulations, dealing with updates relating to applications for initial licensure and the respective requirements for work experience, professional or subprofessional experience, dates of experience, eligibility for examination, education requirements, supporting verification requirements; requirements for licensure by comity; standards and definitions, 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 08.48.101, AS 08.48.171, AS 08.48.181, AS 08.48.191, AS 08.48.201, 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: 8/31/2023

**Sara J Neal**

Digitally signed by Sara J  
Neal

Date: 2023.08.31 14:50:37  
-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 22, 2023 at 1:07 p.m., I filed the attached regulations  
according to the provisions of AS 44.62.040 – 44.62.120.

*for April Simpson*  
\_\_\_\_\_  
Nancy Dahlstrom, Lieutenant Governor

Effective: October 22, 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**

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

12 AAC 36.063(c)(1) is amended to read:

(1) two years of responsible charge experience or **the equivalent experience gained through a** [SUCCESSFUL COMPLETION OF A FOUR-YEAR RESPONSIBLE CHARGE] mentoring **program, within the meaning given in 12 AAC 36.990(a)** and this section; **to** [. TO] receive full credit for responsible charge experience, an applicant must gain responsible charge experience while under the responsible control of a professional engineer registered in the United States in the branch of engineering for which the applicant has applied; **the** [THE] board will determine the amount of credit given for responsible charge experience gained under the responsible control of a professional engineer registered in the United States in another branch of engineering based on the comparability with the branch of engineering to which the applicant has applied;

12 AAC 36.063(c)(2) is amended to read:

(2) [RESPONSIBLE CHARGE] experience **gained under (i) of this section** [OR SUCCESSFUL COMPLETION OF FOUR YEARS OF RESPONSIBLE CHARGE OBTAINED WITHIN A MENTORING SYSTEM] will be considered for credit only if it is gained after the applicant has completed education or work experience or both that are equivalent to the requirements to be eligible for the fundamentals of engineering examination.

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

(j) To meet the mentoring requirements of this section, an applicant must complete [FOUR YEARS OF] quarterly face-to-face meetings with a professional engineer **who is**

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registered in the United States and registered in the same discipline that the applicant is applying for. **One quarter of responsible charge experience will be credited for every two quarters of a documented mentoring program.** An applicant shall

...

12 AAC 36.063(k) is repealed:

(k) Repealed 10 / 22 / 2023. (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 10 / 22 / 2023, Register 248)

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

12 AAC 36.067 is repealed and readopted to read:

**12 AAC 36.067. Date of experience.** An applicant for registration as an engineer by examination who meets the requirements of 12 AAC 36.063(c)(1), or an applicant for registration as a land surveyor by examination who meets the requirements of 12 AAC 36.065(b) may project up to three months of professional or subprofessional work within the meaning given in 12 AAC 36.990(a) from the time of application to the date of the examination. (Eff. 9/30/78, Register 67; am 11/13/99, Register 152; am 10 / 22 / 2023, Register 248)

**Authority:** AS 08.48.101 AS 08.48.171

12 AAC 36 is amended by adding a new section to read:

**12 AAC 36.075. Eligibility for structural engineering registration by examination.**

(a) To be eligible for registration as a structural engineer, an applicant must

- (1) submit a completed application on a form provided by the department;
- (2) be currently registered as a professional engineer in this state;
- (3) have successfully passed the examination required in 12 AAC 36.100(g);
- (4) have at least two years of structural engineering work experience that must

(A) be gained after obtaining a professional engineering license;

(B) demonstrate progressive experience, knowledge, and project

responsibilities relating to the design of structural systems;

(C) be obtained under the responsible charge of

(i) a registered professional structural engineer;

(ii) a registered professional engineer practicing structural design

to the standard of a professional structural engineer in a jurisdiction without separate licensure requirements for structural engineers; or

(iii) a mentoring registered professional structural engineer

engaged with the applicant through a mentoring program;

(D) include practical design experience in one or more of the following

areas:

(i) buildings or structures of at least 45 feet, or two stories, in height, located in a region of moderate or high seismic risk;

(ii) seismic rehabilitation or retrofitting of an existing building or structure located in a region of moderate or high seismic risk; or



(iii) structural design of any other structure of comparable structural complexity as set out in (i) or (ii) of this subparagraph; and

(5) submit evidence to the board's satisfaction that the applicant's experience meets the requirements as set out in (4) of this subsection.

(b) to be eligible for the structural engineering examination required in 12 AAC 36.100(g), an applicant must be currently registered as a professional engineer in this state. (Eff.

10 / 22 / 2023, Register 248)

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

The introductory language of 12 AAC 36.100(d) is amended to read:

(d) An [UNLESS AN APPLICANT IS REGISTERED BY COMITY UNDER AS 08.48.191(c), AN] applicant for registration as a land surveyor must pass the professional land surveyor examination, that includes

...

12 AAC 36.100 is amended by adding a new subsection to read:

(g) An applicant for registration as a structural engineer must pass the NCEES Principles and Practices of Engineering Structural Examination unless applying for registration by comity under 12 AAC 36.108. (Eff. 5/23/74, Register 50; am 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am 11/13/99, Register 152; am 8/19/2006, Register 179; am 7/12/2008, Register 187; am 7/19/2009, Register 191; am 5/5/2023, Register 246; am

10 / 22 / 2023, Register 248)

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

12 AAC 36 is amended by adding a new section to read:

**12 AAC 36.104. Structural engineer registration by comity.** (a) An applicant for registration as a structural engineer by comity must

(1) submit verification of current registration to practice structural engineering in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, that is based upon education, experience, and examination requirements that, in the opinion of the board, are at least equivalent to the requirements as set out in AS 08.48 and this chapter at the time the applicant's registration was issued in the other jurisdiction;

(2) have passed one of the following structural engineering examinations:

(A) the NCEES PE Structural Examination;

(B) the NCEES Structural Engineering II and Washington or California Structural III examinations;

(C) the NCEES Structural Engineering I and NCEES Structural Engineering II; or

(D) the Western States 16-hour Structural Examination;

(3) have completed the cold regions design requirements of 12 AAC 36.110;

(4) have completed a jurisprudence questionnaire prepared by the board, covering the provisions of AS 08.01 - 08.03, 12 AAC 02, AS 08.48 and this chapter;

(5) meet the requirements for a professional engineering registration set out in 12 AAC 36.063(a)(3) plus an additional two years of experience working under the supervision of a registered professional engineer practicing structural engineering; and

(6) submit evidence of work experience by means of

(A) a letter bearing the signature and seal of the engineer responsible for the supervision of the applicant, verifying that applicant has been practicing structural engineering for two years; or

(B) two current letters of reference bearing the signatures and seals of professional engineers who meet the requirements of (b)(1) or (2) of this section, verifying that applicant has been practicing structural engineering as a registered professional engineer for at least five years before submitting an application under this section.

(b) Evidence of work experience and letters of references required under (a)(6)(A) and (B) of this section must be provided by

(1) a registered professional structural engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country; or

(2) a registered professional engineer practicing structural design to the standard of a professional structural engineer.

(c) If the letter provided by an engineer to meet the requirements of (a)(6)(A) or (B) of this section does not possess a seal, the engineer must provide an explanation to the board, providing the engineer's registration number and certifying that the registration of that engineer is current.

(d) An applicant for registration as a structural engineer by comity may submit a council record issued by NCEES to verify the applicant's qualifications, including

(1) the applicant's examination results;

(2) records of the applicant's education; and

(3) verification of the applicant's registration in another licensing jurisdiction.

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(Eff. 10 / 22 / 2023, Register 248)

**Authority:** AS 08.48.101 AS 08.48.201

12 AAC 36.105(h) is repealed and readopted to read:

(h) An applicant who has passed the NCEES Structural Engineering I Examination, NCEES Structural Engineering II Examination, or the NCEES PE Structural Examination may be granted a civil engineering registration. (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, 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

10 / 22 / 2023, Register 248)

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

12 AAC 36.107(a)(3) is amended to read.

(3) has passed the [STATE LAND SURVEYOR] examination identified in 12 AAC 36.100(d) [12 AAC 36.100(d)(3)].  
(Eff. 6/3/89, Register 110; am 10/20/90, Register 116; am 3/16/96, Register 137; am 5/5/2023,

Register 246; am 10 / 22 / 2023, Register 248)

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

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12 AAC 36.990(a)(17)(O) is repealed:

(O) repealed 10 / 22 / 2023 ;

12 AAC 36.990(a)(42) is amended to read:

(42) "structural engineering" means the **practice of** [BRANCH OF PROFESSIONAL] engineering that embraces the studies and activities relating to the investigation, evaluation, analysis, design and construction of buildings, bridges, and other structures such as walls, columns, slabs, beams, trusses, or similar members requiring force-resisting and load bearing members and their connections, or similar members used singly or as a part of a larger structure, and the organizational and economic aspects of these studies and activities;

12 AAC 36.990(a)(46) is repealed:

(46) repealed 10 / 22 / 2023 ;

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

(47) "mentoring program" means a program in which a corresponding licensee reviews a mentee's work on a regular basis to ensure that the work meets the standard of care of that discipline and confirms that the mentee is developing experience and responsible charge experience.

(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;

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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 10 / 22 / 2023, Register 248)

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