

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

March 29, 2013

3:21 p.m.

MEMBERS PRESENT

Representative Kurt Olson, Chair
Representative Lora Reinbold, Vice Chair
Representative Mike Chenault
Representative Dan Saddler
Representative Andy Josephson

MEMBERS ABSENT

Representative Bob Herron
Representative Charisse Millett

COMMITTEE CALENDAR

CONFIRMATION HEARING(S):

Alaska State Board of Public Accountancy

Craig Chapman - Kenai
Donovan Rulien II - Anchorage

- CONFIRMATION(S) ADVANCED

Alcoholic Beverage Control Board

Robert (Bobby) Evans - Nome

- CONFIRMATION(S) ADVANCED

Board of Registration for Architects, Engineers, and Land Surveyors

Eric Eriksen - Juneau
John Kerr - Anchorage
Jeffrey Koonce - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Barbers and Hairdressers

Michael Bolivar - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Dental Examiners

Robyn Chaney - Dillingham
Dr. Mary Anne Navitsky' - Sitka
Dr. Steven Scheller - Fairbanks
Gail Walden - Wassila

- CONFIRMATION(S) ADVANCED

Board of Chiropractic Examiners

Dr. Edward Barrington - Anchorage
Dr. Daniel Holt - Auke Bay

- CONFIRMATION(S) ADVANCED

Alaska Labor Relations Agency

Gary Bader - Anchorage
Daniel Repasky - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Marital and Family Therapy

Linda King - Chugiak
Kennith McCarty - Eagle River

- CONFIRMATION(S) ADVANCED

Board of Certified Direct-Entry Midwives

Sarah Taygan - Chugiak

- CONFIRMATION(S) ADVANCED

Board of Nursing

Hannah Espera - Anchorage
Thomas Hendrix - Eagle River

- CONFIRMATION(S) ADVANCED

Occupational Safety and Health Review Board

Thomas Trosvig - Kodiak

- CONFIRMATION(S) ADVANCED

Board of Examiners in Optometry

Dr. Grant Humphreys - Anchorage
Immanuel Lewis - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Professional Counselors

Anne Marie Brainerd - Fairbanks
Debra Hamilton - Soldotna

- CONFIRMATION(S) ADVANCED

State Physical Therapy and Occupational Therapy Board

Dr. Darin Bell - Seward
Ruth Kostik - Juneau
Valerie Phelps - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Pharmacy

John Cotter - Fairbanks

- CONFIRMATION(S) ADVANCED

Board of Psychologists and Psychological Associate Examiners

Dr. Kristi Fuller - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Certified Real Estate Appraisers

James Picard - Anchorage

- CONFIRMATION(S) ADVANCED

Board of Social Work Examiners

Zachary Paulson - Palmer

- CONFIRMATION(S) ADVANCED

Real Estate Commission

Eric Bushnell - Wasilla
Nancy Davis - Sitka
Stacy Risner - Fairbanks

- CONFIRMATION(S) ADVANCED

Board of Veterinary Examiners

DeeDee Jonrowe - Willow

- CONFIRMATION(S) ADVANCED

Workers' Compensation Appeals Commission

David Richards - Eagle River

- CONFIRMATION(S) ADVANCED

Alaska Workers' Compensation Board

Stacy Allen - Palmer
Bradley Austin - Auke Bay
Pamela Cline - Wasilla
Sarah Lefebvre - Fairbanks
Amy Steele - Anchorage
Mark Talbert - Wasilla

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 167

"An Act relating to the regulation of architects, engineers, land surveyors, and landscape architects."

- MOVED HB 167 OUT OF COMMITTEE

CONFIRMATION HEARING(S):

Regulatory Commission of Alaska

- RESCHEDULED TO 4/5/13

PREVIOUS COMMITTEE ACTION

BILL: HB 167

SHORT TITLE: ARCHITECTS, ENGINEERS, SURVEYORS

SPONSOR(s): LABOR & COMMERCE

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|----------|-----|---------------------------------|
| 03/15/13 | (H) | READ THE FIRST TIME - REFERRALS |
| 03/15/13 | (H) | L&C |
| 03/29/13 | (H) | L&C AT 3:15 PM BARNES 124 |

WITNESS REGISTER

KONRAD JACKSON, Staff
Representative Kurt Olson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified during the confirmation hearings on behalf of Representative Kurt Olson, Chair of the House Labor & Commerce Committee.

ANNA LATHAM, Staff
Representative Kurt Olson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 167 on behalf of Representative Kurt Olson, Chair of the House Labor & Commerce Committee.

HARLEY HIGHTOWER, Architect
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 167.

RICHARD REARICK, Architect; Chair
Board of Registration for Architects, Engineers, and Land Surveyors
Department of Commerce, Community & Economic Development (DCCED)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 167.

BRIAN HANSON, Professional Engineer (PE);
Civil and Mining Engineer; Chair,
Board of Registration for Architects, Engineers, and Land Surveyors (AELS)
Department of Commerce, Community & Economic Development (DCCED)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 167.

DALE NELSON, Professional Engineer (PE) Civil Engineer;
Chair, Liaison Committee
Alaska Professional Design Council (APDC)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 167.

ACTION NARRATIVE

[3:21:22 PM](#)

CHAIR KURT OLSON called the House Labor and Commerce Standing Committee meeting to order at 3:21 p.m. Representatives Josephson, Reinbold, Saddler, and Olson were present at the call to order. Representative Chenault arrived as the meeting was in progress.

CONFIRMATION HEARING(S)

Alaska State Board of Public Accountancy
Alcoholic Beverage Control Board
Board of Registration for Architects, Engineers, and Land
Surveyors
Board of Barbers and Hairdressers
Board of Dental Examiners
Board of Chiropractic Examiners
Alaska Labor Relations Agency
Regulatory Commission of Alaska
Board of Marital and Family Therapy
Board of Certified Direct-Entry Midwives
Board of Nursing
Occupational Safety and Health Review Board
Board of Examiners in Optometry
Board of Professional Counselors
State Physical Therapy and Occupational Therapy Board
Board of Pharmacy
Board of Psychologists and Psychological Associate Examiners
Board of Certified Real Estate Appraisers
Board of Social Work Examiners
Real Estate Commission
Board of Veterinary Examiners
Workers' Compensation Appeals Commission
Alaska Workers' Compensation Board

[3:21:46 PM](#)

CHAIR OLSON announced that the first order of business would be the confirmation hearings of the appointments to the listed boards and commission.

[3:22:01 PM](#)

REPRESENTATIVE REINBOLD moved to advance the confirmation of appointees referred to the House Labor & Commerce Committee to the joint session of the House and Senate for consideration.

CHAIR OLSON objected.

[3:24:59 PM](#)

The committee took an at-ease from 3:24 p.m. to 3:25 p.m.

CHAIR OLSON related the committee will take up the remaining confirmation hearing appointees and holdover the hearing for the appointee to the Regulatory Commission of Alaska (RCA), Mr. Rokeberg, since members have questions for the appointee who could not testify due to technical difficulties.

[3:25:13 PM](#)

KONRAD JACKSON, Staff, Representative Kurt Olson, Alaska State Legislature, on behalf of the House Labor & Commerce Committee, referred to a draft memo dated March 29, 2013. He stated that the memo from the committee to the Chief Clerk lists appointees to the Boards and Commissions to which they were appointed. He said that all the members have had an opportunity to review the resumes of the appointees and have expressed no concerns with any of the qualifications of the appointees he is about to read.

[3:26:02 PM](#)

MR. JACKSON read the following list of appointees:

Alaska State Board of Public Accountancy

Craig Chapman
Donovan Rulien II

Alcoholic Beverage Control Board

Robert (Bobby) Evans

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

Eric Eriksen
John Kerr
Jeffrey Koonce

Board of Dental Examiners

Robyn Chaney
Dr. Mary Anne Navitsky'
Dr. Steven Scheller
Gail Walden

Board of Barbers and Hairdressers

Michael Bolivar

Board of Chiropractic Examiners

Dr. Edward Barrington
Dr. Daniel Holt

Alaska Labor Relations Agency

Gary Bader
Daniel Repasky

Board of Marital and Family Therapy

Linda King
Kennith McCarty

Board of Certified Direct-Entry Midwives

Sarah Taygan

Board of Nursing

Hannah Espera
Thomas Hendrix

Occupational Safety and Health Review Board

Thomas Trosvig

Board of Examiners in Optometry

Dr. Grant Humphreys
Immanuel Lewis

Board of Professional Counselors

Anne Marie Brainerd
Debra Hamilton

State Physical Therapy & Occupational Therapy Board

Dr. Darin Bell
Ruth Kostik
Valerie Phelps

Board of Pharmacy

John Cotter

**Board of Psychologists and Psychological Associate
Examiners**

Dr. Kristi Fuller

**Board of Certified Real Estate
Appraisers**

James Picard

Board of Social Work Examiners

Zachary Paulson

Real Estate Commission

Eric Bushnell

Nancy Davis

Stacy Risner

Board of Veterinary Examiners

DeeDee Jonrowe

Workers' Compensation Appeals Commission

David Richards

Alaska Workers' Compensation Board

Stacy Allen

Bradley Austin

Pamela Cline

Sarah Lefebvre

Amy Steele

Mark Talbert

MR. JACKSON reminded members that members' signatures on the memo to the Chief Clerk do not reflect the intent of any of the members to vote for or against any of these individuals during the joint floor session.

[3:28:55 PM](#)

CHAIR OLSON stated that members have been given access to the resumes and applications of all of the names that were previously read and if they had questions, members contacted the individuals directly. He offered his belief the high caliber of appointees have been put forward and he has not heard any vocal opposition to any of the appointees. He added that he asked former Representative Norm Rokeberg to testify, [but due to technical difficulties he has not been able to testify].

[3:29:56 PM](#)

CHAIR OLSON removed his objection.

The committee took an at-ease from 3:30 p.m. to 3:34 p.m.

[3:34:52 PM](#)

CHAIR OLSON [said he would advance the confirmations for appointees referred to the House Labor and Commerce Standing Committee for consideration to the joint session of the House and Senate for consideration. He noted that each member's signature on the committee's report in no way reflects the member's vote during the joint floor session. There being no further objection, the confirmations were advanced.

The committee took an at-ease from 3:35 p.m. to 3:37 p.m.

HB 167-ARCHITECTS, ENGINEERS, SURVEYORS

[3:37:17 PM](#)

CHAIR OLSON announced that the final order of business would be HOUSE BILL NO. 167, "An Act relating to the regulation of architects, engineers, land surveyors, and landscape architects."

[3:37:22 PM](#)

ANNA LATHAM, Staff, Representative Kurt Olson, on behalf of Representative Kurt Olson, Chair, House Labor and Commerce Standing Committee, stated that HB 167 would provide a number of technical changes to the Board of Registration for Architects, Engineers, & Land Surveyors (AELS) and provide additional protection to the public regarding sealing of professional documents by the design professionals. She provided a section-by-section analysis of the bill. Section 1 would amend AS 08.48.221 by requiring registrants to sign on the seal when approving design documents. It deleted the language that would allow registrants to certify on the face of the document the extent of the registrant's responsibility for the design work. Section 2 would add a new subsection to AS 08.48.221 that requires documents containing the work of multiple fields of practice to be sealed and signed by a registrant in each of the fields covered by the document.

MS. LATHAM said that Section 3 would change the exemption for buildings for residence by not more than four families to not more than three families. It would add "architect, land surveying, or landscape architecture" to this section wherever "engineering" appears. Additionally, it would add language to the exceptions regarding revegetation or placement of plant material to require a board determination that the action does not affect the public health, safety, or welfare. Section 4 would add definitions for "design of minor importance," "shop drawing" and "field drawing." One of the purposes of a professional licensing board is to take into account the concerns of its licensees and serve as a conduit for bringing those issues to the attention of the legislature. She pointed out that all of the changes in HB 167 were brought forth by AELS Board. She highlighted that while most registrants work within their field of expertise, current statutes suggested that a registrant is allowed to seal documents that are not in the realm of the registrant's discipline of licensure if the registrant certifies of the face of the documents to the extent of the registrant's responsibility, which has created a loophole and many problems.

[3:39:47 PM](#)

MS. LATHAM explained that the statute was intended to allow multiple engineering disciplines the ability to stamp the drawing and indicate the specific portion of the design for which they were taking responsibility; however, this has been exploited or misinterpreted to allow design professionals to opt out of taking responsibility for a large portion of their work. This has resulted in numerous building code violations the AELS investigator must review. Currently, the AELS Board has a bill before the legislature for a full-time investigator, which passed out of this committee. In 2012, the AELS Board added 490 registrants to its oversight, which has also increased the case load for the investigator. Thus, now is the time to clean up the statutes for the board. The only other change in the bill that raised some questions is in Section 3, page 3 line 14. This would change the size of residence that requires a design professional's involvement and will conform to the state Fire Marshal's regulations, she said. She referred to AS 18.70.080, which requires the Department of Public Safety (DPS) to develop regulations establishing minimum standards for fire and life safety criteria in commercial, industrial, business, institutional, and other public buildings and buildings used for residential purposes containing four or more dwelling units. In accordance with the AELS Board's mission to protect the public's

health, safety, and welfare, this bill seeks to eliminate the loopholes in current statutes that allow for the misuse of seals.

[3:41:39 PM](#)

REPRESENTATIVE SADDLER asked whether she could identify any buildings that have had problems.

MS. LATHAM deferred to Harley Hightower, who previously served on the AELS board for eight years.

The committee took an at-ease from 3:43 p.m. to 3:48 p.m.

[3:49:28 PM](#)

HARLEY HIGHTOWER, Architect, introduced himself.

REPRESENTATIVE SADDLER asked whether Mr. Hightower could highlight some specific building code violations that relate to numerous health and safety issues and if he could identify any specific buildings members might be familiar with [in their districts.]

MR. HIGHTOWER answered that he was unsure of specific buildings, although he had served on the enforcement committee during his AELS board service. He recalled when the board reviewed documents he found some issues, although he said he could not name them since the cases under review were confidential.

[3:50:58 PM](#)

REPRESENTATIVE JOSEPHSON asked whether this part of AS 08 that relates to misuse of seals should have some deterrent or civil penalty attached.

MR. HIGHTOWER replied that he is not familiar with the penalties in AS 08 although the board does have guidelines for certain penalties for certain offenses. The problem the board has had relates to the difficulty in enforcing these statutes. In fact, the board is interested in these changes so cases can be prosecuted, he said.

[3:52:30 PM](#)

MR. HIGHTOWER offered his support for HB 167. He said his support is offered based on his observations during forty years

of practice in the field of architecture in Alaska and eight years of service on the AELS board. The current statutes are unclear in terms of use of seals or application of exemptions relative to the public health, safety, and welfare of the public, which is not well served. He referred to AS 08.48.221 and noted the most common misuse of seals is sealing of multiple discipline drawings by the single registrant. Sealing documents without the proper due diligence and oversight is not allowed. The change under AS 08.48.331, exemption (6), relative to three and four plex residences is one that the board considered as a housekeeping measure consistent with fire prevention statutes and for clarity. He explained the exemption for the specialty contractors has been interpreted by some to allow the practice of engineering by specialty contractors. Certainly, fire protection contractors who are specifically educated, trained and certified to design fire protection systems are presently exempt. Other trades under specialty contractors are skilled; however, they are not able to design systems since they do not have the rigors of experience and examination to design fire systems. The remaining changes under AS 08.48.281 and 08.48.341 are "clean up" or technical language to clarify the subject of sealing of design documents. He concluded that the bill will assist in the enforcement of statutes to protect the health, safety and welfare of the public.

[3:56:09 PM](#)

RICHARD REARICK, Architect, stated that he currently serves on the AELS board, but is representing himself today. He offered his support for HB 167 and echoed Mr. Hightower's statements. He offered his belief that this bill will serve to clarify the registrant's responsibility with respect to sealing of documents and to clarify the extent of the registrant's discipline with respect to incidental practice. The bill also adds definitions to AS 08.48.341. These changes are complementary to other statute changes, he said.

[3:57:25 PM](#)

BRIAN HANSON, Professional Engineer (PE); Civil and Mining Engineer; Chair, Board of Registration for Architects, Engineers, and Land Surveyors (AELS), Department of Commerce, Community & Economic Development (DCCED), stated that he currently serves as chair of the AELS board. He said he is supporting HB 167, specifically, the language change for AS 08.48.221, related to signing and sealing documents which is

important, in particular, the seal has added significance. He referred to AS 08.48.221, with respect to signing within the registrant's field of practice or design work of minor importance, which he also supports. He has served on the AELS Board's enforcement committee and during that time the board took some legal actions. For example, the board has on occasion had to consent decrees with licensees, who have made inappropriate statements on a document. He explained that a registered design professional cannot stamp with his/her professional stamp and later decide not take responsibility for the work. He said this is contrary to a registrant's ethics, due diligence, and public protection. Additionally, some housekeeping changes are in the bill, which were previously discussed related to three and four-plex buildings. Thus AS 08.48.341 further clarifies some of these changes. In conclusion, HB 167 will assist the board and he appreciated the committee's time and consideration.

[4:00:02 PM](#)

DALE NELSON, Professional Engineer (PE); Civil Engineer; Chair, Liaison Committee, Alaska Professional Design Council (APDC), stated he has practiced in the state for forty-five years. He spoke in support of HB 167 on behalf of the APDC. The APDC is a professional group which consists of memberships of professional engineers, land surveyors, including American Institute of Architects, and the American Council of Engineering Companies. The APDC supports the bill to ensure the health, safety and welfare of the public and to provide the AELS board with additional tools to clarify and meet those needs.

CHAIR OLSON indicated he enjoyed working with the AELS Board since it promotes professionalism and also since it has an impact on public protection. He thanked the board and organization for its work.

[4:02:20 PM](#)

CHAIR OLSON, after first determining no one else wished to testify, closed public testimony on HB 167.

[4:02:36 PM](#)

REPRESENTATIVE REINBOLD moved to report HB 167 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 167 was reported from the House Labor and Commerce Standing Committee.

4:02:51 PM

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:02 p.m.