

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

February 8, 2017

3:18 p.m.

**MEMBERS PRESENT**

Representative Sam Kito, Chair  
Representative Adam Wool, Vice Chair  
Representative Andy Josephson  
Representative Louise Stutes  
Representative Chris Birch  
Representative Gary Knopp  
Representative Colleen Sullivan-Leonard

**MEMBERS ABSENT**

Representative Mike Chenault (alternate)  
Representative Bryce Edgmon (alternate)

**COMMITTEE CALENDAR**

HOUSE BILL NO. 48

"An Act relating to the composition of the State Board of Registration for Architects, Engineers, and Land Surveyors; extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 48

SHORT TITLE: ARCHITECTS, ENGINEERS, SURVEYORS: EXTEND BD

SPONSOR(s): REPRESENTATIVE(S) KITO

01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	L&C, FIN
02/08/17	(H)	L&C AT 3:15 PM BARNES 124

**WITNESS REGISTER**

BIANCA CARPENETI, Staff  
Representative Sam Kito  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HB 48 on behalf of Representative Kito, prime sponsor.

KRIS CURTIS, Legislative Auditor  
Legislative Audit Division  
Legislative Agencies and Offices  
Juneau, Alaska

**POSITION STATEMENT:** Testified on HB 48.

DALE NELSON, Chair  
Legislative Liaison Committee  
Alaska Professional Design Council, LLC (APDC)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 48.

MICHELE ELFERS, Chief Landscape Architect  
Engineering Department  
City and Borough of Juneau (CBJ)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 48.

COLIN MAYNARD, Member  
State Board of Registration for Architects, Engineers, and Land Surveyors (AELS)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 48.

JANEY HOVENDEN, Director  
Division of Corporations, Business, and Professional Licensing (DCBPL)  
Department of Commerce, Community & Economic Development (DCCED)  
Juneau, Alaska

**POSITION STATEMENT:** Testified on HB 48.

LUANNE URFER, Member  
State Board of Registration for Architects, Engineers, and Land Surveyors (AELS)  
Eagle River, Alaska

**POSITION STATEMENT:** Testified in support of HB 48.

#### **ACTION NARRATIVE**

[3:18:46 PM](#)

**CHAIR SAM KITO** called the House Labor and Commerce Standing Committee meeting to order at 3:18 p.m. Representatives Wool,

Birch, Knopp, Sullivan-Leonard, Stutes, Josephson, and Kito were present at the call to order.

**HB 48-ARCHITECTS, ENGINEERS, SURVEYORS: EXTEND BD**

[3:19:18 PM](#)

CHAIR KITO announced that the only order of business would be HOUSE BILL NO. 48, "An Act relating to the composition of the State Board of Registration for Architects, Engineers, and Land Surveyors; extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

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BIANCA CARPENETI, Staff, Representative Sam Kito, Alaska State Legislature, presented HB 48 on behalf of Representative Kito, prime sponsor. She stated that HB 48 extends the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors (AELS), and changes the status of the current landscape architect board member from a non-voting to a voting member. The bill reflects the recommendations of the Division of Legislative Audit and AELS.

CHAIR KITO added that a revised fiscal note would be coming out soon.

[3:21:37 PM](#)

KRIS CURTIS, Legislative Auditor, Legislative Audit Division, Legislative Agencies and Offices, stated that the April 2016 Sunset Audit [included in the committee packet] found that AELS is serving the public's interests. The board registers and regulates architects, engineers, and land surveyors. The board monitors registrants and works to ensure that only qualified individuals practice in Alaska. The board develops and adopts regulations to improve the occupations. She stated that the division recommends the eight-year maximum extension and has no recommendations [for improvement]. She drew attention to a schedule of expenditures on page seven of the audit, which shows that at the end of fiscal year 2013 (FY 13), the board had a deficit of approximately \$260,000. At that point, the board raised its fees. At the end of FY 15, the board had a surplus of \$740,000 and decreased fees. She noted that the board's composition represents all licensed professions except for landscape architects. In 1998, a temporary, non-voting

landscape architect board position was created in uncodified law and has been reauthorized in every extension of the board. The original intent of the position was to help the board regulate the landscape architect profession. Seven out of the ten board members were asked if they were in support of making it a permanent position and all seven stated their support.

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DALE NELSON, Chairman, Legislative Liaison Committee, Alaska Professional Design Council, LLC (APDC), testified in support of HB 48. He stated that he is a registered professional civil engineer of more than 40 years. He stated that both AELS and APDC support HB 48, as presented. He emphasized the need and value of the board's extension.

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REPRESENTATIVE BIRCH asked what enforcement actions have been taken in the last year.

MR. NELSON stated that APDC supported having an investigator work specifically for AELS. He mentioned that professional engineers, architects, land surveyors, and landscape architects must sign that [they work] for the safety, health, and welfare of the public.

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MICHELE ELFERS, Chief Landscape Architect, Engineering Department, City and Borough of Juneau (CBJ), testified in support of HB 48. As a member of the APDC board, she stated the board's support of the bill. She relayed that the AELS board ensures a high quality standard for safe and functional infrastructure. She stated her support and the board's support of making the landscape architect position a permanent and voting position.

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REPRESENTATIVE KNOPP asked why the position has never been a voting position.

MS. ELFERS stated her understanding that the seat was originally a temporary seat when landscape architects were first becoming licensed in Alaska. She stated that she is not sure why it was not made a voting position when the profession became licensed.

3:30:02 PM

CHAIR KITO asked if the role of the landscape architect currently [on the board] is to provide advice and support concerning other landscape architects in the state when reviewing licensure applications.

MS. ELFERS answered yes.

CHAIR KITO observed that the non-voting position has been useful but landscape architects have not been fully represented.

MS. ELFERS stated that she agrees. She added that HB 48 would provide equal representation for all practicing professions.

3:31:37 PM

COLIN MAYNARD, Member, State Board of Registration for Architects, Engineers, and Land Surveyors (AELS), testified in support of HB 48. He drew upon his previous experience with APDC and stated that the main reason the [landscape architect board] position was made temporary and non-voting initially was due to the board's uncertainty of the future number of landscape architects. Now there are close to 50 licensed landscape architects. He stated that many competent people have filled the non-voting position in the last 18 years and have represented and served well. He offered his opinion that it's time to make the position permanent. He said that in the past there was one particular legislator who didn't like landscape architects and prevented making the position permanent. He stated that the design community has sought to make the position permanent since the board's first sunset date. In response to Representative Birch's previous question about the investigative branch, he stated that the board rarely knows details of any accusations until there is a consent agreement - the investigative branch "deals with it." He stated that currently there are 16 open cases; 14 have been closed since November. He concluded that there is active enforcement of the licensure act, and he offered his understanding that there has never been a licensure act action against a landscape architect; [previous actions] have always been against the other professions.

CHAIR KITO asked how many professionals are licensed by AELS.

MR. MAYNARD stated that there are approximately 7,000 [licensees], of which 5,000 are engineers - mostly civil engineers.

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JANEY HOVENDEN, Director, Division of Corporations, Business, and Professional Licensing (DCBPL), Department of Commerce, Community & Economic Development (DCCED), introduced Alysia Jones, the new Executive Administrator for AELS, and she noted that the committee may be hearing from Ms. Jones in the future. She stated that an updated fiscal note is forthcoming; DCBPL was unaware of a previous fiscal note for the temporary board member's travel expenses. She said the travel expenses would be deleted from the new fiscal note.

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CHAIR KITO clarified that the forthcoming fiscal note will reflect the fact that there is already money in the governor's FY 18 budget for travel for the landscape architect on the board. He asked if this is because the travel expenses were not a standard budget item.

MS. HOVENDEN stated that the expenses were funded with a separate bill, not as a complete board, which caused the confusion.

[3:36:49 PM](#)

REPRESENTATIVE WOOL noted that there is a fiscal note for travel, but the audit lists travel expenses of \$40,000 to \$50,000 per year. He asked why there is a fiscal note for a budgetary item if travel is an expense incurred and paid for by the board.

MS. HOVENDEN clarified that the division's receipt supported services, while licensing fees pay for all the expenses to the program, including board travel.

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CHAIR KITO stated that [the funding] will be reflected in the updated fiscal note.

REPRESENTATIVE WOOL stated that he had expected to see a zero fiscal note because the board's fees more than covers its expenses.

MS. HOVENDEN stated that the spending authority allows the division to spend money on the board's behalf - it's a continuation of what is already being spent on its behalf.

REPRESENTATIVE WOOL noted the [approximate] \$700,000 surplus and 7,000 licensees, and he asked if there will be a licensing fee adjustment of \$100 per person.

MS. HOVENDEN stated the board recently decreased its licensing fees, and it will take a couple bienniums to spend the surplus.

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CHAIR KITO opened public testimony on HB 48.

[3:40:17 PM](#)

LUANNE URFER, Member, State Board of Registration for Architects, Engineers, and Land Surveyors (AELS), encouraged the committee to support HB 48. As a landscape architect, she stated that it's important to represent her field, encourage safety, and ensure that projects are done that allow for opportunities for the public.

CHAIR KITO announced that HB 48 was held over.

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#### **ADJOURNMENT**

There being no further business before the committee, the House Labor & Commerce Standing Committee meeting was adjourned at 3:41 p.m.