

**HOUSE BILL NO. 215**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE SADDLER**

**Introduced: 4/30/25**

**Referred: Labor and Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act extending the termination date of the State Board of Registration for**  
2 **Architects, Engineers, and Land Surveyors; relating to the State Board of Registration**  
3 **for Architects, Engineers, and Land Surveyors; relating to the practice of architecture,**  
4 **engineering, land surveyors, and landscape architecture; relating to scope of the**  
5 **certification requirements for architects, engineers, land surveyors, and landscape**  
6 **architects; relating to immunity for design professionals; relating to liens for labor or**  
7 **materials furnished; relating to the procurement of landscape architectural services;**  
8 **and providing for an effective date."**

9 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

10 **\* Section 1.** AS 08.03.010(c)(3) is amended to read:

11 (3) State Board of Registration for Architects, Engineers, and Land  
12 Surveyors (AS 08.48.011) - June 30, 2033 [2025];

1 \* **Sec. 2.** AS 08.48.011(b) is amended to read:

2 (b) The board consists of **12** [11] members appointed by the governor having  
3 the qualifications as set out in AS 08.48.031. The board consists of

4 **(1)** two civil engineers;

5 **(2)** [,] two land surveyors;

6 **(3)** [,] one mining, **petroleum, or chemical** engineer;

7 **(4)** [,] one electrical **engineer**;

8 **(5)** **one** [OR] mechanical engineer;

9 **(6)** [,] one engineer from another branch of the profession of  
10 engineering;

11 **(7)** [,] two architects;

12 **(8)** [,] one landscape architect; [,] and

13 **(9)** one public member.

14 \* **Sec. 3.** AS 08.48.055(a) is amended to read:

15 (a) The department, in consultation with the board, shall employ two persons  
16 who are not members of the board. One shall serve as the executive administrator of  
17 the board. The other shall serve as investigator for the board. The executive  
18 administrator is the principal executive officer of the board, [AND IS] in the partially  
19 exempt service under AS 39.25.120, **and entitled to receive a monthly salary equal**  
20 **to a step in Range 23 on the salary schedule set out in AS 39.27.011(a).**

21 \* **Sec. 4.** AS 08.48.111 is amended to read:

22 **Sec. 08.48.111. Power to revoke, suspend, or reissue certificate.** The board  
23 may suspend, refuse to renew, or revoke the certificate of or reprimand a registrant,  
24 corporation, limited liability company, limited liability partnership, or limited  
25 partnership who is found guilty of (1) fraud or deceit in obtaining a certificate; (2)  
26 gross negligence, incompetence, or misconduct in the practice of architecture,  
27 engineering, land surveying, or landscape architecture; or (3) a violation of this  
28 chapter, a regulation adopted under this chapter, or the code of ethics or professional  
29 conduct as adopted by the board. **The board** [THE CODE OF ETHICS OR  
30 PROFESSIONAL CONDUCT] shall **notify registrants** [BE DISTRIBUTED IN  
31 WRITING TO EVERY REGISTRANT] and **applicants** [APPLICANT] for

1 registration under this chapter **of the code of ethics or professional conduct. The**  
 2 **board shall immediately notify registrants of revisions or amendments to the**  
 3 **code of ethics or professional conduct.** [THIS PUBLICATION AND  
 4 DISTRIBUTION OF THE CODE OF ETHICS OR PROFESSIONAL CONDUCT  
 5 CONSTITUTES DUE NOTICE TO ALL REGISTRANTS. THE BOARD MAY  
 6 REVISE AND AMEND ITS CODE AND, UPON DOING SO, SHALL  
 7 IMMEDIATELY NOTIFY EACH REGISTRANT IN WRITING OF THE  
 8 REVISIONS OR AMENDMENTS.] The board may, upon petition of the registrant,  
 9 corporation, limited liability company, limited liability partnership, or limited  
 10 partnership, reissue a certificate if a majority of the members of the board vote in  
 11 favor of the reissuance.

12 \* **Sec. 5.** AS 08.48.331(a) is amended to read:

13 (a) This chapter does not apply to

14 (1) a contractor performing work designed by a professional architect,  
 15 engineer, or landscape architect or the supervision of the construction of the work as a  
 16 supervisor or superintendent for a contractor;

17 (2) workers in building trades crafts, earthwork, grounds keeping, or  
 18 nursery operations, and superintendents, supervisors, or inspectors in the performance  
 19 of their customary duties;

20 (3) an officer or employee of the United States government practicing  
 21 architecture, engineering, land surveying, or landscape architecture as required by the  
 22 person's official capacity;

23 (4) an employee or a subordinate of a registrant if the work or service  
 24 is done under the direct supervision of a registrant;

25 (5) associates, consultants, or specialists retained by a registrant, [A]  
 26 partnership of registered individuals, [A] corporation, [A] limited liability company,  
 27 [A] limited liability partnership, or [A] limited partnership authorized to practice  
 28 architecture, engineering, land surveying, or landscape architecture under this chapter,  
 29 in the performance of professional services if responsible charge of the work remains  
 30 with the registrant, the partnership, or a designated representative of the corporation,  
 31 limited liability company, limited liability partnership, or limited partnership;

- 1 (6) a person preparing drawings or specifications for  
2 (A) a building for the person's own use and occupancy as a  
3 single family residence and related site work for that building;  
4 (B) farm or ranch buildings and their grounds unless the public  
5 health, safety, or welfare is involved;  
6 (C) a building that is intended to be used only as a residence by  
7 not more than  
8 (i) four families and that is not more than two stories  
9 high and the grounds of the building; or  
10 (ii) two families and that is not more than three stories  
11 high and the grounds of the building, if the building is located in a  
12 municipality that has adopted a building or residential code that applies  
13 to the building and if the building complies with the building or  
14 residential code;  
15 (D) a garage, workshop, or similar building that contains less  
16 than 2,000 square feet of floor space to be used for a private noncommercial  
17 purpose and the grounds of the building;
- 18 (7) a specialty contractor licensed under AS 08.18 while engaged in  
19 the business of construction contracting for work designed by an architect, engineer,  
20 or landscape architect that is within the specialty to be performed or supervised by the  
21 specialty contractor, or a contractor preparing shop or field drawings for work that the  
22 specialty contractor has contracted to perform;
- 23 (8) a person furnishing drawings, specifications, instruments of  
24 service, or other data for alterations or repairs to a building or its grounds that do not  
25 change or affect the structural system or the safety of the building, or that do not affect  
26 the public health, safety, or welfare;
- 27 (9) a person who is employed by a postsecondary educational  
28 institution to teach engineering, architectural, or landscape architectural courses; in  
29 this paragraph, "postsecondary educational institution" has the meaning given in  
30 AS 14.48.210;
- 31 (10) an officer or employee of an individual, firm, partnership,

1 association, utility, corporation, limited liability company, limited liability partnership,  
 2 or limited partnership, who practices engineering, architecture, land surveying, or  
 3 landscape architecture involved in the operation of the employer's business only [,  
 4 AND FURTHER] if neither the employee nor the employer offers engineering,  
 5 architecture, land surveying, or landscape architecture services to the public;  
 6 exclusions under this paragraph do not apply **to an officer or employee practicing**  
 7 **engineering, architecture, land surveying, or landscape architecture on**

8 **(A)** [TO] buildings or structures whose primary use is public  
 9 occupancy; **or**

10 **(B) natural gas pipelines; in this subparagraph, "natural**  
 11 **gas pipeline" has the meaning given in AS 31.25.390;**

12 (11) a person while involved in revegetation, restoration, reclamation,  
 13 rehabilitation, or erosion control for disturbed land that the board determines does not  
 14 affect the public health, safety, or welfare;

15 (12) a person while maintaining or directing the placement of plant  
 16 material that the board determines does not affect the public health, safety, or welfare;

17 (13) an employee, officer, or agent of a regulatory agency of the state  
 18 or a municipality when reviewing drawings and specifications for compliance with the  
 19 building codes of the state or a municipality if the drawings and specifications have  
 20 been sealed and signed by an architect, engineer, land surveyor, or landscape architect  
 21 or the preparation of the drawings and specifications is exempt under this section from  
 22 the requirements of this chapter; in this paragraph, "building codes" includes codes  
 23 relating to building, mechanical, plumbing, electrical, fire safety standards, and  
 24 zoning;

25 (14) a person who is designing fire protection systems and is  
 26 authorized by the Department of Public Safety to design fire protection systems;

27 **(15) a person who is**

28 **(A) authorized to construct, install, or modify a**  
 29 **conventional onsite wastewater system by the Department of**  
 30 **Environmental Conservation under AS 46.03.100; and**

31 **(B) constructing, installing, or modifying a conventional**

1                    **onsite wastewater system that serves a commercial facility and has a**  
 2                    **design flow of 500 gallons of wastewater a day or less.**

3                    \* **Sec. 6.** AS 08.48.331 is amended by adding a new subsection to read:

4                    (c) The Department of Environmental Conservation may adopt regulations  
 5                    limiting the locations in the state in which (a)(15) of this section applies.

6                    \* **Sec. 7.** AS 23.30.017(c)(1) is amended to read:

7                    (1) "design professional" means a person registered under AS 08.48 as  
 8                    an architect, engineer, [OR] land surveyor, **or landscape architect;**

9                    \* **Sec. 8.** AS 34.35.050 is amended to read:

10                    **Sec. 34.35.050. Lien for labor or materials furnished.** A person has a lien,  
 11                    only to the extent provided under this chapter, to secure the payment of the contract  
 12                    price if the person

13                    (1) performs labor **on** [UPON] real property at the request of the owner  
 14                    or the agent of the owner for the construction, alteration, or repair of a building or  
 15                    improvement;

16                    (2) is a trustee of an employee benefit trust for the benefit of  
 17                    individuals performing labor on the building or improvement and has a direct contract  
 18                    with the owner or the agent of the owner for direct payments into the trust;

19                    (3) furnishes materials that are delivered to real property under a  
 20                    contract with the owner or the agent of the owner that are incorporated in the  
 21                    construction, alteration, or repair of a building or improvement;

22                    (4) furnishes equipment that is delivered to and used **on** [UPON] real  
 23                    property under a contract with the owner or the agent of the owner for the  
 24                    construction, alteration, or repair of a building or improvement;

25                    (5) performs services under a contract with the owner or the agent of  
 26                    the owner in connection with the preparation of plans, surveys, or architectural, [OR]  
 27                    engineering, **or landscape architectural** plans or drawings for the construction,  
 28                    alteration, or repair of a building or improvement, whether or not actually  
 29                    implemented on that property; or

30                    (6) is a general contractor.

31                    \* **Sec. 9.** AS 36.30.270(a) is amended to read:

1 (a) Notwithstanding conflicting provisions of AS 36.30.100 - 36.30.260, a  
 2 procurement officer shall negotiate a contract for an agency with the most qualified  
 3 and suitable firm or person of demonstrated competence for architectural, engineering,  
 4 [OR] land surveying, or landscape architectural services. The procurement officer  
 5 shall award a contract for those services at fair and reasonable compensation as  
 6 determined by the procurement officer, after consideration of the estimated value of  
 7 the services to be rendered, and the scope, complexity, and professional nature of the  
 8 services. When determining the most qualified and suitable firm or person, the  
 9 procurement officer shall consider the

10 (1) proximity to the project site of the office of the firm or person  
 11 unless federal law prohibits this factor from being considered in the awarding of the  
 12 contract; and

13 (2) employment practices of the firm or person with regard to women  
 14 and minorities.

15 \* **Sec. 10.** AS 36.30.270(d) is amended to read:

16 (d) Notwithstanding the other provisions of this section, a procurement officer  
 17 may include price as an added factor in selecting architectural, engineering, [AND]  
 18 land surveying, and landscape architectural services when, in the judgment of the  
 19 procurement officer, the services required are repetitious in nature, and the scope,  
 20 nature, and amount of services required are thoroughly defined by measurable and  
 21 objective standards to reasonably enable firms or persons making proposals to  
 22 compete with a clear understanding and interpretation of the services required. In  
 23 order to include price as a factor in selection, a majority of the persons involved by the  
 24 procurement officer in evaluation of the proposals must be registered in the state to  
 25 perform architectural, engineering, [OR] land surveying, or landscape architectural  
 26 services.

27 \* **Sec. 11.** AS 36.30.305(e) is amended to read:

28 (e) Architectural, engineering, [AND] land survey, and landscape  
 29 architectural contracts under AS 36.30.270 may not be made under this section.

30 \* **Sec. 12.** AS 08.48.011(c) is repealed.

31 \* **Sec. 13.** This Act takes effect July 1, 2025.