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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   
465.4081

**DATE:** August 11, 2016

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

Regulations re: engineering education and work experience requirements, application for registration as a structural engineer, seals, use of seals, and definitions (12 AAC 36.063(a),(k); 12 AAC 36.108; 12 AAC 36.180(b),(e); 12 AAC 36.185(i); 12 AAC 36.990(a)(4),(44))

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Attorney General File:	JU2015200867 (Part 2)
Regulation Filed:	August 10, 2016
Effective Date:	September 9, 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 seven pages of regulations, dealing with engineering education and work experience requirements, application for registration as a structural engineer, seal, use of seals, and definitions, 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, AS 08.48.111, AS 08.48.171, AS 08.48.181, AS 08.48.191, AS 08.48.201, AS 08.48.221, AS 08.48.231, and 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: 6/20/16  
Juneau, Alaska

  
\_\_\_\_\_  
Richard V. Jones, Executive Administrator  
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 August 10, 2016 at 1045 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
\_\_\_\_\_  
Byron Mallott, Lieutenant Governor

Effective: September 9, 2016.

Register: 219, October 2016.

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

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

(a) To be eligible for a professional engineering examination other than the structural engineering examination, an applicant must

...

12 AAC 36.063 is amended by adding a new subsection to read:

(k) To be eligible for the structural engineering examination, an applicant must

(1) be currently registered ~~licensed~~ as a professional engineer in this state; and

(2) have at least two years of progressive structural experience, in addition to the eight years of education and work experience or both that are equivalent to the requirements set out in the applicable table of education and work experience requirements for a professional engineering examination in this section. (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

Register 10/29/2009, Registered 192; am 9/9/2016, Register 219)

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

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

**12 AAC 36.108. Application for registration as a structural engineer.** (a) A person who holds a current certificate of registration as an engineer in the state on September 9, 2016: (fill)

~~in effective date of regulation~~) may apply under this section for a certificate of registration as a structural engineer by meeting the requirements of this section.

(b) An application for registration as a structural engineer under this section must be submitted on or before July 31, 2017, ~~(or to be determined upon adoption).~~

(c) An applicant for structural engineering registration under this section must submit

(1) a typewritten application on a form prescribed by the board, including the references required under AS 08.48.201;

(2) the application and registration fees established in 12 AAC 02.110;

(3) verification that the applicant has, within the 120 months immediately before the date of the application, at least 24 months of responsible charge experience in structural engineering;

(4) the plans or other documents required under (e) of this section; and

(5) the letters of reference required under (d) and (e) of this section.

(d) An applicant applying for structural engineering registration under this section must provide two letters of reference verifying the applicant's responsible charge experience required under (c)(3) of this section. The letters of reference must meet the requirements of (f) and (g) of this section.

(e) An applicant applying for structural engineering registration under this section must provide complete structural plans or other documents of at least two completed significant structures, ~~as defined in 12 AAC 36.990,~~ demonstrating the engineering abilities of the applicant in structural engineering. The plans or other documents must be signed, sealed, and dated, and must include necessary calculations and other applicable supporting documents. The plans or other documents must have been dated within the 120 months immediately before the date of

application for structural engineering registration under this section. The plans or other documents submitted under this subsection must be on <sup>(an optical)</sup> disk or thumb drive <sup>and must be</sup> accompanied by a letter of reference for each project attesting to the applicant's competence on the project. The letters of reference must meet the requirements of (f) and (g) of this section.

(f) Except as provided in (g) of this section, the letters of reference required under (d) and (e) of this section must be signed and sealed by an engineer who was registered as a professional engineer in a state, territory, or possession of the United States, the District of Columbia, or a foreign country at the time of the responsible charge experience or when the plans or other documents were signed and sealed, and either

(1) was registered as a structural engineer; or

(2) if the licensing jurisdiction did not register structural engineers during the period of the experience or when the plans or other documents were signed and sealed, designed significant structures under another professional engineering license.

(g) If an engineer provides a reference letter under (d) or (e) of this section without a seal, the applicant must provide a statement from the engineer certifying that the engineer held a current registration as an engineer during the period of experience or when the plans or other documents were signed and sealed, and the engineer's state of registration, registration number, and branch of engineering.

(h) If requested by the board, the applicant must be available for an interview with the board.

(i) 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.

(j) Nothing in this section prevents a registrant from applying under this chapter for a

certificate of registration by examination or comity in structural engineering.

(k) To remain current, an additional certificate of registration issued under this section must be renewed as provided in AS 08.48.231. (Eff. 9/9/2016, Register 219)

**Authority:** AS 08.48.101 AS 08.48.201 AS 08.48.231

12 AAC 36.180(b) is amended to read:

...

[SE – STRUCTURAL ENGINEER]

*« Publisher: The only change to 12 AAC 36.180(b) is deletion of the last line, as shown. The rest of existing 12 AAC 36.180(b) is unchanged. »*

12 AAC 36.180 is amended by adding a new subsection to read:

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



The seal must reflect the branch identification authorized by the board. This identification is to be placed below the registrant's name and preceding the registrant's number on the seal. (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 3/11/2012, Register 201; am 9/9/2016, Register 219)

**Authority:** AS 08.48.101 AS 08.48.221

12 AAC 36.185 is amended by adding a new subsection to read:

(i) Drawings, engineering surveys, reports, and construction documents regarding the structural systems of a significant structure, ~~as defined in 12 AAC 36.990~~<sup>9</sup> must be sealed by a registered structural engineer. (Eff. 5/30/82, Register 82; am 8/29/87, Register 103; am 11/13/99, Register 152; am 6/13/2003, Register 166; am 6/11/2005, Register 174; am 7/13/2011, Register 199; am 6/18/2016, Register 218; am 9/9/2016, Register 219)

**Authority:** AS 08.48.101

AS 08.48.111

AS 08.48.221

12 AAC 36.990(a)(4) is amended to read:

(4) "civil engineering" means the branch of professional engineering that embraces studies and activities relating to research, design, and construction of fixed works <sup>2</sup>  
other than significant structures, for irrigation, drainage, waterpower, water supply and treatment, flood control, inland waterways, harbors, municipal improvements, railroads, highways, tunnels, airports and airways, sewerage, refuse disposal, foundations, structures, and bridges, and the organizational and economic aspects of these studies and activities;

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

(44) "significant structure"<sup>3</sup> means<sup>9</sup>

2; in this paragraph, "hazardous facilities" means

(A) hazardous facilities<sup>3</sup> defined as: structure housing, supporting, or

containing sufficient quantities of toxic or explosive substance to be of danger to the safety of the public if released;

2; in this paragraph, "special occupancy structures" means

(B) special occupancy structures<sup>3</sup> defined as:

(i) building<sup>3</sup> and other structures whose primary occupancy is

public assembly with an occupant load greater than 300;

(ii) buildings and other structures containing <sup>an</sup> elementary school, secondary school, or day care facility with an occupant load greater than 250;

(iii) buildings and other structures containing adult education facilities, such as colleges and universities, with an occupant load greater than 500;

(iv) medical facilities with 50 or more resident, incapacitated patients;

(v) jails and detention facilities; and

(vi) all buildings or structures with an occupant load greater than 5,000;

(C) essential facilities that have a ground area of more than 4,000 square feet and are more than 20 feet in mean roof height above average ground level; <sup>in this paragraph,</sup> essential facilities <sup>means</sup> are defined as:

(i) hospitals and other medical facilities having surgery and emergency treatment areas;

(ii) fire and police stations;

(iii) tanks or other structures containing, housing, or supporting water or fire suppression material or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

(iv) emergency vehicle shelters and garages;

(v) structures and equipment in emergency preparedness centers;

(vi) standby power-generating equipment for essential facilities;

(vii) structures and equipment in government communication centers and other facilities requiring emergency response;

(viii) aviation control towers, air traffic control centers, and emergency aircraft hangars; and

(ix) buildings and other structures having critical national defense functions;

(D) structures exceeding 100 feet in height above average ground level;

(E) buildings that are customarily occupied by human beings and are four stories or 45 feet or more above average ground level; and

(F) bridges having a total span of more than 200 feet and piers having a surface area greater than 10,000 square feet.

(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; 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)

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