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Registration of
petroleum engineers
employed by state DNR

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In your February 19, 1992, memorandum you asked for our advice on whether a petroleum engineer employed by the state must be registered under state laws. The short answer to this question is that an employee who practices petroleum engineering must secure state registration.

DISCUSSION

Your question arose because AS 08.48.331 was revised in 1990 removing the state employee exemption from the engineer registration requirement.¹ In your memorandum you inquired whether petroleum engineers employed by the Department of Natural Resources (DNR) must comply with this registration requirement.

There is no indication in the engineering statutes or regulations, or legislative history of sec. 5, ch. 2, SLA 1990, that petroleum engineers are exempt from the registration requirement.² AS 08.48.341 provides, in pertinent part:

¹ Sec. 5, ch. 2, SLA 1990. State employees were allowed to continue practicing engineering for a limited time while pursuing registration under the transitional provisions set out in sec. 10, ch. 2, SLA 1990.

² The copies of the April 10, 1991, minutes of the H. HESS Comm. meeting attached to your memorandum relating to sec. 1, ch. 58, SLA 1991 (HB 158), reflect that Representative Koponen briefly mentioned petroleum engineers in discussion on that later legislation. HB 158 exempted university professors of engineering from State registration requirements. Thus, we do not believe these committee meeting minutes are relevant to the State employee engineer registration requirement.

(6) "engineer" means a professional engineer;

. . . .

(9) "practice of engineering" means professional service or creative work, the adequate performance of which requires the specialized knowledge of applied mathematics and sciences, dealing with the design of structures, machines, equipment, utilities systems, materials, processes, works, or projects, public or private; the teaching of advanced engineering courses in institutions of higher learning; the direction of or the performance of engineering surveys, consultation, investigation, evaluation, planning, and professional observation of construction of public and private structures, works, or projects and engineering review of drawings and specifications by regulatory agencies; "practice of engineering" may by regulation of the board include architectural building design of minor importance, but it does not include comprehensive architectural services.

AS 08.48.321 provides, in pertinent part:

A person practices or offers to practice . . .
engineering . . . who

(1) practices a branch of the profession of
. . . engineering . . . as defined in
AS 08.48.341;

(2) by verbal claim, sign, advertisement,
letterhead, card or other means represents to be
an . . . engineer, . . . or through the use of
some other title implies that the person is an . .
. engineer;

(3) holds out as able to perform or who does
perform an . . . engineering . . . service
recognized by the professions covered by this
chapter, and specified in regulations of the
board, as . . . engineering.

12 AAC 36.990 provides, in pertinent part:

(14) "petroleum engineering" means that branch of professional engineering which embraces studies or activities relating to exploration, location, and recovery of natural fluid hydrocarbons; it is concerned with research, design, production, and operations of devices, and the economic aspects of these studies and activities;

.

(17) "professional engineering" includes the branches of

- (A) chemical engineering;
- (B) civil engineering;
- (C) electrical engineering;
- (D) mechanical engineering;
- (E) mining engineering;
- (F) petroleum engineering.

You also inquired whether the exemptions set out in AS 08.48.331(6)(B) or 08.48.331(8)³ apply to petroleum engineers employed by DNR. These two exemptions are limited by their terms to work performed on either farm or ranch buildings, or buildings in general. As we understand it, petroleum engineers working for DNR do not work on farm or ranch buildings or buildings as defined in AS 08.48.341(3), and therefore those exemptions do not apply. However, the exemption set out in AS 08.48.331(4)⁴ for a

³ AS 08.48.331(6)(B) provides an exemption for a person preparing drawings or specifications for farm or ranch buildings, unless the public health, safety, or welfare is involved.

AS 08.48.331(8) provides an exemption for a person furnishing drawings, specifications, instruments of service, or other data for alterations or repairs to a building that do not change or affect the structural system or the safety of the building, or that do not affect the public health, safety, or welfare.

⁴ AS 08.48.331(4) provides an exemption for an employee or a

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subordinate's engineering work performed under the direct supervision of a registered engineer may apply to petroleum engineers employed by DNR. As you have not provided us with information regarding registered engineers on staff or engineers' supervision of subordinates we do not address this issue in this memorandum. We assume for purposes of this memorandum that DNR petroleum engineers do not fit within this exemption.

As you can see, petroleum engineering clearly falls within the definition of the practice of engineering. Thus, DNR employees who practice petroleum engineering must comply with the state registration requirements.⁵

Recently, the personnel officer for DNR contacted our office and indicated that she would take appropriate action to apply the above definitions to the position descriptions for the department's petroleum engineers and determine whether each employee is engaged in the practice of engineering.⁶ Although our office had initially intended to perform an analysis of DNR positions DNR staff believed that this analysis was more appropriately left to personnel classification, engineering, and other experts.

During DNR's review of the position descriptions, we will be happy to assist in the event questions arise about particular job descriptions or responsibilities. We also urge DNR to consult with the Division of Personnel in the Department

subordinate of a person registered under this chapter if the work or service is done under the direct supervision of a registered engineer.

⁵ AS 08.48.281 provides that a person may not practice engineering unless the person is registered. AS 08.48.281 also prohibits a person from using a title that conveys the impression that the person is a registered engineer unless the person is registered.

⁶ Although an employee whose position title is "petroleum engineer" is not necessarily practicing engineering through use of the title alone, this situation presents a close question. We therefore recommend that all employees who use this kind of a title be registered to avoid confusion about the employee's status or job responsibilities.

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of Administration, and the Division of Occupational Licensing in the Department of Commerce and Economic Development, on this matter. Do not hesitate to contact our office if we can be of other assistance to DNR in this process.

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