

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

May 12, 2023

2:50 p.m.

MEMBERS PRESENT

Representative Jesse Sumner, Chair
Representative Justin Ruffridge, Vice Chair
Representative Dan Saddler
Representative Stanley Wright
Representative Ashley Carrick

MEMBERS ABSENT

Representative Mike Prax
Representative Zack Fields

COMMITTEE CALENDAR

SENATE BILL NO. 126

"An Act relating to the State Board of Registration for Architects, Engineers, and Land Surveyors; relating to architects, engineers, land surveyors, and landscape architects; and providing for an effective date."

- MOVED SB 126 OUT OF COMMITTEE

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 45(L&C) AM

"An Act relating to insurance; relating to direct health care agreements; relating to the duties of the director of the division of insurance in the Department of Commerce, Community, and Economic Development; and providing for an effective date."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 47

"An Act relating to insurance; relating to direct health care agreements; and relating to unfair trade practices."

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 159

"An Act relating to registered interior designers and interior design; establishing requirements for the practice of registered interior design; renaming the State Board of Registration for Architects, Engineers, and Land Surveyors the State Board of

Registration for Design Professionals; relating to the State Board of Registration for Design Professionals; relating to liens for labor or materials furnished; relating to the procurement of interior design services; and providing for an effective date."

- BILL HEARING CANCELED

PREVIOUS COMMITTEE ACTION

BILL: SB 126

SHORT TITLE: ARCHITECT/ENGINEER REGISTRATION BOARD

SPONSOR(S): LABOR & COMMERCE

04/11/23	(S)	READ THE FIRST TIME - REFERRALS
04/11/23	(S)	L&C, FIN
04/12/23	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/12/23	(S)	Heard & Held
04/12/23	(S)	MINUTE(L&C)
04/19/23	(S)	L&C AT 1:30 PM BELTZ 105 (TSBldg)
04/19/23	(S)	Moved SB 126 Out of Committee
04/19/23	(S)	MINUTE(L&C)
04/21/23	(S)	L&C RPT 3DP
04/21/23	(S)	DP: BJORKMAN, GRAY-JACKSON, DUNBAR
04/21/23	(S)	FIN REFERRAL REMOVED
05/10/23	(S)	TRANSMITTED TO (H)
05/10/23	(S)	VERSION: SB 126
05/10/23	(H)	L&C AT 3:15 PM BARNES 124
05/10/23	(H)	-- MEETING CANCELED --
05/11/23	(H)	READ THE FIRST TIME - REFERRALS
05/11/23	(H)	L&C
05/12/23	(H)	L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

SENATOR JESSE BJORKMAN
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented SB 126.

LOREN LEMAN, Member
Board of Registration for Architects, Engineers, and Land Surveyors
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community & Economic Development
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony, discussed the sectional analysis, and answered questions during the hearing on SB 126.

ACTION NARRATIVE

[3:19:32 PM](#)

CHAIR JESSE SUMNER called the House Labor and Commerce Standing Committee meeting to order at 2:50 p.m. Representatives Carrick, Wright, Ruffridge, and Sumner were present at the call to order. Representative Saddler arrived as the meeting was in progress.

SB 126-ARCHITECT/ENGINEER REGISTRATION BOARD

[3:19:59 PM](#)

CHAIR SUMNER announced that the only order of business would be SENATE BILL NO. 126, "An Act relating to the State Board of Registration for Architects, Engineers, and Land Surveyors; relating to architects, engineers, land surveyors, and landscape architects; and providing for an effective date."

[3:20:24 PM](#)

SENATOR JESSE BJORKMAN, Alaska State Senator, as prime sponsor, presented SB 126. He paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

Senate Bill 126 is legislation requested by the State Board of Registration for Architects, Engineers, and Land Surveyors (AELS Board). In many respects it is like a "Revisor's Bill."

One of its more substantive changes is to clarify that an electrical and a mechanical engineer may serve on the Board at the same time. This could be helpful as these two disciplines of engineering have the second and third most registrants in Alaska (civil engineering has the largest number). The Board believes this is what the Legislature intended when it called out that one of the 11 seats must be filled by a mechanical or electrical engineer and another seat is to be filled by another discipline not already represented. However, the Department of Law advises

that the current language may not allow this. Clarifying this will reduce the potential for conflict over eligibility to serve and may better serve the professions.

Another change is to clarify that a registrant who seals and signs a document must do the work or be in responsible charge of it and the work must be in the registrant's field of practice. An attorney in the Department of Law recently opined that the way the sentence is currently written could be interpreted as "or," meaning either condition alone is sufficient. This is not how the professions have long practiced this, nor how regulations are written. So the Board requests this clarification to reduce potential conflict between statute and regulation, as well as guard the professions.

The bill provides numerous updates to the statutes, acknowledges that documents are now transmitted electronically, and adds limited partnerships to the corporate structures that can be issued certification for professional practice.

[3:21:48 PM](#)

LOREN LEMAN, Member, Board of Registration for Architects, Engineers, and Land Surveyors; Division of Corporations, Business and Professional Licensing; Department of Commerce, Community & Economic Development noted he had previously served as a legislator in the Alaska State Legislature. He said one task of the board has been to update statutes and regulations to align with "how things are done today." He characterized SB 126 as like a revisor's bill: it does not seek to change policy but rather to make updates. He highlighted parts of the sectional analysis [included in the committee packet], which read in full as follows [original punctuation provided]:

Section 1: Amends AS 08.48.011(c) to clarify that an electrical engineer and a mechanical engineer may serve on the Board concurrently. This could help better serve two of the largest disciplines of engineering in Alaska.

Section 2: Amends AS 08.48.021(c) to lower from four to two years the time that a person who has "termed out" must wait before becoming eligible for

reappointment to the Board. This would be helpful in filling vacancies that may be difficult to fill.

Section 3: Amends AS 08.48.055(a) to change the statutory title of the main staff person who supports the Board to Executive Administrator, an update to modernize the title and more accurately reflect the scope of duties.

Section 4: Amends AS 08.48.055(b) to change the statutory title to Executive Administrator and adds that the Board may delegate reviews and approvals of comity applications. This delegation is already in regulation for certain limited circumstances, and the Department of Law has advised that the delegation needs to be codified in statute.

Section 5: Amends AS 08.48.071(f) because the Board no longer administers the exams. The testing function is now performed by national professional testing organizations at considerable cost savings to the State.

Section 6: Amends AS 08.48.091 because the Board no longer administers the exams.

Section 7: Amends AS 08.48.101(a) to add statutory authority for the Board to provide guidance on overlapping "border issues" or "gray areas" among the design professions by regulation or policy. The Board is already providing this guidance, this change clarifies the authority in statute.

Section 8: Amends AS 08.48.111 to add limited partnerships to entities that may be issued certificates of authorization. The State of Alaska issues business and professional licenses to limited partnerships.

Section 9: Amends AS 08.48.121 to allow the investigator to be able to dismiss a complaint without having to come to the Board in certain cases.

Section 10: Amends AS 08.48.171 to delete statutory language regarding applications for registration that is better suited to and currently covered by regulation.

Section 11- 13 Amend AS 08.48.191(a), (b) & (d) to update language to provide better certainty regarding when conditions for an application are met, and less a process based on opinion when the Board registers architects in Alaska.

Section 14: Amends AS 08.48.201(a) to allow the Board to set in regulation specific requirements for forms, statements, and references rather than in statute.

Section 15: Amends AS 08.48.211 to modernize statutes and delete repetitive language. Certificates are now issued electronically and the Board no longer places a physical seal on hard copy certificates. Registrants are advised they can print their own certificates from an electronic file.

Section 16: Amends AS 08.48.215(a) to streamline the language.

Section 17: Amends AS 48.08.221 to remove duplicative language and allow the Board to provide requirements for professional seals in regulation. Also responds to a recent Department of Law opinion about potential conflict between statute and regulation by clarifying that work sealed and signed by a registrant must be done by the registrant or under their responsible charge and be in the registrant's field of practice.

Section 18: Amends AS 08.48.231(a) to add limited partnerships and update the language to allow for electronic transmission of documents.

Section 19 - 28: Amends AS 08.48.241(a) - (h), AS 08.48.251, and AS 48.08.281(a) to add limited partnerships.

Section 29: Amends AS 08.48.331(a) to add limited partnerships and update the name for fire protection systems to be consistent with industry.

Section 30: Amends AS 08.48.341(4) to add limited partnerships.

Section 31: Amends AS 08.48.341(7) to make the language consistent with industry practice.

Section 32: Amends AS 08.48.341(16) by revising the definition of landscape architecture to be consistent with the other professional definitions and reflect language used within the profession to describe its work.

Sections 33-36: Amends AS 08.48.341(17-19, 22) to remove unnecessary language.

Section 37: Amends AS 08.48.341 to add new language that provide a definition for "fire protection system" that is consistent with the industry, and defines "limited partnership" and "registrant" as they are used in this section.

Section 38: Repeals AS 08.48.061, removing language regarding travel expenses and appropriations that is more appropriately covered elsewhere in Alaska Statutes.

Section 39: Provides for an immediate effective date.

MR. LEMAN noted that SB 126 had passed in the Senate with no opposition, and he encouraged the House Labor and Commerce Standing Committee to pass the bill out of committee.

[3:26:13 PM](#)

REPRESENTATIVE SADDLER asked whether the board had ever witnessed a situation, as described in the sponsor statement, wherein, for example, a mechanical engineer had "taken advantage of the ambiguity in the statute" to sign and seal a document that should have been done by a civil engineer or vice versa.

MR. LEMAN answered, "We're not aware of this." He spoke about the necessity to be registered and experienced in a particular area.

[3:27:34 PM](#)

REPRESENTATIVE WRIGHT pointed to language in Section 2 of the bill that would lower the time limit from four years to two years. He asked if it is difficult to recruit members to the board.

MR. LEMAN answered that in some of the categories it is. He credited the legislature for allowing some flexibility, for example, that if a mining engineer cannot be found, then a petroleum or chemical engineer could serve on the board. He indicated that the board would like to give "the various disciplines of engineering" opportunities to serve. He said the four-year limit is more restrictive than necessary for this board.

REPRESENTATIVE WRIGHT speculated this issue may be the reason for the desire to move SB 126 quickly.

MR. LEMAN answered that while the proposed legislation may seem minor "in the grand scheme," it is an important issue to the board. He expressed appreciation to the committee for hearing the bill and reiterated that he hoped the committee would report SB 126 [out of committee].

[3:30:46 PM](#)

REPRESENTATIVE RUFFRIDGE expressed appreciation for Mr. Leman's efforts to see this legislation moved through the legislature.

MR. LEMAN spoke about the commitment of time each board member gives.

[3:32:27 PM](#)

MR. LEMAN, in response to Representative Saddler, spoke about the board's stance related to interior designers.

[3:34:37 PM](#)

CHAIR SUMNER opened public testimony on SB 126. After ascertaining there was no one who wished to testify, he closed public testimony.

[3:35:05 PM](#)

REPRESENTATIVE RUFFRIDGE moved to report SB 126 out of committee with individual recommendations and the accompanying zero fiscal note. There being no objection, SB 126 was reported out of the House Labor and Commerce Standing Committee.

[3:35:37 PM](#)

ADJOURNMENT

The House Labor and Commerce Standing Committee was recessed at 3:35 p.m., to be continued May 13, 2023, at 11:00 a.m.