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Referred: Finance

Original sponsors: Koponen, Leman,
and Collins

1 IN THE HOUSE BY THE LABOR AND
COMMERCE COMMITTEE

2 CS FOR HOUSE BILL NO. 182 (L&C) am S
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."

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

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

13 (15) State Board of Registration for Architects, Engineers,
14 and Land Surveyors (AS 08.48.011) -- July 1 [JUNE 30], 1991.

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

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

1 each registrant in writing of the revisions or amendments. The board
2 may, upon petition of the registrant or corporation, reissue a certifi-
3 cate if a majority of the members of the board vote in favor of the
4 reissuance.

5 * Sec. 3. AS 08.48.241(h) is amended to read:

6 (h) Drawings [PLANS], specifications, designs and reports, when
7 issued in connection with work performed by a corporation under its
8 certificate of authorization, shall be prepared by or under the re-
9 sponsible charge of and shall be signed by and shall be stamped with
10 the official seal of a person holding a certificate of registration
11 under this chapter.

12 * Sec. 4. AS 08.48 is amended by adding a new section to read:

13 Sec. 08.48.255. TEACHERS. (a) A person who is hired by a post-
14 secondary educational institution for a permanent position to teach
15 advanced architectural, engineering, or land surveying courses has 18
16 months from the date of hire to fulfill the registration requirements
17 of this chapter and may teach the courses during the 18-month period.

18 (b) A person who is not registered under this chapter and who is
19 hired by a postsecondary educational institution as a visiting teacher
20 for a period of up to one year does not violate the registration
21 requirements of this chapter by teaching advanced architectural,
22 engineering, or land surveying courses at the institution during that
23 year.

24 (c) This section does not authorize a person to perform archi-
25 tectural, engineering, or land surveying services other than teaching
26 without being registered under this chapter.

27 (d) In this section, "postsecondary educational institution" has
28 the meaning given in AS 14.48.210.

29 * Sec. 5. AS 08.48.331 is repealed and reenacted to read:

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

2 (1) a contractor performing work designed by a professional
3 architect or engineer or the supervision of the construction of the
4 work as a supervisor or superintendent for a contractor;

5 (2) workers in building trades crafts, superintendents,
6 supervisors, or inspectors in the performance of their customary
7 duties;

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

11 (4) an employee or a subordinate of a person registered
12 under this chapter if the work or service is done under the direct
13 supervision of a person registered under this chapter;

14 (5) associates, consultants, or specialists retained by a
15 registered individual, a partnership of registered individuals, or a
16 corporation authorized to practice architecture, engineering, or land
17 surveying under this chapter, in the performance of professional
18 services if responsible charge of the work remains with the indi-
19 vidual, the partnership, or a designated representative of the corpo-
20 ration;

21 (6) a person preparing drawings or specifications for

22 (A) a building for the person's own use and occupancy
23 as a single family residence;

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

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

29 (D) a garage, workshop, or similar building that

1 contains less than 2,000 square feet of floor space to be used
2 for a private noncommercial purpose;

3 (7) a specialty contractor licensed under AS 08.18 while
4 engaged in the business of construction contracting or designing
5 systems for work within the specialty to be performed or supervised by
6 the specialty contractor, or a contractor preparing shop or field
7 drawings for work that the specialty contractor has contracted to
8 perform;

9 (8) a person furnishing drawings, specifications, instru-
10 ments of service, or other data for alterations or repairs to a build-
11 ing that do not change or affect the structural system or the safety
12 of the building, or that do not affect the public health, safety, or
13 welfare.

14 * Sec. 6. AS 08.48.341(7) is amended to read:

15 (7) "practice of architecture" means professional service
16 or creative work in the [FUNCTIONAL AND AESTHETIC] design of buildings
17 [STRUCTURES], the teaching of advanced architectural courses in insti-
18 tutions of higher learning, consultation, investigation, evaluation,
19 planning, design, and professional observation of construction of
20 public or private [STRUCTURES,] buildings, works, or projects, and
21 architectural review of drawings [PLANS] and specifications by regu-
22 latory agencies; "practice of architecture" [IT] may by regulation of
23 the board include mechanical, electrical, or structural design of
24 [RELATIVELY] minor importance [TO THE PROJECT AS A WHOLE];

25 * Sec. 7. AS 08.48.341(8) is amended to read:

26 (8) "practice of engineering" means professional service or
27 creative work, the adequate performance of which requires the [APPLI-
28 CATION OF] specialized knowledge of applied mathematics and sciences,
29 dealing with the [FUNCTIONAL AND ECONOMIC] design of [BUILDINGS,]

1 structures, machines, equipment, utilities systems, materials, pro-
2 cesses, works, or projects, public or private; the teaching of ad-
3 vanced engineering courses in institutions of higher learning; [,] the
4 direction of or the performance of engineering surveys, consultation,
5 investigation, evaluation, planning, [DESIGN,] and professional obser-
6 vation of construction of public and private structures, [BUILDINGS,]
7 works, or projects and engineering review of drawings [PLANS] and
8 specifications by regulatory agencies; "practice of engineering" [IT]
9 may by regulation of the board include architectural building design
10 of [RELATIVELY] minor importance [TO THE PROJECT AS A WHOLE], but it
11 does not include comprehensive architectural services;

12 * Sec. 8. AS 08.48.341 is amended by adding new paragraphs to read:

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

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

17 * Sec. 9. AS 08.48.081 and 08.48.261 are repealed.

18 * Sec. 10. TRANSITIONAL PROVISIONS. (a) If, on the effective date of
19 this Act, a person is an officer or employee of the state, a political
20 subdivision of the state, or a public corporation of the state, and is
21 practicing architecture, engineering, or land surveying as required by the
22 person's official capacity or work duties connected with the employment,
23 and if the person was in the same position on the day before the effective
24 date of this Act and exempt under AS 08.48.331(4) or (12) as those sections
25 read on the day before the effective date of this Act, the person has
26 through December 31, 1991, to satisfy the registration requirements of
27 AS 08.48. In this subsection, "practicing architecture, engineering, or
28 land surveying" has the meaning given in AS 08.48.341 as that section

29 (1) provided the day before the effective date of this Act, when

1 applied to determine the person's position before the effective date of
2 this Act;

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

5 (b) The State Board of Registration for Architects, Engineers, and
6 Land Surveyors may extend the deadline established in (a) of this section
7 for up to six months for a specific person if the person applies to the
8 board for the extension and demonstrates that circumstances beyond the
9 person's control prevent the person from registering before the deadline,
10 and if the board finds that the extension will not pose a significant
11 threat of harm to public health, welfare, or safety.

12 (c) To be eligible for an extension of time under (a) or (b) of this
13 section to satisfy the registration requirements of AS 08.48, a person must
14 be supervised during the extension by a person who is registered under
15 AS 08.48. The supervising person shall review, approve, and seal the work
16 done by the person working under the extension. A supervising person may
17 supervise more than one person under this subsection.

18 (d) Notwithstanding (a) of this section, if, on the day before the
19 effective date of this Act, a person is an officer or employee of the
20 Department of Transportation and Public Facilities practicing architecture,
21 engineering, or land surveying under AS 08.48.331(4), as that section
22 existed before the effective date of this Act, if the person was in the
23 position on January 1, 1989, and if the person is in the position on the
24 effective date of this Act, the person is exempt from the registration
25 requirements of AS 08.48 while the person remains in that position.