

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

May 2, 2003

4:05 p.m.

MEMBERS PRESENT

Representative Tom Anderson, Chair
Representative Bob Lynn, Vice Chair
Representative Nancy Dahlstrom
Representative Norman Rokeberg
Representative David Guttenberg

MEMBERS ABSENT

Representative Carl Gatto
Representative Harry Crawford

COMMITTEE CALENDAR

SENATE BILL NO. 95

"An Act relating to strikes by employees of a municipal school district, a regional educational attendance area, or a state boarding school, and requiring notice of at least 72 hours of a strike by those employees."

- MOVED SB 95 OUT OF COMMITTEE

CONFIRMATION HEARINGS

Workers Compensation Board

John Abshire - Wasilla
Richard Behrends - Juneau
Andrew Piekarski - Eagle River
Marc Stemp - Bethel

- CONFIRMATION(S) ADVANCED

Board of Dental Examiners

Dr. Kevin L. Gottlieb - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Nursing

Rosalie A. Acoba - Kodiak
Catherine A. Giessel - Anchorage
Sally Harvey - Noorvik
James E. Jurrens - Juneau
Cathleen Ringstad Winfree - Fairbanks

- CONFIRMATION(S) ADVANCED

Board of Pharmacy

Michael Pauley - Eagle River

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 252

"An Act relating to the terms of members of boards and commissions that regulate businesses and professions and to the duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors."

- MOVED CSHB 252(L&C) OUT OF COMMITTEE

HOUSE BILL NO. 268

"An Act relating to an exemption for specialty contractors under the laws regulating architects, engineers, land surveyors, and landscape architects."

- HEARD AND HELD

HOUSE BILL NO. 277

"An Act relating to the powers of the Regulatory Commission of Alaska in regard to intrastate pipeline transportation services and pipeline facilities, to the rate of interest for funds to be paid by pipeline shippers or carriers at the end of a suspension of tariff filing, and to the prospective application of increased standards on regulated pipeline utilities; allowing the commission to accept rates set in conformity with a settlement agreement between the state and one or more pipeline carriers and to enforce the terms of a settlement agreement in regard to intrastate rates; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

PREVIOUS ACTION

BILL: SB 95

SHORT TITLE: 72-HOUR NOTICE OF TEACHER STRIKE

SPONSOR(S): SENATOR(S) GREEN

Jrn-Date	Jrn-Page		Action
03/03/03	0317	(S)	READ THE FIRST TIME - REFERRALS
03/03/03	0317	(S)	HES, L&C
03/17/03		(S)	HES AT 1:30 PM BUTROVICH 205
03/17/03		(S)	Heard & Held
03/17/03		(S)	MINUTE(HES)
03/24/03		(S)	HES AT 5:00 PM FAHRENKAMP 203
03/24/03		(S)	Moved Out of Committee -- Time and Location Change --
03/24/03		(S)	MINUTE(HES)
03/26/03	0590	(S)	HES RPT 3DP 2NR
03/26/03	0590	(S)	NR: DYSON, WILKEN;
03/26/03	0590	(S)	DP: GUESS, GREEN, DAVIS
03/26/03	0590	(S)	FN1: ZERO(LWF)
04/03/03		(S)	L&C AT 1:30 PM BELTZ 211
04/03/03		(S)	Heard & Held
04/03/03		(S)	MINUTE(L&C)
04/08/03		(S)	L&C AT 2:00 PM BELTZ 211
04/08/03		(S)	Moved Out of Committee -- Time Change --
04/08/03		(S)	MINUTE(L&C)
04/09/03	0762	(S)	L&C RPT 4DP 1NR
04/09/03	0762	(S)	DP: BUNDE, FRENCH, SEEKINS, STEVENS G;
04/09/03	0762	(S)	NR: DAVIS
04/09/03	0762	(S)	FN1: ZERO(LWF)
04/15/03	0860	(S)	RULES TO CALENDAR 4/15/2003
04/15/03	0860	(S)	READ THE SECOND TIME
04/15/03	0860	(S)	ADVANCED TO THIRD READING 4/16 CALENDAR
04/16/03	0877	(S)	READ THE THIRD TIME SB 95
04/16/03	0877	(S)	PASSED Y17 N2 E1
04/16/03	0877	(S)	ELLIS NOTICE OF RECONSIDERATION
04/17/03	0895	(S)	RECONSIDERATION NOT TAKEN UP
04/17/03	0895	(S)	TRANSMITTED TO (H)
04/17/03	0895	(S)	VERSION: SB 95
04/22/03	1045	(H)	READ THE FIRST TIME - REFERRALS
04/22/03	1045	(H)	EDU, L&C
04/22/03	1059	(H)	CROSS SPONSOR(S): GATTO
04/28/03		(H)	EDU AT 5:15 PM CAPITOL 124
04/28/03		(H)	Moved Out of Committee -- Time Change --

04/28/03		(H)	MINUTE(EDU)
04/29/03	1179	(H)	EDU RPT 5DP 1NR
04/29/03	1179	(H)	DP: WILSON, WOLF, OGG, SEATON, GATTO;
04/29/03	1179	(H)	NR: GARA
04/29/03	1179	(H)	FN1: ZERO(LWF)
05/02/03		(H)	L&C AT 3:15 PM CAPITOL 17

BILL: HB 252

SHORT TITLE:OCC LICENSING: TERMS OF BD & CONT. EDUC
 SPONSOR(S): REPRESENTATIVE(S)MCGUIRE

Jrn-Date	Jrn-Page		Action
04/08/03	0842	(H)	READ THE FIRST TIME - REFERRALS
04/08/03	0842	(H)	L&C, STA
05/02/03		(H)	L&C AT 3:15 PM CAPITOL 17

BILL: HB 268

SHORT TITLE:LICENSING SPECIALTY CONTRACTORS
 SPONSOR(S): REPRESENTATIVE(S)MCGUIRE

Jrn-Date	Jrn-Page		Action
04/15/03	0985	(H)	READ THE FIRST TIME - REFERRALS
04/15/03	0985	(H)	L&C
05/02/03		(H)	L&C AT 3:15 PM CAPITOL 17

WITNESS REGISTER

SENATOR LYDA GREEN, Alaska State Legislature
 Juneau, Alaska
 POSITION STATEMENT: Spoke as the sponsor of SB 95.

RICHARD BEHREND, Appointee
 to the Workers Compensation Board
 Juneau, Alaska
 POSITION STATEMENT: Testified as an appointee to the Workers
 Compensation Board.

MARC STEMP, Appointee
 to the Workers Compensation Board
 Bethel, Alaska
 POSITION STATEMENT: Testified as an appointee to the Workers
 Compensation Board.

HEATH HILYARD, Staff

to Representative Lesil McGuire
Alaska State Legislature
POSITION STATEMENT: Presented HB 252 and HB 268 on behalf of
the sponsor, Representative McGuire.

SAM KITO, III
Alaska Professional Design Council
Juneau, Alaska
POSITION STATEMENT: Noted APDC's appreciation of Representative
McGuire's effort on HB 252 and answered questions on HB 268.

PATRICK KALEN, Member
AELS Board
Fairbanks, Alaska
POSITION STATEMENT: Thanked the committee for its action on HB
252 and urged the committee to pass HB 268.

COLIN MAYNARD, Principle
BPF Engineers (ph);
Alaska Professional Design Council
Anchorage, Alaska
POSITION STATEMENT: Urged the committee to pass HB 268.

ACTION NARRATIVE

TAPE 03-46, SIDE A
Number 0001

CHAIR TOM ANDERSON called the House Labor and Commerce Standing
Committee meeting to order at 4:05 p.m. Representatives
Anderson, Lynn, Rokeberg, and Guttenberg were present at the
call to order. Representative Dahlstrom arrived as the meeting
was in progress.

SB 95-72-HOUR NOTICE OF TEACHER STRIKE

CHAIR ANDERSON announced that the first order of business would
be SENATE BILL NO. 95, "An Act relating to strikes by employees
of a municipal school district, a regional educational
attendance area, or a state boarding school, and requiring
notice of at least 72 hours of a strike by those employees."

Number 0115

SENATOR LYDA GREEN, Alaska State Legislature, spoke as the
sponsor of SB 95. She explained that SB 95 would require school
employees of a school district to provide written notice of an

impending strike at least 72 hours prior to any labor action. The primary focus of SB 95 is to protect students and to advise parents of any changes that may occur in the schedule, specifically related to canceled buses. She turned to Section 1, which seems to delete a lot of statutory language regarding employees and the bargaining unit. However, she pointed out that the language being deleted under Section 1(d) is inserted, in whole, on page 2, lines 12-25. The new language [to be inserted in the statutes] is on page 2, lines 26-31.

SENATOR GREEN informed the committee that she introduced SB 95 upon the request of folks in her school district. These folks are concerned that in the Mat-Su Valley area there are a lot of commuters that leave early, and therefore may be on the way to Anchorage or in Anchorage when they learn that there is a strike and their children are unattended.

REPRESENTATIVE LYNN inquired as to how large of this problem is.

SENATOR GREEN pointed out that the committee packet includes an [article from the January 16, 1999, Anchorage Daily News] which discusses an unnoticed strike that occurred in Anchorage in 1999.

REPRESENTATIVE LYNN questioned why anyone would be opposed to 72-hour notice of a strike.

Number 0396

SENATOR GREEN said that there has been little [problem with this]. She related that only 12 states allow for strikes, and of those states [there is a range of notice requirements] before a strike occurs.

REPRESENTATIVE GUTTENBERG inquired as to how many of the states that don't allow for strikes have binding arbitration.

SENATOR GREEN said that wasn't researched.

REPRESENTATIVE ROKEBERG inquired as to why the 72-hour notice was chosen.

SENATOR GREEN answered that the 72-hour notice was enough time to get through a weekend or a holiday weekend. With the 72-hour notice there would be enough time for several news casts, newspaper announcements, and telephone calls. In further response to Representative Rokeberg's understanding that the

language in subsection (g)(2) would require at least one full day of school, Senator Green specified that it's just 72 hours from the time the notice is given.

REPRESENTATIVE GUTTENBERG inquired as to the process/timeframe required for striking.

SENATOR GREEN said that currently there is no notice requirement.

REPRESENTATIVE GUTTENBERG related his notion that this issue could be entirely eliminated by forcing the employees into binding arbitration. He asked if the aforementioned was considered.

SENATOR GREEN replied no.

Number 0705

REPRESENTATIVE ROKEBERG turned attention to the sectional analysis included in the committee packet. He highlighted that the sectional analysis under Section 2, item 3, specifies, "The 72-hour notice must include at least one in-session school day." Therefore, the legislation requires a two-tier test of 72-hour notice and at least one full day of school. He noted his agreement with that two-tier test.

CHAIR ANDERSON noted that the Alaska Council of School Administrators (ACSA) supports SB 95, [as evidenced by the letter from ACSA in the committee packet]. He expressed interest in hearing testimony today because, although the legislation has been around for three months, he hasn't heard from any labor representative regarding this issue. Upon determining there were no other questions, Chair Anderson turned to public testimony.

Number 0766

JOHN ALCANTRA, Government Relations Director, National Education Association - Alaska (NEA-Alaska), informed the committee that the 12,000 members of NEA-Alaska are comprised of parents and grandparents of school-aged children, and NEA-Alaska agrees that SB 95 will provide stability for children and their parents. The bottom line is that members of NEA-Alaska are members of the communities in which they work [and reside] and any legislation that attempts to improve community and student safety meets with the approval of the NEA-Alaska membership.

REPRESENTATIVE LYNN surmised that NEA-Alaska and ACSA agree on this matter.

MR. ALCANTRA responded as long as the issues of fairness exist, he didn't see any real problems with SB 95.

Number 0906

DON ETHERIDGE, Alaska AFL-CIO, related that the Alaska AFL-CIO isn't present to oppose SB 95 because a child's safety is of utmost importance. However, he posed a situation in which the 72-hour notice was given, but an agreement was made [before the official beginning of the strike]. In such a situation, could the employees return to work, he asked.

SENATOR GREEN related her intention that at any point there could be a change in direction such that an agreement [could be reached and employees could return to work].

REPRESENTATIVE ROKEBERG asked if, in the situation posed by Mr. Etheridge, there is typically a right of recession. He asked if Mr. Etheridge was aware of any other contracts which include a notice provision and a recession provision.

MR. ETHERIDGE answered that he wasn't aware of any [contract] requiring notice of a strike. This would be new ground.

REPRESENTATIVE ROKEBERG remarked that the legislative intent would be the use of common sense [such that an agreement could mean that employees return to work before a strike officially begins].

REPRESENTATIVE GUTTENBERG inquired as to the number of employees this [legislation would impact] and asked whether it would include employees other than NEA members and teachers.

MR. ETHERIDGE clarified that [SB 95 refers to employees of] NEA, Local 71, noncovered employees. He related his interpretation that this legislation speaks to any employee of the school district.

REPRESENTATIVE GUTTENBERG surmised that this would include the maintenance staff as well.

MR. ETHERIDGE indicated agreement.

Number 1128

REPRESENTATIVE DAHLSTROM moved to report SB 95 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 95 was reported from the House Labor and Commerce Standing Committee.

CONFIRMATION HEARINGS

CHAIR ANDERSON announced that the next order of business would be the confirmation hearings for the appointees to the Board of Dental Examiners, the Board of Nursing, the Board of Pharmacy, and the Workers Compensation Board. He noted that two of the appointees to the Workers' Compensation Board, Richard Behrends and Marc Stemp, are present for questions. If there are no questions, Chair Anderson recommended approval of the appointments and signing of the report.

REPRESENTATIVE DAHLSTROM asked if everyone was provided the opportunity to be able to call in and be available for questioning.

CHAIR ANDERSON replied yes.

Workers Compensation Board

REPRESENTATIVE ROKEBERG expressed interest in allowing the two appointees from the Workers Compensation Board to make a statement indicating the auspices under which the individual has been appointed. Representative Rokeberg related his understanding that with the appointment of boards there is supposed to be an even balance between labor and [business].

Number 1224

RICHARD BEHREND, Appointee to the Workers Compensation Board, specified that he was appointed under the management portion of the board.

REPRESENTATIVE ROKEBERG inquired as to Mr. Behrends background and why he would be interested in filling this position.

MR. BEHREND informed the committee that he is a mechanical contractor who owns his own business. He noted that he was appointed under the last administration and served two years. He related that he enjoys doing this as part of his civic responsibility. In further response to Representative Rokeberg,

Mr. Behrends related his belief that the proceedings of the "committee," the hearing officers, and opinion review remain fair. He confirmed that he has been on the board since the adjustment of the compensation levels.

Number 1297

MARC STEMP, Appointee to the Workers Compensation Board, informed the committee that he has served on the board since about 1991 and then took a brief recess during which time he became the president and CEO of the Bethel Native Corporation. He noted that he is the rural representative on the Workers Compensation Board. He also noted that he has enjoyed his time on the board.

REPRESENTATIVE ROKEBERG noted that in the past he sponsored legislation that made adjustments to the workers compensation levels as well as other adjustments. He asked whether the legislature made progress with that legislation, and did that legislation impact the board.

MR. STEMP related his belief that the legislation created a major impact. Significant progress has been made with the hearing officers and their deliberations. He also related his belief that it's a fair and balanced proceeding now that is working well.

REPRESENTATIVE ROKEBERG highlighted that Mr. Behrends is a recipient of the Silver Beaver award from the Boy Scouts of America.

Board of Dental Examiners
Board of Nursing
Board of Pharmacy

Number 1438

REPRESENTATIVE DAHLSTROM moved to advance the confirmation of the following names to the following boards: Board of Dental Examiners - Dr. Kevin L. Gottlieb; Board of Nursing - Rosalie A. Acoba, Catherine A. Giessel, Sally Harvey, James E. Jurrens, Cathleen Ringstad Winfree; Board of Pharmacy - Michael Pauley; Workers Compensation Board - John Abshire, Richard Behrends, Andrew Piekarski, and Marc Stemp.

REPRESENTATIVE ROKEBERG objected, and pointed out that Mr. Pauley is a former staffer. He noted that he has played hockey

with Andrew Piekarski, who he believes will do a fine job representing labor on the Workers Compensation Board.

REPRESENTATIVE LYNN related that Catherine Giessel is a person of high moral character who is very involved.

CHAIR ANDERSON, upon determining there were no objections, announced that the names of the appointees would be forward to the full body for consideration. He noted that today's action doesn't reflect any member's intent to vote for or against any of the appointees.

HB 252-OCC LICENSING: TERMS OF BD & CONT. EDUC

CHAIR ANDERSON announced that the next order of business would be HOUSE BILL NO. 252, "An Act relating to the terms of members of boards and commissions that regulate businesses and professions and to the duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors."

Number 1549

HEATH HILYARD, Staff to Representative Lesil McGuire, Alaska State Legislature, presented HB 252 on behalf of the sponsor, Representative McGuire. Mr. Hilyard paraphrased the sponsor statement, which read as follows:

I have introduced HB 252 by request of the State Board of Registration for Architects, Engineers, and Land Surveyors (AELS Board), the regulatory board responsible for adopting regulations to ensure minimum competency of design professionals and to ensure the public health, safety, and welfare is met. The AELS Board is also responsible for overseeing the scope of work practices of those professionals. Board members can serve a minimum of two full terms, and the bill would allow board members to serve a minimum of six full years; and would enhance public health, safety, and welfare by allowing the AELS Board to require a mandatory continuing education program for continued professional competency. HB 252 would accomplish two things:

First, HB 252 modifies the existing term limit statute so that serving a partial term of less than two years would not represent a full term on the State Board of Registration for Architects, Engineers, and Land

Surveyors defined under AS 08.48.021, but serving a partial term of two or more years would count as a full 4-year term. The AELS Board has, in the past, experienced problems with this statutory provision when a vacancy occurs but is not filled for some time. When an individual fills a partial term, it counts as a full term, no matter how short the partial term may be. This change would allow a Board member filling a partial term of less than two years, to serve the partial term, plus a full 8 years (two 4-year terms).

Second, the AELS Board requires statutory authority in order to adopt regulations concerning continuing education. The first recommendation cited in the Legislative Audit #08-2001-00 dated October 20, 2000, specified this ability be legislated to the AELS Board in order to help implement and maintain high standards in the professions they oversee. HB 252 would provide the AELS Board statutory authority under AS 08.48.101(a) to develop mandatory continuing education programs for the professions it serves. It is important to the Board that the statute not specifically mandate the Board to require a mandatory continuing education as a condition of licensure renewal, because in some instances professionals are already complying with continuing education requirements required by their professional societies. The AELS Board would work with the professional societies before developing any programs.

Number 1632

SAM KITO, III, Alaska Professional Design Council (APDC), began by noting that APDC appreciates Representative McGuire's effort on HB 252.

REPRESENTATIVE ROKEBERG asked if the landscape architects are included in the term of architect.

MR. KITO explained that landscape architects are part of the AELS Board, although the board's name hasn't changed.

REPRESENTATIVE ROKEBERG asked if the continuing education requirement is a request of the board.

MR. KITO replied yes, and noted that in the past the continuing education requirement has been a priority of the legislature.

He recalled Representative Kott's interest in ensuring that architects, engineers, and land surveyors had some provisions for continuing education. The task was placed on the AELS Board to identify how best to do that. This legislation creates the regulatory authority for the board to adopt regulations in the method the AELS Board chose to utilize.

REPRESENTATIVE ROKEBERG asked if there was a legal opinion that the AELS Board didn't have regulatory authority to [develop the regulations].

MR. KITO said that he wasn't completely sure, but the statute doesn't say that the AELS Board can adopt regulations for continuing education.

REPRESENTATIVE ROKEBERG remarked that usually the regulatory authority for boards is fairly broad. Therefore, he asked if [this is being done] in order to provide comfort.

MR. KITO related that [the AELS Board] was informed that this was a required change in order for them to move forward with continuing education regulations.

Number 1755

REPRESENTATIVE LYNN moved to report CSHB 252, Version 23-LS0945\D, Lauterbach, 4/15/03, out of committee with individual recommendations and [the accompanying fiscal notes]. There being no objection, CSHB 252(L&C) was reported from the House Labor and Commerce Standing Committee.

HB 268-LICENSING SPECIALTY CONTRACTORS

CHAIR ANDERSON announced that the final order of business would be HOUSE BILL NO. 268, "An Act relating to an exemption for specialty contractors under the laws regulating architects, engineers, land surveyors, and landscape architects."

HEATH HILYARD, Staff to Representative Lesil McGuire, Alaska State Legislature, presented HB 268 on behalf of the sponsor, Representative McGuire. Mr. Hilyard paraphrased the sponsor statement, which read as follows:

I have introduced HB 268 by request of the state Board of Registration for Architects, Engineers and Land Surveyors (AELS Board), the regulatory board responsible to ensure minimum competency of design

professionals it regulates and to ensure that the public health, safety, and welfare is met. The AELS Board is also responsible for overseeing the scope of work practices of those professionals.

There currently exists an exemption for specialty contractors in AS 08.48.331 that reads: "... (7) a specialty contractor licensed under AS 08.18 while engaged in the business of construction contracting or designing systems for work within the specialty to be performed or supervised by the specialty contractor, or a contractor preparing shop or field drawings for work that the specialty contractor has contracted to perform;".

The AELS Board is concerned, and its investigators have indicated, that specialty contractors are using this statutory exemption to go beyond specialty contracting and actually perform the design work without licensed professionals on nonresidential projects. The work could encompass nonresidential facilities such as commercial, civic, and educational uses, and should be designed by registered architects and engineers. The AELS Board believes the statutory exemption has created a loophole that allows specialty contractors to perform work beyond their expertise and believe there may be serious public health and/or safety concerns when a building used by the general public is designed without the expertise of registered Alaskan architects and engineers.

The Board's investigators indicated that there have been numerous incidents of construction of nonresidential projects that did not have an engineer or an architect involved in the design process. The AELS Board wants specialty contractors to be able to perform specialty contractor residential work and to be able to produce shop drawings for nonresidential work based upon designs created by professional architects, engineers, or landscape architects.

Number 1890

PATRICK KALEN, Member, AELS Board, thanked the committee for its action on HB 252. Mr. Kalen confirmed that AELS Board's investigator highlighted that there were cases that he wanted to bring forward, but couldn't because the specialty contractors

are using the earlier mentioned statutory exemption. He urged the committee to pass HB 268.

Number 1934

COLIN MAYNARD, Principle, BPF Engineers (ph); Alaska Professional Design Council (APDC), related that it has been brought to [APDC's] attention that some mechanical, electrical, and specialty contractors are designing projects without the benefit of training required to be a licensed engineer. The aforementioned can create a hazard for life and safety, and therefore he urged the committee to pass HB 268.

REPRESENTATIVE ROKEBERG remarked that this is an extraordinarily controversial provision in the law and thus care must be taken. He turned attention to page 2, line 26, and inquired as to the meaning of "field drawings for work." He also inquired as to whether any specialty contractor couldn't use field drawings or prepared shop drawings for work in the field.

MR. MAYNARD explained that the design for whatever system is designed by an engineer in conjunction with the other trades and the architect for the project in order to develop a cohesive set of documents. Those documents are turned over to the contractor who prepares shop drawings, which specify each part and how the parts fit together. The shop drawings are the drawings that are used in the field to put the project together. The shop drawings can be prepared by the specialty contractor while the base drawings should be designed by the licensed engineer.

REPRESENTATIVE ROKEBERG surmised that the intention of the statute is that the specialty contractor could prepare the shop or field drawings based on the design drawings developed by the professional.

MR. MAYNARD said that would be correct. However, he noted that residential construction is different because, in theory, anyone can design for residential construction. In further response to Representative Rokeberg, Mr. Maynard specified that this residential exemption is found on page 2, line 12-16.

REPRESENTATIVE ROKEBERG asked if this is a recommendation of the [AELS] Board.

MR. MAYNARD replied yes, through the request of the [AELS Board's] investigator.

MR. KALEN confirmed the above. In response to Representative Rokeberg, Mr. Kalen said that he hadn't spoken with all the specialty contractors in the state, although he is one himself. Mr. Kalen said that he didn't know whether the specialty contractors will have a problem with being allowed to design. However, great care was taken to allow the specialty contractors to prepare shop and field drawings.

REPRESENTATIVE ROKEBERG asked if it was common for mechanical contractors to do their own shop drawings. He asked if having a mechanical engineer do the drawings is necessary when a mechanical contractor is doing modifications to an off-the-shelf system.

MR. MAYNARD answered that he believes that if a mechanical contractor does design-build work, the mechanical contractor is usually owned or operated by a mechanical engineer or have mechanical engineers on staff. If a mechanical contractor is going to design a system completely from scratch without any engineer drawings, someone who is licensed would need to create shop drawings from a set of [base] drawings and [the mechanical contractor] wouldn't need to have a license.

REPRESENTATIVE ROKEBERG surmised that the enactment of this law would mean that someone with 30 years of experience wouldn't be able to prepare shop drawings.

MR. MAYNARD replied no, the individual would be able to prepare shop drawings but wouldn't be able to do the original design.

Number 2270

SAM KITO, III, Alaska Professional Design Council (APDC), related his understanding that Representative Rokeberg is concerned that a mechanical contractor wouldn't be able to prepare shop drawings. The exemption in the licensure statute is to allow mechanical administrators and contractors to prepare shop drawings, but those shop drawings would be completed by a registered professional engineer.

REPRESENTATIVE ROKEBERG remarked that he believes HB 268 is going to cause a lot of people problems, and therefore there should be serious review of it. He expressed the need to craft this legislation such that it doesn't harm commerce and business in the state. Furthermore, Representative Rokeberg pointed out that HB 268 has only one committee of referral. He mentioned

the need to inform the parties which would be impacted by this legislation.

REPRESENTATIVE DAHLSTROM inquired as to how long this legislation has been noticed.

CHAIR ANDERSON replied that it has been noticed for a week.

REPRESENTATIVE DAHLSTROM noted that she wonders whether anyone has any concerns if no one has expressed concern over the week the legislation has been noticed.

MR. KITO said that he has spoken with the homebuilders representative who said that HB 268 doesn't propose to impact anything the homebuilders are working on. He noted that he has had brief conversations with the Associated General Contractors, who haven't had an opportunity to fully review the legislation but aren't concerned at this point.

REPRESENTATIVE ROKEBERG stated that this legislation impacts the specialty contractors. The legislation requires that there be an architectural or engineering stamp.

TAPE 03-46, SIDE B

CHAIR ANDERSON announced that HB 268 would be held over.

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:55 p.m.