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Referred: Labor & Commerce
and Finance

6-0405A

1 IN THE HOUSE

BY KOPONEN AND LEMAN

2

HOUSE BILL NO. 182

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to, and eliminating certain exemp-
7 tions from, the regulation of architects, engineers,
8 and land surveyors; extending the termination date of
9 the State Board of Registration for Architects,
10 Engineers, and Land Surveyors; and providing for an
11 effective date."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

13 * Section 1. AS 08.03.010(c)(15) is amended to read:

14 (15) State Board of Registration for Architects, Engineers,
15 and Land Surveyors (AS 08.48.011) -- June 30, 1993 [1991].

16 * Sec. 2. AS 08.48.111 is amended to read:

17 Sec. 08.48.111. POWER TO REVOKE, SUSPEND, OR REISSUE CERTIFI-
18 CATE. The board may suspend, refuse to renew, or revoke the certifi-
19 cate of or reprimand a registrant or corporation who is found guilty
20 of (1) fraud or deceit in obtaining a certificate; (2) gross negli-
21 gence, incompetence, or misconduct in the practice of architecture,
22 engineering, or land surveying; or (3) a violation of this chapter, a
23 regulation adopted under this chapter [IT], or the code of ethics or
24 professional conduct as adopted by the board. The code of ethics or
25 professional conduct shall be distributed [MADE KNOWN] in writing to
26 every registrant and applicant for registration under this chapter[,
27 AND SHALL BE PUBLISHED WITH THE ROSTER PROVIDED FOR IN AS 08.48.081].
28 This publication and distribution of the code of ethics or profession-
29 al conduct constitutes due notice to all registrants. The board may

1 revise and amend its code and, upon doing so, shall immediately notify
2 each registrant in writing of the revisions or amendments. The board
3 may, upon petition of the registrant or corporation, reissue a certifi-
4 cate if a majority of the members of the board vote in favor of the
5 reissuance.

6 * Sec. 3. AS 08.48.331 is repealed and reenacted to read:

7 Sec. 08.48.331. EXEMPTIONS. This chapter does not apply to

8 (1) a contractor performing work designed by a professional
9 architect or engineer or the supervision of the construction of the
10 work as a supervisor or superintendent for a contractor;

11 (2) workers in building trades crafts, superintendents,
12 supervisors, or inspectors in the performance of their customary
13 duties;

14 (3) an officer or employee of the United States government
15 practicing architecture, engineering, or land surveying as required by
16 the person's official capacity;

17 (4) an employee or a subordinate of a person registered
18 under this chapter if the work or service is done under the direct
19 supervision of a person registered under this chapter;

20 (5) associates, consultants, or specialists retained by a
21 registered individual, a partnership of registered individuals, or a
22 corporation authorized to practice architecture, engineering, or land
23 surveying under this chapter, in the performance of professional
24 services if responsible charge of the work remains with the indi-
25 vidual, the partnership, or a designated representative of the corpo-
26 ration;

27 (6) a person preparing plans, drawings, or specifications
28 for

29 (A) a building for the person's own use and occupancy

1 unless the public health, safety, or welfare is substantially
2 involved;

3 (B) farm or ranch buildings, unless the public health,
4 safety, or welfare is involved;

5 (C) a building that is intended to be used only as a
6 residence by not more than four families and that is not more
7 than two stories high;

8 (D) a building that is not intended for public use and
9 that consists of not more than 1,000 square feet of floor space,
10 unless the public health, safety, or welfare is involved;

11 (7) a specialty contractor licensed under AS 08.18 while
12 engaged in the business of construction contracting or designing
13 systems for work within the specialty to be performed or supervised by
14 the specialty contractor, or a contractor preparing shop or field
15 drawings for work that the specialty contractor has contracted to
16 perform;

17 (8) a person furnishing plans, drawings, specifications,
18 instruments of service, or other data for alterations or repairs to a
19 building that do not change or affect the structural system or the
20 safety of the building, or that do not affect the public health,
21 safety, or welfare.

22 * Sec. 4. AS 08.48.341(7) is amended to read:

23 (7) "practice of architecture" means professional service
24 or creative work in the [FUNCTIONAL AND AESTHETIC] design of buildings
25 [STRUCTURES], the teaching of advanced architectural courses in insti-
26 tutions of higher learning, consultation, investigation, evaluation,
27 planning, design, and professional observation of construction of
28 public or private [STRUCTURES,] buildings, works, or projects, and
29 architectural review of plans and specifications by regulatory

1 agencies; "practice of architecture" [IT] may by regulation of the
2 board include mechanical, electrical, or structural design of [RELA-
3 TIVELY] minor importance [TO THE PROJECT AS A WHOLE];

4 * Sec. 5. AS 08.48.341(8) is amended to read:

5 (8) "practice of engineering" means professional service or
6 creative work, the adequate performance of which requires the [APPLI-
7 CATION OF] specialized knowledge of applied mathematics and sciences,
8 dealing with the [FUNCTIONAL AND ECONOMIC] design of [BUILDINGS,]
9 structures, machines, equipment, utilities systems, materials, pro-
10 cesses, works, or projects, public or private; the teaching of ad-
11 vanced engineering courses in institutions of higher learning; [,] the
12 direction of or the performance of engineering surveys, consultation,
13 investigation, evaluation, planning, [DESIGN,] and professional obser-
14 vation of construction of public and private structures, [BUILDINGS,]
15 works, or projects and engineering review of plans and specifications
16 by regulatory agencies; "practice of engineering" [IT] may by regula-
17 tion of the board include architectural building design of [RELATIVE-
18 LY] minor importance [TO THE PROJECT AS A WHOLE], but it does not
19 include comprehensive architectural services;

20 * Sec. 6. AS 08.48.341 is amended by adding new paragraphs to read:

21 (14) "building" means a structure used or intended for
22 human occupancy;

23 (15) "structure" means a system of materials and components
24 that resists horizontal and vertical loads.

25 * Sec. 7. AS 08.48.081 and 08.48.261 are repealed.

26 * Sec. 8. TRANSITIONAL PROVISIONS. (a) If, on the effective date of
27 this Act, a person is an officer or employee of the state, a political
28 subdivision of the state, or a public corporation of the state, and is
29 practicing architecture, engineering, or land surveying as required by the

1 person's official capacity or work duties connected with the employment,
2 and if the person was in the same position on the day before the effective
3 date of this Act and exempt under AS 08.48.331(4) or (12) as those sections
4 read on the day before the effective date of this Act, the person has
5 through December 31, 1993, to satisfy the registration requirements of
6 AS 08.48. In this subsection, "practicing architecture, engineering, or
7 land surveying" has the meaning given in AS 08.48.341 as that section

8 (1) provided the day before the effective date of this Act, when
9 applied to determine the person's position before the effective date of
10 this Act;

11 (2) provides on the effective date of this Act, when applied to
12 determine the person's position on the effective date of this Act.

13 (b) The State Board of Registration for Architects, Engineers, and
14 Land Surveyors may extend the deadline established in (a) of this section
15 for up to one year for a specific person if the person applies to the board
16 for the extension and demonstrates that circumstances beyond the person's
17 control prevent the person from registering before the deadline, and if the
18 board finds that the extension will not pose a significant threat of harm
19 to public health, welfare, or safety.

20 * Sec. 9. This Act takes effect immediately under AS 01.10.070(c).