

MEMORANDUM

State of Alaska Department of Law

TO: The Honorable Mead Treadwell
Lieutenant Governor

DATE: February 3, 2012

FILE NO.: JU2011200554

Deborah E. Behr
FROM: Deborah E. Behr
Chief Assistant Attorney General
and Regulations Attorney
Legislation/Regulations Section - Juneau

TELEPHONE NO.: 465-3600

SUBJECT: State Board of Registration for
Architects, Engineers, and Land
Surveyors Regulations Re:
Architect Registration by Comity;
Engineers: Engineering Branches;
Seal; Scope Practice; Definitions
(12 AAC 36.103; 12 AAC 36.106;
12 AAC 36.180; 12 AAC 36.205;
12 AAC 36.990)

We have reviewed the changes to the attached regulations from the State Board of Registration for Architects, Engineers, and Land Surveyors (board). A duplicate of this memorandum is being furnished to Harley H. Hightower, FAIA, chair of the board.

The Department of Law has reviewed the attached regulations against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum and the attached duplicate original memorandum dated February 3, 2012 constitute the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The board adopted the regulation changes after the close of the public comment period. The regulation changes are regarding registration by comity for architects and the establishment of new branches of engineering, including definitions of those new branches of engineering and a process for registration in those additional branches of engineering, and standards regarding an engineer seal and scope of practice for engineers.

The certification of adoption order for the regulations states that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Finally, we have made some technical corrections to the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

DEB:KJM:kjm

cc: Harley H. Hightower, LAIA, Chair
State Board of Registration for Architects, Engineers, and Land Surveyors
Department of Commerce, Community, and Economic Development

MEMORANDUM

State of Alaska Department of Law

TO: Harley H. Hightower, FAIA, Chair
State Board of Registration for Architects,
Engineers, and Land Surveyors
Department of Commerce, Community,
and Economic Development

DATE: February 3, 2012

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(12 AAC 36.103; 12 AAC 36.106;
12 AAC 36.180; 12 AAC 36.205;
12 AAC 36.990)

Under AS 44.62.060, we have reviewed the changes to the attached State Board of Registration for Architects, Engineers, and Land Surveyors regulations and approve the changes for filing by the lieutenant governor. A duplicate original of this memorandum is being furnished to the lieutenant governor, along with the 13 pages of the regulation changes and related documents.

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

The August 10, 2011 public notice and the November 4, 2011 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, AS 44.62.195 does not require a fiscal note.

Finally, we have made some technical corrections to the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

DEB:KJM:kjm

cc w/ enc.: Crystal Koeneman, Program Coordinator
AAC Contact
Department of Commerce, Community, and Economic Development

Don Habeger, Director
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

Dan N. Branch, Assistant Attorney General - Juneau

board.

(i) In the exercise of its discretion, the board may consult subject matter experts in the branch of engineering for which the applicant seeks registration to assist the board in evaluating the application.

this chapter

(j) Nothing in this section prevents a registrant from applying under ~~12 AAC 36.010~~ for a certificate of by registration through examination or comity in any branch of professional engineering listed in ~~12~~

AAC 36.990(a)(17).

To remain current, an certificate of

must

(k) Additional registrations issued under this section ~~may~~ be renewed as provided in AS

08.48.231. (Eff. ____ / ____ / ____, Register ____)

Authority: AS 08.48.101 AS 08.48.201 AS 08.48.231

12 AAC 36.180(b) is amended to read:

(b) The seal authorized for use by professional engineers is of the following design or a substantially similar electronic or digital representation of the design:



The seal

[and] must reflect the branch of engineering authorized by the board. This identification is to be placed below the registrant's name and preceding the registrant's number on the seal as noted:

AG – Agricultural engineer

EC – Chemical engineer

CE – Civil engineer

CS – Control systems engineer

EE – Electrical engineer

EV – Environmental engineer

FP – Fire protection engineer

IN – Industrial engineer

ME – Mechanical engineer

MM – Metallurgical and Materials engineer

EM – Mining and Mineral Processing engineer

NM – Naval architecture and Marine engineer

NU – Nuclear engineer

EP – Petroleum engineer

SE – Structural engineer

(Eff. 5/23/74, Register 50; am 9/30/78, Register 67; am 10/20/90, Register 116; am 11/13/99,

Register 152; am 1/20/2002, Register 161; am ____ / ____ / ____, Register ____)

Authority: AS 08.48.101 AS 08.48.221

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

12 AAC 36.205. Scope of practice for engineers. A person who holds a current

Certificate of

registration as an engineer in the state may practice in that branch or branches of engineering, as defined in 12 AAC 36.990(a), for which the engineer holds a registration, even if the engineering

professional engineering that [WHICH] embraces studies and [or] activities relating to the exploration, location, and recovery of mineral commodities, and the [; IT IS CONCERNED WITH] research, design, construction, and development of structures, devices, and facilities of production, and the organizational and economic aspects related to these studies and activities;

12 AAC 36.990(a)(14) is amended to read:

(14) "petroleum engineering" means the [THAT] branch of professional engineering that embraces studies or activities relating to the exploration, location, and recovery of natural fluid hydrocarbons, and the [; "PETROLEUM ENGINEERING" IS CONCERNED WITH] research, design, production, operations of devices, facilities of production, and the organizational and economic aspects of these studies and activities;

12 AAC 36.990(a)(17) is amended to read:

(17) "professional engineering" includes the branches of

- (A) agricultural engineering;
- (B) chemical engineering;
- (C) [(B)] civil engineering;
- (D) control systems engineering;
- (E) [(C)] electrical engineering;
- (F) environmental engineering;
- (G) fire protection engineering;
- (H) industrial engineering;
- (I) [(D)] mechanical engineering;

(J) metallurgical and materials engineering;

(K) [(E)] mining and mineral processing engineering;

(L) naval architecture and marine engineering;

(M) nuclear engineering;

(N) [F] petroleum engineering;

(O) structural engineering;

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

(34) "agricultural engineering" means the branch of professional engineering that embraces studies and activities related to facility engineering of plant, animal, and commodity environments and structures; machinery involving power, electrical and electronic machines, controls and sensors; natural resource engineering involving soil, water and plant systems; process engineering involving food, feed, fiber, fuel products; and the organizational and economic aspects of these studies and activities;

(35) "control systems engineering" means the branch of professional engineering that embraces studies and activities relating to sensor technologies and measurement; signals and transmission, final control elements regarding valves, pressure relieving devices, and other final control elements, control systems analysis and implementation; and the organizational and economic aspects of these studies and activities;

(36) "environmental engineering" means the branch of professional engineering that embraces studies and activities relating to wastewater, storm water, potable water, and water resources; ambient air, emissions sources, and control strategies; solid, hazardous, and special waste; environmental assessments, remediation, and emergency response and applicable codes,

standards, regulations, guidelines; and the organizational and economic aspects of these studies and activities;

(37) "fire protection engineering" means the branch of professional engineering that embraces studies and activities relating to fire protection analysis, fire protection management, fire science and human behavior, fire protection systems, fire building systems, and the organizational and economic aspects of these studies and activities;

(38) "industrial engineering" means the branch of professional engineering that embraces studies and activities relating to facilities engineering and planning involving facility requirements, design alternatives, material handling techniques and equipment, systems analysis and design including processes, costing and performance measurement, logistics including production planning and control, distribution and storage and warehousing methods, methods to measure work, workstation design and analysis, ergonomics and safety, quality engineering and control, and the organizational and economic aspects of these studies and activities;

(39) "metallurgical and materials engineering" means the branch of professional engineering that embraces studies and activities relating to the production of metals, metal objects, materials, testing procedures, metal processing, failure analysis procedures and the development of metal alloys, the research, design, construction, and development of devices and facilities of production, and the organizational and economic aspects of these studies and activities;

(40) "naval architecture and marine engineering" means the branch of professional engineering that embraces the studies and activities relating to the mechanics of rigid and deformable bodies, exterior loads on military, public, commercial or private vessels or

marine facilities, structural designs, applications, and considerations, vibration considerations including local, vortex induced, flow induced, and global vibrations, intact and damaged hydrostatic stability, methods and procedures, dynamic stability in waves, hydrodynamics, wind and waves, hull forms and design, marine engineering involving thermodynamics, internal fluid flow, propulsion and power generators, machine design, HVAC/refrigeration and electrical systems, materials corrosion and corrosion control, navigation and vessel control, hull outfitting, weight engineering, shipbuilding and repair engineering, rules and regulations, human factors, and safety systems, and the organizational and economic aspects of these studies and activities;

(41) "nuclear engineering" means the branch of professional engineering that embraces the studies and activities relating to nuclear power systems and science, nuclear components and systems, construction, operational regulations, emergency planning, licensing regulation, codes and standards, nuclear fuel and waste management, nuclear radiation, protection, radiation shielding, interaction of radiation with matter, nuclear criticality, kinetics, neutronics, and nuclear measurements and instruments, and the organizational and economic aspects of these studies and activities;

(42) "structural engineering" means the 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.

(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

____ / ____ / ___, Register ____)

Authority: AS 08.48.101 AS 08.48.181 AS 08.48.191

AS 08.48.171