

March 28, 2013

Representative Kurt Olson
Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99801-1182

Re: House Bill 167
An Act Relating to the Regulation of Architects, Engineers, Land Surveyors, and Landscape Architects

Dear Representative Olson,

I am writing in support of HB 167. As an eight year member of the State of Alaska Architects, Engineers, and Land Surveyors Board (AELS Board), I witnessed several instances where the statutes noted under HB 167 were manipulated to cut corners and put the general public at risk. Strengthening these statutes will improve public safety and guard against unscrupulous individuals in both the design and construction communities.

AS 08.48.221 Seals and AS08.48.281 Prohibited Practice:

Originally designed to allow multiple engineering disciplines to stamp a drawing and indicate which portions of the design they were each taking responsibility for, this section of the statute has now been exploited to allow designers to opt out of taking responsibility for large portions of a design. In essence, those parts of the design are being constructed with no liability. This is a fundamental part of professional licensure. You are certifying to the public that their end product (be it a building, road, bridge, etc) is safe. If it is not safe, the professional licensee has legal liability for that mistake. In my mind, the reasons why someone may not take responsibility for a portion of design is that they either a) disagree with the final design and don't want to take responsibility for it or b) do not have the proper education and experience to design that part of the system. In either case, this simply puts the public at risk. The appropriate design professional, who is knowledgeable about such systems, should be brought on the project and stamp that portion of the design. This is not done purely for cost only purposes.

AS 08.48.331 Exemptions


The specialty contractor provisions of this part of the statutes was inserted many years ago. I believe the original intent of including the verbiage "and design" under Exemption 7 was to recognize that there were other parts of the Alaska statutes that provide certifications/licenses to individuals, earned through formal education, testing, and experience, to design systems. It

was to ensure these individuals did not fall into violation of the provisions of AS 08.48 that says design work falls under the "Practice of Engineering". The primary example of this are the Fire Protection Contractors who are specifically licensed under 13 AAC 50.035 to provide design services without the need of an engineer. To obtain this license, the Fire Protection Contractors have to pass national training courses and accrue approved experience in their field of expertise to become licensed. A couple years ago, the AELS Board worked with the State Fire Marshal's office and the Fire Protection Contractors to better define this role and is now noted under a separate exemption (AS 08.48.331(a)(14)) in the statutes. Others who are now claiming to be "specialty contractors" do not have this rigor of education, testing, and experience to design systems. Nor do they have specific sections in the statutes granting them this authority in the State Statutes. This part of the statute is being exploited, and the general public would not know any better if they are receiving a safe design or not until it is too late.

There are other portions of HB 167, but they are mostly housekeeping items that I also agree with.

Thank you for your time and consideration.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'C. Fredeen', with a long horizontal flourish extending to the right.

Craig D. Fredeen, P.E.