

**ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

April 7, 2008

3:07 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Mark Neuman, Vice Chair
Representative Carl Gatto
Representative Gabrielle LeDoux
Representative Jay Ramras
Representative Robert L. "Bob" Buch
Representative Berta Gardner

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Alaska State Board of Public Accountancy

Max E. Mertz - Juneau

- CONFIRMATION ADVANCED

Alcoholic Beverage Control Board

Joseph DelDonno - Anchorage

Robert Klein - Anchorage

- CONFIRMATION(S) ADVANCED

State Board of Registration for Architects, Engineers, and Land Surveyors

Clifford E. Baker - Kenai

Daniel E. Walsh - Fairbanks

- CONFIRMATION(S) ADVANCED

Board of Barbers and Hairdressers

Lorenda Britten - Fairbanks

Kelley Sherman - Wasilla

- CONFIRMATION(S) ADVANCED

Board of Chiropractic Examiners

James Heston - Homer

- CONFIRMATION ADVANCED

Board of Marine Pilots

Robert J. Arts - Anchorage

- CONFIRMATION ADVANCED

Board of Marital and Family Therapy

The Very Rev. John Downing - Eagle River

- CONFIRMATION ADVANCED

Occupational Safety and Health Review Board

James Montgomery, Jr. - Kenai

Timothy O. Sharp - Fairbanks

- CONFIRMATION(S) ADVANCED

State Physical Therapy and Occupational Therapy Board

Joyce Barnett - Anchorage

Dr. Julius S. Brecht - Anchorage

Gary W. Burleson - Anchorage

Kathleen Lind - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Professional Counselors

James R. "Randy" Morton - Nome

- CONFIRMATION ADVANCED

Board of Psychologist and Psychological Associate Examiners

Camille O. "Cam" Carlson - Fairbanks

Dr. John R. DeRuyter - Fairbanks

Lisa C. Turner - Kenai

- CONFIRMATION(S) ADVANCED

Real Estate Commission

Christina E. Swires - Anchorage

- CONFIRMATION ADVANCED

Regulatory Commission of Alaska (RCA)

Robert M. "Bob" Pickett - Wasilla

- CONFIRMATION ADVANCED

Board of Veterinary Examiners

Dr. Timothy L. Bowser - Soldotna

Martin Buser - Big Lake

Dr. Cynthia A. Trout - Anchorage

- CONFIRMATION(S) ADVANCED

Workers' Compensation Appeals Commission

David Richards - Eagle River

- CONFIRMATION ADVANCED

Alaska Workers' Compensation Board

Don L. Gray - Anchorage

Howard A. Hansen - Wasilla

David Kester - Anchorage

Debra G. Norum - Fairbanks

Michael J. Notar - Juneau

Jeffrey P. Pruss - Fairbanks

David B. Robinson - Wasilla

Marc D. Stemp - Bethel

Damian J. Thomas - Fairbanks

- CONFIRMATION(S) ADVANCED

SENATE BILL NO. 305

"An Act relating to recorking, sealing, or packaging of wine served with a meal and removal of recorked, sealed, or packaged wine from licensed premises."

- MOVED SB 305 OUT OF COMMITTEE

CS FOR SENATE BILL NO. 263(L&C)

"An Act relating to the State Board of Registration for Architects, Engineers, and Land Surveyors; and relating to an exemption for persons authorized by the Department of Public Safety who are engaged in the design of fire detection and suppression systems from registration as architects, engineers, land surveyors, or landscape architects."

- MOVED CSSB 263 (L&C) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

CONFIRMATION HEARING

Regulatory Commission of Alaska (RCA)

Robert M. "Bob" Pickett - Wasilla

01/31/08	(H)	L&C
04/04/08	(H)	L&C AT 3:00 PM CAPITOL 17
04/04/08	(H)	Heard & Held

BILL: SB 263

SHORT TITLE: ARCHITECTS, ENGRS, SURVEYORS BD/EXEMPTION

SPONSOR(S): SENATOR(S) THOMAS

02/08/08	(S)	READ THE FIRST TIME - REFERRALS
02/08/08	(S)	L&C
03/18/08	(S)	L&C AT 1:30 PM BELTZ 211
03/18/08	(S)	Heard & Held
03/18/08	(S)	MINUTE(L&C)
03/20/08	(S)	L&C AT 1:30 PM BELTZ 211
03/20/08	(S)	Moved CSSB 263(L&C) Out of Committee
03/20/08	(S)	MINUTE(L&C)
03/21/08	(S)	L&C RPT CS 4DP NEW TITLE
03/21/08	(S)	DP: ELLIS, BUNDE, DAVIS, STEVENS
03/26/08	(S)	TRANSMITTED TO (H)
03/26/08	(S)	VERSION: CSSB 263(L&C)
03/27/08	(H)	READ THE FIRST TIME - REFERRALS
03/27/08	(H)	L&C
04/07/08	(H)	L&C AT 3:00 PM CAPITOL 17

BILL: SB 305

SHORT TITLE: RECORKING WINE SERVED WITH A MEAL

SPONSOR(S): LABOR & COMMERCE

03/21/08	(S)	READ THE FIRST TIME - REFERRALS
03/21/08	(S)	L&C
03/25/08	(S)	L&C AT 1:30 PM BELTZ 211
03/25/08	(S)	Scheduled But Not Heard
03/27/08	(S)	L&C AT 1:30 PM BELTZ 211
03/27/08	(S)	Moved SB 305 Out of Committee
03/27/08	(S)	MINUTE(L&C)
03/28/08	(S)	L&C RPT 1DP 2NR
03/28/08	(S)	DP: ELLIS
03/28/08	(S)	NR: BUNDE, DAVIS
03/31/08	(S)	TRANSMITTED TO (H)
03/31/08	(S)	VERSION: SB 305
04/01/08	(H)	READ THE FIRST TIME - REFERRALS
04/01/08	(H)	L&C
04/07/08	(H)	L&C AT 3:00 PM CAPITOL 17

WITNESS REGISTER

DANA OWEN, Staff
to Senator Johnny Ellis
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 305 on behalf of the sponsor,
the Senate Labor & Commerce Committee.

SENATOR JOE THOMAS
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 263 as the sponsor of the
bill.

KELLY NICOLELLO, Assistant Fire Marshal
Division of Fire and Life Safety
Central Office
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions on SB 263.

CRAIG FREDEEN, P.E., Mechanical Engineer
Vice-Chair
Board of Registration for Architects, Engineers, and Land
Surveyors (AELS)

Department of Commerce, Community, & Economic Development
(DCCED)

Anchorage, Alaska

POSITION STATEMENT: Testified on SB 263.

JOHN WALSH, Lobbyist

Alaska Professional Design Council (APDC)

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 263.

ACTION NARRATIVE

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at [3:07:26 PM](#). Representatives Gatto, Buch, Gardner, Olson were present at the call to order. Representatives LeDoux, Ramras, and Neuman arrived as the meeting was in progress.

CONFIRMATION HEARINGS

Alaska State Board of Public Accountancy

Alcoholic Beverage Control Board

State Board of Registration for Architects, Engineers, and Land Surveyors

Board of Barbers and Hairdressers

Board of Chiropractic Examiners

Board of Marine Pilots

Board of Marital and Family Therapy

Occupational Safety and Health Review Board

State Physical Therapy and Occupational Therapy Board

Board of Professional Counselors

Board of Psychologist and Psychological Associate Examiners

Real Estate Commission

Regulatory Commission of Alaska (RCA)

Board of Veterinary Examiners

Workers' Compensation Appeals Commission

Alaska Workers' Compensation Board

[3:07:37 PM](#)

CHAIR OLSON announced that the first order of business would be to take up the confirmation hearings of the various boards and commissions.

[3:07:50 PM](#)

REPRESENTATIVE GARDNER moved to advance the confirmations, as listed in the committee calendar, to the joint session for

consideration. She noted that each member's signature on the committee report does not reflect the member's vote during the joint floor session. There being no objection, the confirmations were advanced.

SB 305-RECORKING WINE SERVED WITH A MEAL

3:08:04 PM

CHAIR OLSON announced that the next order of business would be SENATE BILL NO. 305, "An Act relating to recorking, sealing, or packaging of wine served with a meal and removal of recorked, sealed, or packaged wine from licensed premises."

3:08:18 PM

DANA OWEN, Staff to Senator Johnny Ellis, Alaska State Legislature, stated on behalf of the bill sponsor, the Senate Labor & Commerce Committee, that SB 305 is identical to the identical to [HB 51] that passed the House of Representatives last year. He characterized SB 305 as a bill that addresses a safety issue. He opined that Alaska's laws have a bias towards overconsumption of alcohol. Under SB 305, customers can order wine and not feel compelled to drink the entire bottle of wine at the restaurant since the bottle can be recorked and taken home.

3:09:25 PM

CHAIR OLSON, after first determining no one else wished to testify, closed public testimony on SB 305.

3:09:39 PM

MR. OWEN, in response to Representative Buch, answered that the language in SB 305 is identical to last year's bill.

REPRESENTATIVE GATTO inquired as to whether similar legislation has been introduced in any state and failed to pass.

MR. OWEN said he not sure. He noted that 34 states have passed similar recorking laws. In further response to Representative Gatto, Mr. Owen answered that while it may be reasonable to require that a partially empty wine bottle be placed in a tamper proof bag, SB 305 would require the Alcoholic Beverage Control Board ("ABC Board") to set by regulation a method to seal bottles that are not corked. Thus, bottles that were originally sealed

with a cork are resealed in such a way that a mechanical device is necessary to reopen the bottle. He offered that if the bottle is a screw cap type bottle, the bottle would be sealed under regulations developed by the ABC Board.

[3:11:34 PM](#)

REPRESENTATIVE GARDNER characterized SB 305 as a means to encourage sales since the bill would encourage patrons to purchase a higher quality of wine or perhaps purchase an additional bottle of wine. While she said she has no objection to SB 305, she stated that the primary objective is to sell more wine, with a side benefit that people will not feel compelled to drink the entire bottle of wine.

[3:12:06 PM](#)

REPRESENTATIVE GATTO agreed with Representative Gardner. He pointed out that otherwise the proprietor might only sell one glass of wine, but since the person can purchase the bottle and take any remaining wine home that the proprietor can sell more wine to customers. He inquired as to whether the sealing process would entail a screw on cap that is tamper proof or if the wine would be resealed with a cork.

MR. OWEN offered his understanding that a bottle not originally sealed with a cork, would be sealed with a seal approved by the ABC Board. He surmised that it might be sealed with a paper seal. However, he noted that the ABC board would develop regulations for recorking and resealing wine. He added that if the wine bottle is sealed by a cork, it must be recorked in such a fashion that the cork cannot be removed by hand.

[3:13:33 PM](#)

REPRESENTATIVE LEDOUX inquired as to whether a screw top bottle could be corked as a means of resealing it.

MR. OWEN said he was not sure. He surmised that it would be resealed in another fashion.

[3:14:31 PM](#)

REPRESENTATIVE NEUMAN inquired if someone purchases a bottle of wine and does not consume it whether another customer could purchase the remainder of the bottle.

MR. OWEN answered that he did not know for certain if that arrangement could be made.

[3:15:41 PM](#)

REPRESENTATIVE LEDOUX revisited her earlier question and inquired as to whether wine that originally had a screw top can physically be corked or if another method must be used for those types of bottles.

MR. OWEN answered that he wasn't sure if it could be corked. He surmised that assuming that the cork would work that it would meet the intent of the bill, which is to allow wine to be taken off premises to be consumed at home.

CHAIR OLSON explained that screw top and regular wine bottles that have the same size neck can easily be corked with a tool designed for that purpose.

[3:17:02 PM](#)

REPRESENTATIVE NEUMAN moved to report SB 305 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 305 was reported out of committee.

The committee took an at-ease from 3:17 p.m. to 3:19 p.m.

SB 263-ARCHITECTS, ENGRS, SURVEYORS BD/EXEMPTION

[3:19:32 PM](#)

CHAIR OLSON announced that the final order of business would be CS FOR SENATE BILL NO. 263(L&C), "An Act relating to the State Board of Registration for Architects, Engineers, and Land Surveyors; and relating to an exemption for persons authorized by the Department of Public Safety who are engaged in the design of fire detection and suppression systems from registration as architects, engineers, land surveyors, or landscape architects."

SENATOR JOE THOMAS, Alaska State Legislature, sponsor, stated that the Board of Registration for Architects, Engineers, and Land Surveyors (AELS) consists of ten professional members [and one public member.] One seat is designated to be held by a mining engineer. However, since 22 mining engineers are licensed in Alaska and only 14 reside in the state, SB 263 would allow the governor to appoint a petroleum or mining engineer to

fill the seat currently designated for the mining engineer. Senator Thomas referred to page 4, and explained this section would add underlying language to exempt persons from licensure that are authorized by the Department of Public Safety, Fire Marshal's office to design fire suppression systems. This exemption would apply to persons certified by the National Institute for Certification in Engineering Technologies (NICET), who are required to pass a national certification exam, and have 5 years related work experience. The State Fire Marshal's office has long maintained the permit system for those engaged in the design of fire detection and suppression systems. This bill is supported by the Alaska Professional Design Council (APDC), the AELS Board, and the DPS Division of Fire and Life Safety, he noted.

[3:22:17 PM](#)

SENATOR THOMAS, in response to Representative Neuman, explained that one AELS seat is designated for a mining engineer. He reiterated that 22 mining engineers of the 5,000 AELS registrants are licensed by the state. Of those, only 14 mining engineers reside in Alaska. He noted that most mining engineers reside in remote areas where mining occurs, which makes it difficult for them to serve on the AELS Board. He offered that expanding the option to allow petroleum or chemical engineers to serve helps to ensure that the AELS board position can be filled.

REPRESENTATIVE NEUMAN related his understanding that the DPS Fire Marshal authorizes people to design fire detection and suppression systems. He asked whether the permit holder currently has to be licensed by the AELS board.

SENATOR THOMAS explained that the person designing the fire detection and suppression systems has to submit to an examination and must also possess five years of experience. Under the bill, the applicant would submit to the NICET examinations for the specific area in which they will work. In further response to Representative Neuman, Senator Thomas explained that the DPS Fire Marshal oversees the permitting process for those that hold NICET certifications.

[3:24:22 PM](#)

REPRESENTATIVE GARDNER referred to the committee packet item labeled, "Department of Public Safety Regulations" and noted that a company designing fire suppression systems must employ

sufficient personnel who hold valid permits in the classifications. She inquired as to whether that meant the employee who holds the permit must also be employed by a licensed engineer.

KELLY NICOLELLO, Assistant Fire Marshal, Division of Fire and Life Safety, Central Office, Department of Public Safety (DPS), stated that the permit is attached to the individual and not the firm. Thus, a company would need to employ a permit holder in order to do the design of a particular system. In further response to Representative Gardner, Mr. Nicolello answered that while a NICET certified permit holder could work for an engineering firm, they are not required to do so. In fact, some permit holders may own and operate their own companies, he noted.

[3:26:42 PM](#)

CRAIG FREDEEN, P.E., Mechanical Engineer; Vice-Chair, Board of Registration for Architects, Engineers, and Land Surveyors (AELS), Department of Commerce, Community, & Economic Development (DCCED), stated that Senator Thomas provided an excellent overview on SB 263. He stated that the AELS Board is very comfortable with SB 263, and has worked hard over the last year and a half on the issues of fire contractors providing services in Alaska. He pointed out that with respect to the mining engineer position, that the AELS board has previously had a vacancy and not been able to fill the position with a mining engineer. He opined that SB 263 would allow the governor to have more flexibility to fill the AELS Board position. Mr. Fredeen noted that the AELS board sought statutory changes for the fire permit holders since the AELS statutes require that those who perform design work must be professional engineers. The DPS Fire Marshal authorizes the fire protection contractors to perform design work by permit, and has done so for many years. He further stated that this statutory change helps ensure that future AELS board members will have clear guidance that the fire protection contractors can perform the design work so long as they are permitted by the DPS Fire Marshal's office.

[3:28:21 PM](#)

REPRESENTATIVE GATTO referred to the title, which read: "An Act relating to the State Board of Registration for Architects, Engineers, and Land Surveyors; and relating to an exemption for persons authorized..." He also related his understanding that

the bill allows 14 exemptions from the licensure for architects, engineers, and land surveyors and asked for clarification.

MR. FREDEEN answered that the AELS statutes require that anyone who designs a road or building needs to be a licensed architect, engineer, or land surveyor. However, the exemptions allow for specific circumstances when a licensed design professional is not required, such as when a person installs their own electrical system. In that instance, the person does not need to have an electrical engineer to stamp the drawings. Historically, the exemption for fire protection design has been allowed under the current exemption for specialty contractors. However, that exemption is broad and some abuse has arisen such as when a plumber who holds a specialty contractor license decides that he/she does not need to be licensed as an engineer in order to perform any design work necessary on a project. Since the specialty contractor's exemption is broad, the AELS board would specifically like to identify that fire protection contractors are exempted from licensure. Therefore, the people who perform the design work, who are highly qualified to do so under the NICET certification and DPS Fire Marshal's office permit, would be exempted from licensure by SB 263.

[3:30:45 PM](#)

REPRESENTATIVE GATTO related his understanding that a commercial building must still be designed by a registered architect or engineer. The fire contractors would be subcontractors, he offered. He asked for clarification whether the people designing fire suppression systems will need to be registered.

MR. FREDEEN reiterated that the people designing the fire suppression systems do not have to be licensed professional engineers, but they must hold the NICET certification and permit that authorize them to perform design work.

[3:32:12 PM](#)

JOHN WALSH, Lobbyist, Alaska Professional Design Council (APDC), testified in support of SB 263 on behalf of the APDC. He agreed with prior testimony that SB 263 would exempt specialty design contractors, as approved by the DPS Fire Marshal, from the engineering licensure requirement. He further explained that under the bill, people performing the work under the DPS regulatory jurisdiction are specifically exempted from the AELS statutory requirement for licensure. He referred to proposed AS 08.48.011(c) which relates to the mining engineer board position

and allows the governor to appoint a chemical or petroleum engineer if a qualified mining engineer is not available. He offered that the APDC, which is a consortium of design professional societies representing over 5,000 licensees is in support of SB 263.

[3:34:01 PM](#)

CHAIR OLSON, after first determining no one else wished to testify, closed public testimony on SB 263.

[3:34:17 PM](#)

REPRESENTATIVE NEUMAN related his understanding that the mining engineering position was vacant and not able to be filled since so few mining engineers live in Alaska. He offered his belief that the governor should have the latitude to select from other qualified engineers to fill the AELS board position. He expressed concern that a 14-story building might sustain structural damage caused by fire, but he pointed out that the AELS Board and the DPS Fire Marshal support SB 263, so he felt that appropriate oversight is in place. He said he thought that SB 263 simplifies the process and allows fire contractors already permitted by DPS to continue to perform their work.

[3:35:43 PM](#)

REPRESENTATIVE NEUMAN moved to report CSSB 263(L&C) out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSSB 263(L&C) was reported out of the House Labor and Commerce Standing Committee.

[3:36:00 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 3:36 p.m.