

HB

655

CHARLES POOL & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
1225 Tongass Avenue
Ketchikan, Alaska 99901

file HB 655



(907) 225-6626

May 11, 1978

Honorable Terry Gardiner
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Mr. Gardiner:

We are writing to voice our opposition to HB 655, a bill for registration of Landscape Architects.

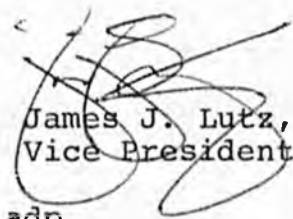
As presently written, this bill would license landscape architects to perform engineering and land surveying services which most landscape architects are manifestly unqualified to perform.

While we can see the need for regulating landscape architects and recognize the professional nature of their work, this bill would be akin to licensing chiropractors to do brain surgery.

We urge you to vote against this bill and to encourage your colleagues to do likewise.

Sincerely,

CHARLES POOL & ASSOCIATES, INC.

By:  James J. Lutz, P.E.
Vice President

JJL:adp

Alaska Society of Professional Engineers



DONALD R. DENT JR. P.E.
National Director
4135 Hood Court
Anchorage, Alaska 99503

Tel. (907) 277-8027
(907) 272-5451

March 16, 1978

Representative Terry Gardner
Chairman House Judiciary Committee
Pouch V
Juneau, AK 99811

Reference: HB 655

Subject: Registration of Landscape Architects

Dear Representative Gardner:

The Engineering groups, mostly in private practice, object to this piece of legislation, on the grounds that it will allow an infringement of a non-qualified group of people to practice within areas considered in Alaska and other States as Architecture, Civil Engineering and Land Surveying, as well as, leave the door open for other infringements on platting and planning processes, at the local level, which also effect the Land Surveying Professional.

In the proposed HB 655, under Section 30 (page 13) "practice of landscape architecture", the definition is vague enough that functions which are part of the practice of Architecture, Engineering and Surveying could be infringed with impunity, as is stated on line 8, "...but not limited to..." Specific infringements (lines 8 thru 11) "... consultation, investigation, research, planning, design, preparation of drawings, specifications and contract documents and responsible supervision or construction management in connection with the development of land;" (note semi-colon at end of this sentence.) At first reading it appears that the next sentence "to the extent,..." etc. is part of the aforementioned, but it is not. Lines 8 thru 13 is carte blanche license to do any or all A/E or L.S. work involved in land development.

Lines 12 thru 22 name specifics which are infringements.

Line 13 - "... or improvement of natural land features,..." A/E functions.

Line 14 - "... naturalistic or aesthetic values, or determination of proper land use..." A/E and L.S. Functions.

Line 16 - "... approaches for buildings and structures or other improvements..." This involves paving, parking, traffic pattern, sight distances, screening - "or other improvements" include sewer, water, power, site preparation, grading, etc. These are Engineering Functions.

Line 17 thru 20 - Please refer - This is a clear statement of supposed ability of landscape architects to do hydraulic and hydrologic engineering, as well as site engineering and soils analysis. These are Engineering Functions.

Representative Terry Gardner
March 16, 1978
Page -2-

Line 22 thru 24 - This states that landscape architecture does not include "design of buildings or structures with separate and self-contained purposes such as are ordinarily included in the practice of architecture or engineering." This implies that architecture and engineering are only concerned with design of buildings and structures. That statement is not fact. Civil Engineering also includes, but is not limited to, studies, activities and designs in connection with fixed works for irrigation, drainage, water power, water supply, flood control, inland waterways, harbors, all public works improvements, railroads, highways, tunnels, airports and airways, purification of water, sewerage, refuse disposal, soils and soils mechanics, hydraulics, hydrology, foundations, framed and homogeneous structures, and bridges.

If, from the impression given me by other legislators, it is a foregone conclusion this bill will pass regardless of objections, we feel that the definition would be better written as:

"(15)'practice of landscape architecture' means professional service or creative work, and adequate performance of which requires landscape architectural education, training and experience in work of consultation, investigation, research, planning, preparation of drawings and contract documents concerned with the preservation, enhancement or improvement of natural land features with naturalistic and aesthetic values, involved with ground cover and plantings, and determination of environmental problems of land. It does not include work which is defined by statute or usual and common practice of Architecture, Engineering or Land Surveying."

From the information received by us so far, Landscape Architectural Education does not include architecture or engineering of a comprehensive nature to warrant the Landscape Architects being granted the right to practice in the areas of Architecture or Engineering, or to slightly overlap.

Under Section 1 of HB 655, (page 1) the landscape architects are requesting two representatives on the Board of Registration. This is a large representation for an unknown number of people, particularly when they have little history or professional background in Alaska. At a later date with that professional history and background, and sufficient numbers, at least one representative on the board could be a reasonable request. Following is a listing of the present number of each of the present registration categories and their representation on the board.

<u>Category</u>	<u>Registrants</u>	<u>Representatives</u>
Civil Engineers	1097	2
*Land Surveyors	588	1
Architects	295	3
Mechanical Engineers	185	1
Electrical Engineers	170	1
Mining Engineers	74	1
Petroleum Engineers	28	0
Chemical Engineers	10	0
*Structural Engineers	3	0
*Sanitary Engineers	1	0

*276 Land Surveyors are dual-licensed Civil and Mining Engineers. The Structural and Sanitary Engineers were licensed in the early 1950's, but these categories are not licensed specifically now.

The purpose for three architects on the Board is that three persons must make the evaluation of architectural applicants. Evaluation of other categories are done the same way - three reviews. The Civil Engineering and Land Surveyor representatives are dual-licensed CE's and L.S.'s.

If the board were increased to eleven, it would be more equitable if one Civil Engineer were returned to the board together with one new category. A petroleum Engineer would be more important, overall, to the State and the public.

The purpose of AS 08.48 is to "safeguard life, health and property, and to promote the general welfare of the public" (ch. 179 SLA 1972). We do not feel that Landscape Architecture addresses the life, health, property and general welfare of the public, other than the aesthetic or artistic values, which are secondary. Aesthetics are not vital to the survival of the public, as are practical and functional works involved in the Architectural or Engineering practice. These latter are Primary.

Section 9 (08.48.196) (page 4) provide the Landscape Architects immediate access to registration in Alaska without examination or fulfilling such requirements such as arctic or permafrost engineering treatise and/or education, which is extremely important to the life, health, and welfare of the public in Alaska. Lines 9 thru 11 (page 4) would allow registration of Landscape Architects with less than the minimum 8 years education and experience, or 16 hours written examination, as required for the design professions.

We do not feel that another level of registration is warranted at this time. If it is in the mind of the Legislature to grant this level of registration, we do not support the concept of allowing the registration at lesser standards than

Representative Terry Gardner
March 16, 1978
Page -4-

are required for the design professionals nor to be allowed by statute to extend their practice into Architectural or Engineering areas for which they do not have competent educational and experience backgrounds.

The Landscape Architects were advised several months ago by the Board of Registration to contact the Architect and Professional Engineering Societies in order to formalize a piece of legislation acceptable to all parties. They chose not to, so now the legislators must wrestle with divergent views from all sides. This certainly wastes a lot of time.

More as an aside from the foregoing, hoping you may be able to answer this for us, we are curious how a group of, purported, 60 Landscape Architects, very few of whom have been in Alaska for three years, appear to have more political backing and support, than the approximately 10,000 voters who are directly involved in the Architectural, Engineering and Land Surveying Professions.

We would appreciate your consideration of our views during your deliberations on this Bill.

Since ely,

ALASKAN SOCIETY OF PROFESSIONAL ENGINEERS



Donald R. Dent, Jr., P.E., L.S.
Legislative Chairman

DRD/sw

HOUSE JUDICIARY

GARDINER 124	Miles	208
Brown 207 A	Rudd	625
Dankworth 203A	Eliason	201A
Carpenter 202A		

SENATE COMMERCE

BRADLEY 207	Sumner	104A
Poland 120	Ray	103
Hackney 105A		

HOUSE STATE AFFAIRS

BRADLEY 123	Nakak	103A
Mckinnon 628	Miles	208
Dankworth 203A	Kelly	211A
Lethin 203A		

LAI 2189 12.09 JADI 0018 12.02 03/07/73

TO SEN COMMERCE COMMITTEE
ATTN: ALL MEMBERS

TO H. STATE AFFAIRS COMMITTEE
ATTN: ALL MEMBERS

TO H. JUDICIARY COMMITTEE
ATTN: ALL MEMBERS

I URGE YOUR SUPPORT FOR HB 655 AND SB 416.

FROM GORDEN SCHLOSSER
3105 W 34 APT 17
ANCH., AK 99503
TELE: 272-2797

EQM
CBK/EOM

W. J. WELLENSTEIN • ARCHITECT • A.I.A., INC.

325 BARROW STREET

ANCHORAGE, ALASKA 99501

PHONE (907) 279-3941 • 277-6254



MARCH 1. 1978

REPRESENTATIVE CLARK GRUENING
POUCH V
JUNEAU. ALASKA 99811

TO CLARK:

RE YOUR LETTER OF FEBRUARY 27. 1978.

PERSONALLY I AM AGAINST THE REGISTRATION OF LANDSCAPE ARCHITECTS.
THEIR PROFESSION HAS NOTHING TO DO WITH THE PROTECTION OF THE PUBLIC
HEALTH, WELFARE OR SAFETY.

IF ANY PROFESSION SHOULD BE LICENSED NEXT IT SHOULD BE THE STRUCTURAL
ENGINEERS.

ADDITIONALLY, THE ARCHITECTS, ENGINEERS AND LAND SURVEYORS BOARD
REGULATIONS ARE PRESENTLY IN THE PROCESS OF BEING REVISED AND
FURTHER LICENSING SHOULD BE DELAYED UNTIL THEY HAVE BEEN APPROVED.

THANKS FOR EXTENDING ME THIS OPPORTUNITY OF EXPRESSING MY VIEWS.

SINCERELY,

A handwritten signature in cursive script, appearing to read "Wally", is written over the typed name.

W. J. WELLENSTEIN
PRESIDENT

WJW/DG

CC: REPRESENTATIVE BRADLEY
REPRESENTATIVE GARDINER

GROUP THREE DESIGN

LANDSCAPE ARCHITECTURE • LAND USE PLANNING • INTERIOR DESIGN

February 28, 1977

Honorable . L. Rader, President
Alaska Senate
Pouch V
Juneau, Alaska 99901

Re.: SB416, Registration for Landscape Architects

Dear Senator Rader:

Thankyou very much for your letter of February 7 and please forgive my delay in answering. Your interest in the bill is very much appreciated.

To bring you up to date, the bill, as originally drafted, is being revised considerably as a result of the February 7th hearing in the Senate Commerce Committee. According to my business partner, Burdett Lent, the questions you raised in your letter were addressed during that hearing.

Regarding the numbers of representatives on the Board, it was generally agreed by all that just one representative would be sufficient for the landscape architects. For further detailed statistics regarding exact numbers of practitioners in the various professions, please permit me to refer you to the chairman of our registration committee, Mr. Ross Hart of the Juneau firm of Kramer, Chin and Mayo. His phone number is Juneau 586-6400.

You asked if landscape architects could be covered under the definition of architects. This was also discussed. The two professions are, in actuality, two separate and distinct fields. Totally different curriculumms are required to be properly trained in the practice of each. Presently, existing state examinations in other states test licensure applicants for proficiency in each profession, on a separate basis, because they are different. Please also refer to the definitions for the practice of each in the existing and proposed bills. I think these will help clarify the distinction.

Regarding prohibiting architects from practicing landscape architecture: Again, because these are separate fields, it is fairly unlikely that a practitioner in one would be interested in attempting to practice in the field of another, unless he is trained in both. The general problem of limiting the other professions

Rader
Feb 28, 1978
Page 2

was discussed at the same time. An amendment to the definition, (15), pg.13, was suggested, which no one objected to. In essence that amendment states that there is nothing intended in the definition to restrict or prohibit the other professions in the normal practice in their respective areas.

I do not have the benefit of a copy of the bill as revised by the Commerce Committee. Please refer to that bill as soon as it becomes available as I believe it will address the questions you expressed.

My partner and I hope the above information will be helpful to you. We respectfully request your support.

Yours truly,



Jonathan F. Houk, Partner, ASLA, ASPO
Landscape Architect

cc's. Sen. W. E. Bradley, Chrm., Sen Commerce Comm.
Rep. Bob Bradley, Chrm., House State Affairs Comm.
Rep. Terry Gardiner, Chrm., House Judiciary Comm.
Governor Hammond

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

POUCH D - JUNEAU 99811

BOARD OF ARCHITECTS, ENGINEERS AND LAND SURVEYORS

February 28, 1978

Honorable Bob Bradley, Chairman
House State Affairs Committee
Pouch V
Juneau, Alaska 99811

Dear Mr. Chairman:

At the February 25 meeting of the Board of Architects, Engineers and Land Surveyors the bill to license landscape architects was thoroughly reviewed and discussed. A position was taken by the board.

On initial contact by the Landscape Architects Society the board endorsed the basic concept of licensing landscape architects and at the same time the landscape architects were asked to contact other professional societies and keep the board informed. No further contact was made nor information conveyed. The next known to the board was the introduction of HB 739 and SB 416.

The Board of Registration now opposes the bills as presently written. There are three areas of deep concern.

First, it is felt that two members on the board is too great of representation.

Secondly, the board is troubled with the definition of landscape architects. The board sees too great an overlap into other professions such as civil engineering, land surveying and architecture. It further foresees an erosion of the responsibilities of these closely allied professions.

The third area entails the protection of the health, safety and welfare of the public. These are the only reasons for licensing any of our professions and we cannot justify the licensing of landscape architects on these bases.

Honorable Bob Bradley

-2-

February 28, 1978

The board also discussed and showed concern over the number of land surveyors, civil engineers and architects who will be licensed by "grandfather rights" and their subsequent branching into new fields of endeavor through this loophole.

We herewith request your support of drastically revising this legislation or defeating it.

Sincerely,

Douglas Ackley
President

DA/jar2/2

cc: All Senators and Representatives

P.O. Box 2168
Sitka, Alaska 99835

February 28, 1978

Representative Terry Gardiner
Chairman House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Representative Gardiner,
Alaska is one of the few states presently not requiring registration
of Landscape Architects. I urge you to give favorable support of
SB 416 or HB 655 for creating registration of Landscape Architects.

Sincerely,



John Costello

Gardiner



Alaska Society of Professional Engineers

DONALD R. DENT JR. P.E.
National Director
4135 Hood Court
Anchorage, Alaska 99503

Tel. (907) 277-8027
(907) 272-5451

February 17, 1978

Representative Bill Miles
Pouch V
Juneau, AK 99811

Reference: HB 655

Subject: Registration of Landscape Architects

Dear Bill:

I appreciate your calling me Wednesday evening to discuss HB 655.

The Engineering group, mostly in private practice, object to this piece of legislation, and its Senate mirror image SB 416, on the grounds that it will allow an infringement of a non-qualified group of people to practice within areas considered in Alaska and other States as Architecture and Civil Engineering, as well as leaving the door open for infringements on platting and planning processes at the local level which effect Land Surveying.

I am attaching excerpts from AS08.48.341 and 12AAC36.250 which will give you Statutory and Administrative background that we are looking at.

In the proposed HB 655, under Section 30 "Practice of Landscape Architecture", the definition is vague enough that functions which are part of the practice of Architecture, Engineering and Surveying could be infringed with impunity as is stated on line 8, "...but not limited to..." Specific infringements lines 8 thru 11, "... consultation, investigation, research, planning, design, preparation of drawings, specifications and contract documents and responsible supervision or construction management in connection with the development of land;" note semi-colon at end of this sentence. At first reading it appears that next sentence "to the extent," etc. is part of the aforementioned but it is not. Lines 8 thru 13 is carte blanche license to do any or all A-E or L.S. work involved in land development.

Lines 12 thru 22 just name specifics which are infringements also.

- Line 13 - "... or improvement of natural land features,..." A-E functions.
Line 14 - "... naturalistic or aesthetic values, or determination of proper land use..." A-E and L.S. Functions.
Line 16 - "...approaches for buildings and structures or other improvements..." involves paving, parking, traffic pattern, sight distances, screening-to name a few.
Line 17 thru 20 - without quoting, this is a clear statement of supposed ability of landscape architects to do hydraulic and hydrologic engineering, as well as, site engineering.
Line 22 thru 24 - stating that it does not include "design of buildings or structures with separate and self-contained purposes such as are ordinarily included in the practice of architecture or engineering" does not conform with the previous statements or fact, in that it says architecture and engineering are only concerned with design of buildings and structures.

If, from the impression you left with me, it is a foregone conclusion the bill will pass regardless of objections, this definition would be better written as:

(15) "practice of landscape architecture" means professional or creative work, the adequate performance of which requires landscape architectural education, training and experience in work of consultation, investigation, research, planning, design, preparation of drawings and contract documents concerned with the preservation, enhancement or improvement of natural land features with naturalistic and aesthetic values, involved with ground cover and plantings, and determination of environmental problems of land. It does not include work which is defined by statute or usual and common practice of Architecture, Engineering or Land Surveying.

Under Section 1 of HB 655, the landscape architects are requesting two representatives on the Board of Registration. This is a large representation for a small number of people. Following is a listing of the present number of each categories and their representation on the board:

<u>Category</u>	<u>Registrants</u>	<u>Representatives</u>
Civil Engineers	1097	2
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Representative Bill Miles
February 17, 1978
Page -3-

*276 Land Surveyors are dual-licensed Civil and Mining Engineers. The Structural and Sanitary Engineers were licensed in the early 1950's, the categories are not licensed specifically now.

The reason for three architects on the Board is that three men make the evaluation of architectural applicants. Evaluation of other categories are done the same way - three reviews. The Civil Engineering and Land Surveyors are dual-licensed CE's and L.S.'s.

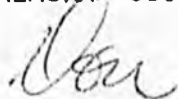
If the board were increased to eleven, it would be more equitable if one Civil Engineer were returned to the board together with one new category. A Petroleum Engineer would be more important, overall.

If, as indicated by you, that the bill will go through anyway, we would like to see AS 08.48.261 (see Section 20) and AS 08.48.331(12) (see Section 28) repealed. They are both sections leading to enforcement ambiguities. A former Highway Commissioner and Public Works Commissioner had 261 inserted in the law in 1972 purportedly to assist them in administration of their departments. Since then it has been ignored by those departments and they have had non-qualified, non-registered people making engineering decisions which definitely affect the public health and welfare - Juneau "freeway" falling apart is an example. 331(12) allows firms to do Architectural, Engineering or Land Surveying work without a license although affecting public life, health, and welfare. This paragraph was inserted by Al McVeigh on floor vote in 1972.

Bill, I think you get the picture of how we view the registering of Landscape Architects. We would like to see both bills (HB 655 and SB 416) kept in committee to die with the session. To require another level of registration we feel is unwarranted in this case.

Sincerely,

ALASKAN SOCIETY OF PROFESSIONAL ENGINEERS



Donald R. Dent, Jr., P.E., L.S.
Legislative Chairman

association or corporation which officer or employee practices architecture, engineering or land surveying when required by his official capacity or work duties connected with his employment if such individual firm, partnership, association or corporation is not engaged in the business of offering architectural, engineering or land surveying services to the public.

Sec. 08.48.341. DEFINITIONS. In this chapter

- (1) "architect" means a professional architect;
- (2) "board" means the State Board of Registration for Architects, Engineers and Land Surveyors;
- (3) "certificate of authorization" means a certificate issued by the board authorizing a corporation to provide professional services in architecture, engineering or land surveying through individuals legally registered by the board;
- (4) "certificate of registration" means a certificate issued by the board recognizing the individual named in the certificate as meeting the requirements for registration under this chapter;
- (5) "engineer" means a professional engineer;
- (6) "land surveyor" means a professional land surveyor;
- (7) "practice of architecture" means professional service or creative work in the functional and aesthetic design of structures, the teaching of advanced architectural courses in institutions of higher learning, consultation, investigation, evaluation, planning, design and professional observation of construction of public or private structures buildings, works or projects, and architectural review of plans and specifications by regulatory agencies; it may by regulation of the board include mechanical, electrical or structural design of relatively minor importance to the project as a whole;
- (8) "practice of engineering" means professional or creative work, the adequate performance of which requires the application of specialized knowledge of mathematics and sciences, dealing with the functional and economic design of buildings, structures, machines, equipment, utilities systems, materials, processes, works or projects, public or private; the teaching of advanced engineering courses in institutions of higher learning, the direction of or the performance of engineering surveys, consultation, investigation, evaluation, planning, design, and professional observation of construction of public and private structures, buildings, works or projects and engineering review of plans and specifications by regulatory agencies; it may by regulation of the board include architectural design of relatively minor importance to the project as a whole, but it does not include comprehensive architectural services;
- (9) "practice of land surveying" means any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related sciences, and the relevant requirements of law for adequate evidence of the act of measuring and locating land, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the platting and planning of land and subdivisions, and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys;
- (10) "professional architect" means a person who has been legally registered as a professional architect by the board;
- (11) "professional engineer" means a person who has been legally registered as a professional engineer by the board;
- (12) "professional land surveyor" means a person who has been legally registered as a professional land surveyor by the board;
- (13) "responsible charge" means the direct control and personal supervision of work.

PROFESSIONAL AND VOCATIONAL REGULATIONS

(4) "civil engineering" means that branch of professional engineering which embraces studies and activities in connection with fixed works for irrigation, drainage, waterpower, water supply, flood control, inland waterways, harbor, municipal improvements, railroads, highways, tunnels, airports and airways, purification of water, sewage, refuse disposal, foundations, framed and homogeneous structures, buildings or bridges;

(5) "design" means the original and unique application of basic aesthetic, mathematical and physical and chemical principles to provide an acceptable solution of a problem or project;

(6) "direct personal supervision" means direct personal supervision at the working level of the preparation of architectural or engineering documents affecting the health, welfare and safety of the public and not as indirect supervision from a higher level of management;

(7) "ECPD" means Engineering Council for Professional Development;

(8) "electrical engineering" means that branch of professional engineering which embraces studies and activities relating to generation, transmission and utilization of electrical energy and to telecommunications systems and facilities, including the design of electrical, electronic and magnetic circuits and components, and the technical control of their operation and of the design of electrical and telecommunications gear; it is concerned with the research, organizational and economic aspects of these studies and activities;

(9) "mechanical engineering" means that branch of professional engineering which deals with engineering problems relating to generation, transmission and utilization of energy in the thermal or mechanical form, and also with engineering problems relating to the production of tools, machinery and their products and to mechanical processes, heating, air conditioning, refrigeration and plumbing; it is concerned with the research, design, production, operational, organizational and economic aspects of these studies and activities;

(10) "mining engineering" means that branch of professional engineering which embraces studies or activities relating to the exploration, location, exploitation and recovery of minerals and mineral ores; it is concerned with research, design, construction and development of structures, devices and facilities of production and the economic aspects related to these studies and activities;

(11) "NAAB" means the National Architectural Accrediting Board;

(12) "NCARB" means the National Council of Architectural Registration Boards;

(13) "NCEE" means the National Council of Engineering Examiners;

(14) "petroleum engineering" means that branch of professional engineering which embraces studies or activities relating to the exploration, location, exploitation and recovery of natural fluid hydrocarbons; it is concerned with research, design, production and operations of devices, and the economic aspects of these studies and activities;

(15) "practice of architecture" includes mechanical, electrical, or structural design of relatively minor importance to the project as a whole;

(16) "practice of engineering" includes architectural design of relatively minor importance to the project as a whole;

(17) "professional engineering" includes:

(A) chemical engineering;

(B) civil engineering;

PROFESSIONAL AND VOCATIONAL REGULATIONS

(C) electrical engineering;

(D) mechanical engineering;

(E) mining engineering;

(F) petroleum engineering;

(18) "professional work" means the time the applicant has been occupied in architecture, engineering or land surveying work of higher grade and responsibility than that of sub-professional work;

(19) "responsible charge of work in the field" means the direction of work, the successful accomplishment of which rested upon the applicant, where the applicant has to decide questions of methods of execution and suitability of materials without relying upon advice or instructions from his superiors and where the applicant has to supply solutions to deficiencies in plans or has to correct errors in designs without first referring them to higher authority for approval, except where the approval is a matter of form;

(20) "responsible charge of work in the office" means undertaking investigations or carrying out assignments, which demand resourcefulness and originality, or making plans, writing specifications, and directing drafting and computations for the design of architectural, engineering or land surveying work with only rough sketches, general information and field measurements for reference;

(21) "state" means the State of Alaska;

(22) "sub-professional work" means time spent working as rodman, chainman, recorder, draftsman, clerk of works, instrument man, inspector, or similar work where personal responsibility and technical knowledge are slight. (Eff. May 23, 1974, Register 50)

Authority: AS 08.48.101

BRUCE G. SHARKY, ASLA
3129 Lochwood Circle
Anchorage, AK 99504
(907) 337-6932

January 30, 1978

The Honorable Representative Gardiner, Chairman
House Judiciary Committee
Pouch V
Juneau, Alaska

RE: House Bill NO. 655
Landscape Architects

Honorable Representative Gardiner:

The purpose of this letter is to convey my support of Bill NO. 655. Passage of the Bill would be in the public interest and I therefore urge you to give support to the Bill.

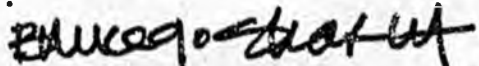
The profession of landscape architecture is a recognized and established profession of long standing. Its origins are from Europe where it flourished prior to the American Revolution. The first landscape architect in the United States was Fredrick Law Olmstead, the designer of New York City's famous Central Park. Presently there are some 35 states having laws providing registration for landscape architects. 21 universities have four year programs leading to a bachelors degree; 15 schools offer advanced degrees. The designated accrediting body for these schools is the American Society of Landscape Architects (founded in 1899). The Council of Landscape Architects Registration Board administers the Unified National Examination, an examination recognized and validated by HEW.

I have read over the Bill and feel that it will provide valuable protection to the public's health, safety and welfare in the specific areas of service members of the landscape architecture profession are dully qualified and technically trained. Further I believe the lack of registration in Alaska unfairly restricts landscape architects from practicing their profession.

The concept of incorporating registration of landscape architects into the existing Architects, Engineers and Land Surveyors' statute is particularly meritorious from the standpoint of being a sound fiscal measure as well as a practical and efficient administrative framework.

It is my sincere belief that the passage of the Bill would be in the public interest and would allow landscape architects in our State to contribute towards the enhancement of our living and economic environment. I therefore urge you to support the Bill and give it the necessary guidance as it is reviewed in committee and on the floor. Thank you for your support.

Very sincerely,


Bruce G. Sharky, ASLA

February 21, 1978

Honorable Terry Gardiner
State House Judiciary Comm.
Juneau, Alaska 99811

Dear Mr. Gardiner;

House Bill No. 655 requiring the licensing of Landscape Architects is, in my opinion, not in the best interest of the people of the State of Alaska.

The duties set forth in Section No. 30 of the proposed bill which "protect the public health, safety, and welfare" are clearly a duplication of duties for licensed professionals already in existence.

Landscape Architecture is a specialized branch of one or more of the existing professions and not so independent to warrant its own license.

This bill, if passed, would allow the duties of a Landscape Architect to unduly overlap those of a professional Civil Engineer or Architect.

Therefore, I would strongly urge House Bill No. 655 be defeated.

Sincerely;



Terry Brenner

Rt. 4, Box 4545-25
Juneau, Alaska, 99803

February 15, 1978

The Honorable Mike Miller
House of Representatives
Pouch V
Juneau, Alaska 99811

Re: House Bill 655
An Act Relating to the State Board
of Registration for Architects,
Engineers and Land Surveyors

Dear Sir,

As a Registered Professional Engineer (1855-E, 1969) and a Registered Land Surveyor (1410-S, 1965), both by examination in the State of Alaska, I wish to submit my strongest objections to your House Bill No. 655 concerning legislation of the State of Alaska for the recreation of our existing State Board of Registration for Architects, Engineers, and Land Surveyors into a State Board of Registration for Architects, Engineers, Landscape Architects, and Land Surveyors.

The primary concern of those desiring the expansion of the present existing board of Architects, Engineer and Land Surveyors is their immediate need for professional licensing. Those landscape architects desiring professional licensing state their primary reasons are;

- 1). to protect the public health, safety and welfare
- 2). lack of registration in Alaska restricts landscape architects from practicing their profession.

To both of their primary concerns I state that this is a falsism. In reviewing Concern No. 1 and utilizing such reference texts as McGraw-Hills Dictionary of Scientific and Technical Terms, the following definitions are given for Landscape Architecture and Landscape Engineer.

Landscape Architecture: The art of arranging and fitting land for human use and enjoyment.

Landscape Engineer: A person who applied engineering principals and methods to planning, design and construction of natural scenery arrangements on a tract of land. (It is interesting to note that there is not a definition for a Landscape Architect in any of the reference texts I examined.)

The Honorable Mike Miller
House of Representatives
February 15, 1978
Page 2

I find it hard to believe that the principle methods of planning and designing for the construction of natural scenery arrangements (the cosmetics of land) concerns the health, safety and welfare of the public. The other point, the lack of registration restricts landscape architects from practicing their profession is also a falsism. There are landscape architects practicing not only in established architectural/engineering firms but also those practicing on their own without any enfringement onto the regulations and laws governing the practice of architects, engineer and land surveyors.

Landscape architecture, or landscape engineering, whichever the definition desired to utilize, is in truth, a subfield of architecture and engineering. Presently, the state of Alaska does not registered subfield professionals. There have been many cases in point where subfields have desired or tried to change registration acts. I specifically cite legislation years past to register specifically highway engineers, sanitary engineers, and structural engineers. It was felt then, that all these professions are subfields of the prime professional engineer and being a professional, it is the individual's integrity and knowledge that will keep the professional from working in a field that he may not have a complete and knowledgable understanding therein. Therefore, it is this writer's primary opinion that if a Landscape Architect desires registration and he or she has attended and graduated from a school of architecture or engineering, he or she can take the registration examination for an architect or engineer and practice in his or her chosen field of endeavor, i.e., Landscape Architecture.

I have objections, both as an engineer and as a land surveyor, to Page 13 of the bill, Section 30 AS 08.48.341, Item (15), "Practice of Landscape Architecture". This defines the practice of landscape architecture as "professional service or creative work, the adequate performance of which requires landscape architectural education, training and experience, professional services include, but are not limited to, consultation, investigation, research, planning, design, preparation of drawings, specifications, and contract documents and responsible supervision or construction management in connection with the development of land areas". To the above, this is allowed through the present board regulations in the field of not only architecture but also engineering and land surveying to a limited extent. Specific items within the Landscape Architect's Architecture's realm of responsibility include;

"the determination of environmental problems with land relating to erosion, flooding, blight, and other hazards".

The Honorable Mike Miller
House of Representatives
February 15, 1978
Page 3

This is the primary field of civil engineering with a specialty of soils engineering, hydrology engineering and geophysical engineering and to imply that the surficial "cosmetic" treatment of land extends into the previous fields is incorrect. Alaska is unique in its soil problems. Our northern regions are sublined with tundra and permafrost while our southern regions are covered and sublined with peat (muskeg) and glacial marine drifts and tills. There is no school of architecture, to my knowledge, that has specialized education in the treatment of soils with such unique difficulties. The University of Alaska does not have a school of architecture and I do not believe training to deal with soils and other hazards can be obtained any where else in the United States with Alaska's particular problem, save and except through the University of Alaska or through practical experience gained while working for and under other professional individuals.

"The shaping and contouring of land and water forms".

This is already conducted by existing practicing architects, engineers and land surveyors. Either these individuals desiring to perform such service can be registered in the prime professional field or all existing architects, engineers, and land surveyors should be Grandfather'ed into becoming Landscape Architects.

"the determination of drainage and provisions of storm drainage systems where those systems do not require structural design of system components".

Storm drainage design, rainfall runoff, etc. is conducted usually by civil engineers and to some limited extent, by architects and land surveyors. The design of system components for storm drainage systems is the detailed and unique field which involves soils analysis, structural competence, etc. This statement and others reflect that Landscape Architects have special education and training in hydraulic and hydrology which I personally do not believe is factual. If it were, or is, why do they not take the current professional examinations?

It must be stated that there seems to be extensive overlaps between landscape architecture, architecture, engineering, and land surveying. It is my opinion that Alaska does not need any new registered specialists in any field. The recognition of them (landscape architects) and allowing landscape architects to become active members of our board should be based on their ability to pass existing examinations in the current fields of architecture or engineering to denote their competence to practice professionally. Other professional individuals are presently allowed to practice without registration and I believe this bill

The Honorable Mike Miller
House of Representatives
February 15, 1978
Page 4

would bring them forward in mass, to desire professional "public" recognition. These other professionals include; biologists, hydrologists, geologists, geophysicists, as well as others. The bill could only cost the State confusion in responsibility, many added dollars to the already far extended budget to police and monitor such a program, as well as render examinations in this particular field.

Further objections I have to the bill concern the enlargement of the board. Presently the board consists of nine members with a quorum being five. This bill expands the board to 11 members with six members being a quorum. The quorum should never be made up of a possible tie vote. It is my understanding from talking with board members, that the budget for such a board is relatively limited. The board does not have sufficient funds to act or police much of the existing regulation, let alone creating more expense to the State by adding landscape architects to the board (two each) and allowing them such a large vote on said board.

In closing I must reiterate strongly that the need for specialities added to the existing Board of Architects, Engineers and Land Surveyors is not required to register professionally those individuals desiring specialized registration. Registration can be obtained by the general examination and specifically the lack of landscape architects registered in Alaska, has not, to date, restricted them from practicing their profession in Alaska.

Should there be questions or if I may be of further assistance in explaining my views on this act of legislation, I would be most happy to do so at your convenience.

Sincerely,



Malcolm A. Menzies
Civil Engineer: 1855-E
Land Surveyor: 1410-S

MAM:fej

P.O. Box 1786
Juneau, Alaska 99802



engineers
planners
economists
scientists

7 February 1978
K40.10

Honorable W.E. "Brad" Bradley, Chairman
Senate Commerce Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Bradley:

Subject: Proposed Registration of Landscape Architects,
SB 416

I am a registered civil engineer with extensive personal experience in projects which required a strong involvement by landscape architects. While most of these projects were accomplished beyond Alaska, it was apparent that the most effective professionals resided in growing communities.

The impact these talented people has on many routine and prestigious projects was invaluable.

I strongly support professional registration of these specialists. They provide services beyond those technical areas commonly practiced by architects or engineers and will be a significant force in Alaska's future growth.

It is critical, however, that the wording of the registration law not prevent the continued execution of specialized areas such as site design or the various areas of planning which are competently accomplished by many architects, engineers or planners.

Sincerely,

A handwritten signature in a circular scribble, appearing to be 'Torkko'.

Charles E. Torkko
Regional Manager

CET:hs

→ cc: Terry Gardiner - Alaska Senate
Bob Bradley - Alaska Senate

6234 Tanaina Drive
Anchorage, Alaska 99502
February 8, 1978

Representative Terry Gardiner
Chairman, House Judiciary Committee
Pouch V
Juneau, Alaska 99801

Dear Mr. Gardiner:

Your Committee has before it, House Bill 655 regarding the licensing of Landscape Architects.

While I am unfamiliar with the contents of the bill, I am aware of the problem Landscape Architects face in regard to drawing plans for projects with Federal funding. It is required that such plans be stamped by a licensed firm. While architects and engineers in Alaska are so licensed, Landscape Architects are not. This is a severe handicap.

I can appreciate that endless licensing of professions may not be the answer but some solution must be found to the above stated problem.

Sincerely,

Gwynneth Wilson, Chairman
Resolution Park Steering Committee

1771 Wakefield Circle
Anchorage, Alaska 99502
February 3, 1978

The Honorable Terry Gardiner
Alaska State House of Representatives
Pouch V, State Capitol Building
Juneau, Alaska 99811

Dear Mr. Gardiner:

I urge you to support HB 655 to ensure the professional registry and licensing of landscape architects in Alaska.

At present, lack of recognition by the State severely restricts and discourages landscape architects from economically feasible private practice. I am aware of several instances in which landscape architects have been denied rightful opportunities, and damaged economically from representing their clients in getting designs, construction drawings and technical documents approved because they are not recognized by State registry. This affects not only those currently practicing in Alaska, but also discourages young professionals from moving into the state.

Registry would also prevent the hiring of unqualified persons in land planning projects which directly involve issues of public concern, health, safety or welfare.

Landscape architects' entire training and ethics are directed toward responsible and comprehensive planning and design of land and outdoor spaces; from a state or region-wide scale, down to individual residences. Their profession works in concert with, not in conflict with, architects, engineers, and land surveyors.

Please support HB 655.

Hetty Mitchell

Hetty Mitchell
Landscape Architect

where do you stand on this

By Miller - in H-St Affairs / Judiciary / Rules

LAND
DESIGN
NORTH

LANDSCAPE ARCHITECTURE
RESOURCE/RECREATION PLANNING
1709 S BRAGAW ST., SUITE J
ANCHORAGE, ALASKA 99504
(907) 277-7122

February 3, 1978

The honorable Representative Gardiner, Chairman
House Judiciary Committee
Pouch V
Juneau, Alaska 99801

Honorable Representative Gardiner

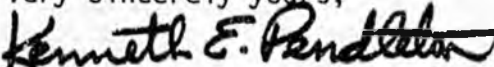
As a landscape architect in private practice I am writing to urge your support for passage of House Bill 655, establishing professional licensing for landscape architects practicing in Alaska.

I have practiced in Alaska for over three (3) years without the benefit of licensure; and believe that passage of this legislation is in the public's interest as it relates to the health, safety, and welfare of users of completed landscape architectural projects.

In preparation for becoming a landscape architect I completed six (6) years of educational training at the University of California, worked for local government in the field of park planning and construction and passed and been licensed to practice landscape architecture in the State of California. Since moving and starting my practice here in 1975 I have found incompetence, misinformation, and potentially hazardous works being completed by untrained specialists.

It is my sincere belief that passage of this legislation will contribute towards the betterment of our living environment, and economic growth of this State. I hope you will support the Bill and give it guidance as it is reviewed through committee and on the floor.

Very sincerely yours,



Kenneth E. Pendleton, ASLA
Principal

KEP:cc

January 27, 1978

Honorable Representative Terry Gardiner
House Judiciary Committee Chairman
Pouch V
Juneau, AK 99811

Re: House Bill No. 655

Honorable Representative Gardiner:

The purpose of this letter is to convey my support of the above Bill. Passage of the Bill would be in the public interest and I therefore urge that you support the Bill.

I have read over the Bill and feel that it will provide valuable protection to the public's health, safety and welfare in the specific areas of service in which members of the landscape architecture profession are duly qualified and technically trained. I believe the lack of registration in Alaska restricts landscape architects from practicing their profession.

The concept of incorporating registration of landscape architects into the existing Architects, Engineers and Land Surveyors' statute is particularly advantageous from the standpoint of being both a sound fiscal measure and efficient administrative concept.

Again I urge you to support the Bill and give it the necessary guidance in order to pass this legislative session.

Very truly yours,



Stephen Fiskum
Registered Architect No. 12428, Minnesota

SF:ds

R. D. MASSEY & ASSOCIATES

▫ AIA

January 30, 1978

Terry Gardiner, Chairman
House Judiciary Committee
Pouch V
Juneau, Alaska 99811

RE: House Bill no. 655

Honorable Representative Gardiner;

The purpose of this letter is to express concern and reservation regarding the above bill. My concern is two-fold.

First, the proposed section 30 which would amend by adding a new paragraph defining "practice of landscape architecture" to AS 08.48.(341). Most of the defined areas are now performed by capable architects, engineers, land surveyors and planners (not a registered profession), often in conjunction with landscape architects. In actual practice, I feel that this definition legally removes from me specialties that I feel I must perform or control in order to fulfill my responsibilities as a professional architect. The passage of this bill will require me to retain the services of a consulting landscape architect for all building for which I am commissioned. I feel that this is unreasonable and will further inflate the total consultants' fee for buildings and structures by requiring another consultant to perform work traditionally done by other registered professionals.

Secondly, the registration statutes are primarily concerned with professions directly involved with public health, safety, and welfare. I do not feel that professional registration for landscape architects is warranted under the intended protection of the public. The extent of their work is not of a nature similar to others covered by this statute, i.e., design of habitable structures, sanitary systems or legal plotting.

At the January meeting of the Anchorage Chapter, American Institute of Architects, representatives of the American Society of Landscape Architects stated that the reasoning behind the bill was to guarantee that one would be able to distinguish qualified landscape architects. This, however, could be achieved by other means.

If this bill should be enacted, I feel that the Grandfather Clause is over restrictive. I am sure others who now are engaged in other types of practice, but do work in areas of specialties described

cont. . . .

**Architects
& Planners**

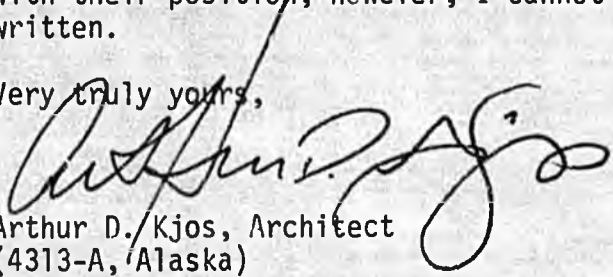
1503 West 33rd (907) 276-0929
Anchorage, Alaska 99503

in the bill in execution of their present duties, would feel this way also. As a professional architect and as a planner with four and one-half (4½) years of practice, I feel that I would unduly be deprived of my right to provide services to the public under the restrictions of this bill. I am already, as an individual and as chief architect of a firm, providing these consulting services. Passage of this bill would place undo hardship on myself and others in similar positions.

Amendment of section 08.48.011 to require two board members to be landscape architects would be out of proportion of work load. If representation is required, one member would be adequate.

In closing, I would like to state that I can somewhat sympathize with their position, however, I cannot support this bill as it is written.

Very truly yours,



Arthur D. Kjos, Architect
(4313-A, Alaska)
Chief Architect
R.D. MASSEY & ASSOCIATES

ADK:rjc

cc; Governor Jay S. Hammond
Representative C.U. Chatterton
Representative Rick Urion
Senator Joseph Orsini
Representative Bob Bradley
Senator W.E. Bradley

January 27, 1978

Honorable Representative Terry Gardiner
House Judiciary Committee Chairman
Pouch V
Juneau, AK 99811

Re: House Bill No. 655

Honorable Representative Gardiner:

The purpose of this letter is to convey my support of the above Bill. Passage of the Bill would be in the public interest and I therefore urge that you support the Bill.

I have read over the Bill and feel that it will provide valuable protection to the public's health, safety and welfare in the specific areas of service in which members of the landscape architecture profession are duly qualified and technically trained. I believe the lack of registration in Alaska restricts landscape architects from practicing their profession.

The concept of incorporating registration of landscape architects into the existing Architects, Engineers and Land Surveyors' statute is particularly advantageous from the standpoint of being both a sound fiscal measure and efficient administrative concept.

Again I urge you to support the Bill and give it the necessary guidance in order to pass this legislative session.

Very truly yours,



Stephen Fiskum
Registered Architect No. 12428, Minnesota

SF:ds

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING / POUCH D - BUREAU 2211

BOARD OF ARCHITECTS, ENGINEERS & LAND SURVEYORS

October 31, 1977

Mr. Bruce G. Sharky, President
Alaska Chapter of
American Society of
Landscape Architects
3129 Lochwood Circle
Anchorage, AK 99504

Dear Mr. Sharky:

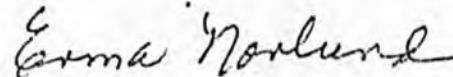
The Board of Architects, Engineers & Land Surveyors wishes to thank you and the other members of your organization for your presentation at their September meeting.

They wish you to know that they support the basic concept of registration for landscape architects. However, they feel it is advisable to enlist the input and support of the various societies you would be working with.

They would appreciate being updated periodically on your progress.

If they can be of assistance please do not hesitate to contact this office.

Very truly yours



Erma Norlund
Licensing Examiner

EN/1s/1/31

LANDSCAPE ARCHITECTS CURRENTLY WORKING
IN THE STATE OF ALASKA

	NAME	EMPLOYMENT	CITY
1.	Wayne Adams	U.S. Air Force	Elmendorf
2.	R. Clay Allred	Retired	Juneau
3.	Sonja Alavarez	Private Practice	Ketchikan
4.	Rainer E. Behnert	U.S. Forest Service	Juneau
5.	Ed Brannon	U.S. Forest Service	Juneau
6.	Bailey Breedlove	National Park Service	Anchorage
7.	Douglas Campbell	U.S. Forest Service	Ketchikan
8.	Eric Chan	Chan & Chan	Anchorage
9.	Sandra Cook	Bomhoff Associates	Anchorage
10.	John Costello	U.S. Forest Service	Sitka
11.	Wilber B. Creighton	Fairbanks N.Star Bor.Div.Pks.	Fairbanks
12.	Ron Allen Crenshaw	Alaska State Parks	Anchorage
13.	Jeff Drage	Quadra Engineers	Anchorage
14.	Sherl Eastburg	Student (U of O)	Anchorage
15.	Richard Estelle	U.S. Forest Service	Petersburg
16.	W. L. "Bill" Evans II	Private	Anchorage
17.	Paul Fritz	National Park Service	Anchorage
18.	David H. Gardner	R&M Consultants, Inc.	Anchorage
19.	John A. Gliva	Alaska Dept. Comm. Reg. Affs.	Anchorage
20.	Ross F. Hart	Kramer, Chin & Mayo, Inc.	Juneau
21.	Ed Hartsell	U.S. Forest Service	Ketchikan
22.	Ward Hastings	B.L.M. OCS Office	Anchorage
23.	Steve Henig	U.S. Forest Service	Anchorage
24.	Glen Hildreth	Sitnasuak Native Corp.	Nome
25.	Wayne (Bud) Hooker	Alyeska Pipeline Service Co.	Anchorage
26.	Jonathon F. Houk	Group III Design	Anchorage
27.	Cindy Kinard	U.S. Corps of Engineers	Anchorage
28.	Jim Kirshenman	U.S. Forest Service	Ketchikan
29.	James Knode	U.S. Forest Service	Sitka
30.	Richard A LeFebvre	Alaska Division of Lands	Anchorage
31.	Burdett B. Lent	Group III Design	Anchorage
32.	Carlos Lozano	U.S. Forest Service	Anchorage
33.	Duane H. Lyon	U.S. Forest Service	Anchorage
34.	Rod Monroe	Unalakleet Native Corp.	Unalakleet
35.	Hetty Mitchell	Anchorage Park Department	Anchorage
36.	Dolores Moulton	Alaska Dept. of Fish and Game	Juneau
37.	Kenneth E. Pendleton	Land Design North	Anchorage
38.	Louis C. Penna	Anchorage Park Department	Anchorage
39.	Guy Pugmire	U.S. Corps of Engineers	Anchorage
40.	Sanford P. Rabinowitch	Alaska Division of Parks	Anchorage
41.	Carl Richter	U.S. Forest Service	Petersburg
42.	David C. Riemer	U.S. Forest Service	Petersburg
43.	Stan Rogers	B.L.M. Alaska Pipeline Ofc.	Anchorage
44.	Frank Rue	Alaska Dept. Comm.Reg.Affs.	Juneau
45.	Gordon J. Schlosser	Private Practice	Anchorage
46.	Benjamin Shaine	Private Practice	Anchorage
47.	Bruce G. Sharky	Land Design North	Anchorage
48.	Nola Sharky	Land Design North	Anchorage
49.	Harry Shore	Tryck, Nyman & Hayes	Anchorage
50.	John Short	U.S. Forest Service	Ketchikan
51.	Stanley V. Specht	Bureau of Land Management	Anchorage
52.	Marcia A. Steven	Group III Design	Anchorage

53.	Helen P. Sullivan	Private Practice	Anchorage
54.	Vicki Sung	Chan & Chan	Anchorage
55.	Jim Tallerico	U.S. Forest Service	Anchorage
56.	Darrel Tracy	U.S. Forest Service	Sitka
57.	Ronald L. Wood	U.S. Forest Service	Juneau
58.	Lee A Wyatt	R&M Consultants	Anchorage

SOME PRACTICAL QUESTIONS RELATING TO LICENSURE OF LANDSCAPE ARCHITECTS

TO: THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE - SECOND SESSION

RE: SENATE BILL NO. 416
HOUSE BILL NO. 655

PREPARED BY: ALASKA CHAPTER, AMERICAN SOCIETY OF LANDSCAPE
ARCHITECTS - CONTACT: MR. ROSS HART - 586-6400

SOME PRACTICAL QUESTIONS

1. WHY IS LICENSURE NEEDED?

Grounded in the responsibility of the State of Alaska to maintain means for protecting health, safety, and welfare of their citizens, licensure provides a basis for making a determination of minimum competency. When that determination has been made, the state may then confer the privilege of doing some thing(s) or engaging in certain practices as indicated on a license issued to the person proven competent. The most widely known is the driver's license issued upon an individual's passing a driving test.

In essence, a license holder has been granted permission to do something that, if done improperly, could harm others. Such permission must be granted by a duly established authority in order to protect the public, assure competence, weed out incompetence, and to provide discipline, redress, or revocation where bad practice has been proven. Moreover, since an average client cannot be reasonably expected to have the level of sophistication necessary to adequately evaluate either the specialized services offered by Landscape Architects or the level of competence of a given practitioner, that client needs the specialized protections provided by licensure. In addition, since certain elements of specialized practice may already have been legally sanctioned as being under the purview of other more established professions whose requirements to sit for examination may prohibit members of younger professions from qualifying, due process must be available to applicants whose newer area of expertise is not provided for by the older boards or the examinations they administer.

2. HOW IS LANDSCAPE ARCHITECTURE INVOLVED WITH HEALTH, SAFETY, AND WELFARE?

"Clear and direct" relationships between protection of the public and the practice of Landscape Architecture may be seen in the following examples:

- a. Improperly specified relationships between water supplies, such as to artificial ponds, fountains, etc., and water drainage facilities could result in contamination of a water supply system of an entire community.
- b. Improper design of outdoor lighting systems and their supply lines could present undue fire and/or shock hazards.
- c. Inadequate design of outdoor structures such as those used in parks and other recreational facilities could result in injury should those structures fail. Such structures can include small shelters, footbridges, gazebos, kiosks, decks, rest facilities, among others.
- d. Specification of unsafe playground equipment could result in injury and consequent liabilities.

- f. Inadequate provision for drainage can result in flooding of foundations, basements, walkways, highway rights of way, recreation areas, and other kinds of facilities used by the public. This could present particularly serious hazards under the freezing conditions of Alaska.
- g. Lack of adequate knowledge of plant materials and their functional characteristics and interrelationships with various kinds of soils and other environmental elements can present at least these kinds of hazards:
 - i. trees placed in soils whose structural characteristics do not provide its root system adequate physical support under stress of certain wind conditions.
 - ii. root systems placed too near foundations of structures will ultimately weaken the structure.
 - iii. certain toxic or otherwise harmful species could harm children in a variety of ways.
 - iv. specification of hardwood trees on highway medians or otherwise too close to rights-of-way present a serious hazard to motorists and their passengers.
 - v. specification of plant materials on incompatible soils can result in deadwood that provides fire hazards.
- h. Improper specifications for grading and filling can result in soil slippage and washing or even massive erosion.

3. HOW HAVE LANDSCAPE ARCHITECTS BEEN PREVENTED FROM PRACTICING UNDER PRESENT LAW?

Restraint from practice has occurred:

- a. under those conditions when Landscape Architects may not even submit a bid for contract because some portion of work they are trained to do has been allocated jurisdictionally to the purview of regulatory boards of related environmental design professions.
- b. under those conditions where a call for bids specifies or falls under more general policy provisions of given private and public agencies requiring that the bidder hold a valid license as proof of minimum competency.

Existence of either or both of the two conditions given above not only by themselves may constitute a restraint of trade impediment within given jurisdictions but also becomes a particularly severe restraint on Landscape Architects seeking out of state work while their home state provides no licensure through which they may present a legally sanctioned proof of competence.

4. DON'T LANDSCAPE ARCHITECTS JUST WANT LICENSURE AS A STATUS SYMBOL?

Landscape Architects want licensure in order that the profession will not be marred by the adverse effect of not insuring competence of all practitioners whose work directly affects public safety. They recognize that their service-oriented activities are not readily evaluated by the lay public; average citizens may not be expected to have adequate knowledge to protect them from manifestations of bad practice.

Landscape Architects want licensure in order that they may compete, without restraint, for work both within as well as outside of their home jurisdictions.

5. WHY CANNOT LANDSCAPE ARCHITECTS BECOME LICENSED UNDER PRESENT LAW AS ARCHITECTS, ENGINEERS, OR LAND SURVEYORS?

The critical elements here are the separate and distinctly different definitions of the respective professions which reveal activities of often overlapping but quite distinct scope or range. There would be legally indefensible inconsistencies in not recognizing the horticultural background underlying the distinctly unique body of knowledge, and concomitant skills, through which their knowledge is manifested in the contemporary practice of Landscape Architecture. The specialized services offered by architects, engineers, and land surveyors do not derive from knowledge developed out of horticultural context. However, among the things Landscape Architects often do have in common with architects and with some kinds of engineers are design-oriented activities. Among the things Landscape Architects have in common with surveyors are knowledge and skills in topography and grading.

Another critical element lies with the educational background and other qualifications necessary for a candidate to fulfill in order to even sit for licensure examination of other professions. No person should be obliged to face unreasonable requirements that would prevent his sitting for examination. We should recall that provisions of due process must apply not only to license holders but also to applicants.

6. WHAT IS THE FORMAL TRAINING OF LANDSCAPE ARCHITECTS?

After completing high school, there are several levels of education available in Landscape Architecture. These include vocational programs (certificates or Associate degrees), pre-professional programs (Baccalaureate degrees), undergraduate professional degree programs (Bachelor of Science in Landscape Architecture), and graduate professional degree programs (Master of Science in Landscape Architecture or Master of Landscape Architecture). Vocational programs entail about two academic years of study and a summer of field experience. These programs normally focus on residential and commercial scale projects and emphasize practical knowledge, such as construction detailing, grading, horticultural practices, grounds maintenance, and business practices. The purpose of these programs is to train leaders for the landscape industry, thus studio courses stress detail scale design such as surfacings,

planting composition and minor structural elements. Upon completion, graduates of vocational programs enter supervisory roles in nursery or contracting firms and relatively few continue their formal education.

In recent years, undergraduate pre-professional degree programs have been developed at several universities to provide an academic foundation for advanced work in any one of several design disciplines. Seven schools, all with graduate level landscape programs, have instituted "generalist" programs that award either a Bachelor in Environmental Design or a Bachelor in Environmental Studies degree. These programs stress broad-scoped social science and natural science course work and offer only limited amounts of design studies and technical material, for graduates are expected to continue their professional development in the Master's program.

By contrast, other undergraduate programs award professional degrees in Landscape Architecture and have a full complement of design and technical education in their curricula. These programs are either four or five years in length with the latter generally providing for more elective opportunities and some individual specialization. It is estimated that about 80% of the graduates from these programs enter practices in professional offices or planning agencies. Of the remaining 20%, about half pursue graduate studies and the rest find employment in the landscape industry.

Graduate degrees, either M.S. or M.L.A., are available at approximately twenty schools in this country, frequently at the same institution as professional degree undergraduate programs. These advanced programs require from one to three-and-one-half years of study depending on the applicant's background. For those with an undergraduate professional degree in Landscape Architecture, the advanced program usually amounts to a year-and-one-half or two years. For students coming with pre-professional degrees as well as those with non-design backgrounds, Master's programs normally require a residency of three to three-and-one-half years.

7. WON'T LICENSURE OF LANDSCAPE ARCHITECTS ADVERSELY AFFECT NURSERYMEN?

Nurserymen who are engaged in raising and selling plant materials to their customers will not be adversely affected by passage of a licensure law for Landscape Architecture. Activities of the two occupations, while related, are entirely different: a nurseryman's products are botanical, and a Landscape Architect's products are designs for envisioned works which usually include, but are not limited to, botanical elements. Moreover, the one deals in products while the other often provides only services; goods can be inspected by a prospective buyer, generally services cannot.

If some nurserymen are adversely affected by a licensure law, then it may be because they are engaged in design activity for which they may not have appropriate training or experience through which they obtain competence.

8. HAVE ANY LANDSCAPE ARCHITECTS BEEN DENIED HAVING PLANS ACCEPTED BY PRIVATE OR GOVERNMENT AGENCIES FOR LACK OF LICENSURE?

Yes. However, the more frequent consequence of lack of licensure is that firms which cannot afford to prepare plans for private or government agencies requiring licensure of its bidders simply do not enter the bidding process when they know they will be excluded under existing regulations.

9. DOES THE LICENSING BOARD OF ARCHITECTS, ENGINEERS, AND LAND SURVEYORS FEEL LANDSCAPE ARCHITECTS SHOULD BE LICNESED?

The answer is yes. At a meeting at the board on September 22, 1977 a resolution was unaminously passed "that the board support the concept of registration of Landscape Architects".

10. PRESENT LAW RESTRICTS LANDSCPAE ARCHITECTS FROM JOINING OTHER PROFESSIONALS IN A PROFESSIONAL CORPORATION. IF THIS RESTRICTION WERE ELIMINATED, WHY SHOULD LICENSURE BE NEEDED FOR LANDSCAPE ARCHITECTS?

In some states that kind of restriction exists. However, its elimination would still not remove the fundamental need for licensure of Landscape Architects for these reasons:

- a. The basic purpose of licensure protecting public health, safety, and welfare would remain unachieved.
 - b. Without licensure Landscape Architects could not be principals of such a firm. In consequence, engineers and architects would continue doing Landscape Architectural work in an activity where they have not been proven competent.
 - c. Removal of this restriction would not provide for licensure needs of individual private practitioners who are not members of such firms. Absence of benefit of licensure would discourage or prevent many one-man offices from being located on a given jurisdiction.
11. IS IT TRUE THAT ONCE LANDSCAPE ARCHITECRS ARE LICENSED, THEY THEN AMEND THE LAW TO RESTRICT THE OPERATION OF NURSERYMEN?

Under provisions of the law, no persons should be restrained from practicing Landscape Architecture so long as those individuals are able to prove their competence. Moreover, no persons should be required to face unreasonable requirements that would prevent their sitting for examination. However, where there are unqualified people engaged in the practice of Landscape Architecture, and thereby impinging on public safety, those people should be proven competent.

12. HOW MANY STATES CURRENTLY LICENSE LANDSCAPE ARCHITECTS? HOW MANY HAVE HAD LICENSURE REPEALED?

Thirty-eight states currently provide licensure for Landscape Architects. One state has, under provision of a hastily enacted sunset law, repealed an inadequate title act and is currently drafting a practice law that would replace it.

13. DO LANDSCAPE ARCHITECTS DESIGN BUILDINGS?

Landscape Architects do design some buildings such as park structures. However, Landscape Architects do not design habitable buildings.

14. WON'T LICENSURE OF LANDSCAPE ARCHITECTS INCREASE THE COST OF LANDSCAPE ARCHITECTURAL SERVICE TO THE PUBLIC?

It is possible that the cost of licensure may initially cause a small increment on some fees. However, experience indicates that these will soon become insignificant by comparison with the much larger effects of cyclical swings of economic cycles.

Here, again, a licensure operation should be of such effectiveness on fulfilling its stated societal purpose that it would be judged cost-effective.

Bruce G. Sharky, A. S. L. A.

Landscape Architecture / Land Planning / Recreation Planning

March 11, 1978

Mr. Douglas Ackley, President
Board of Architects, Engineers and Land Surveyors
State of Alaska
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99811

RE: S.B. 416 and H.B. 655
Landscape Architecture Registration

Dear Mr. Ackley:

I am in receipt of your letter (unsigned) dated February 28, 1978 addressed to Honorable Bob Bradley, Chairman of the House State Affairs Committee. I appreciate your sending me a copy of this letter and feel obligated to respond.

Firstly, in your letter to Representative Bradley you indicate that after the initial contact with your board on September 22, 1977 (see attached letter dated September 22, 1977) we did not further contact with your board or any other professional organization as suggested by you. Perhaps we were not as diligent as we may have been, but as a small group we did make substantial efforts to contact other professional groups during the early drafting stage of the landscape registration bill. In October I contacted the Alaska Professional Design Council (see attached letter dated October 31, 1977). It was only until last month -February 1978- that I was finally contacted by the Design Council to attend one of their meetings. At the meeting and a subsequent meeting last week I was not able to obtain any substantive response.

On October 28, 1977 I attended the annual business meeting of the American Institute of Architects, held in Fairbanks. The attached letter dated October 28, 1977 supports my request to solicit input from that organization prior to submission of our bill. No action was taken during this meeting, nor two subsequent meetings whereby myself and several other landscape architects made presentations to the attending architects. Therefore we were unable to receive any input from the architects until after our bill was submitted to the Legislature. The Architects have more recently reviewed the bill in detail and I believe have submitted their recommendations to the Legislature.

In November, 1977 I and other landscape architects were invited to attend a meeting of the American Society of Civil Engineers. The invitation came after several months of request from me to be allowed to speak to the Civil Engineers to solicit their input on our bill prior to its submittal to the Legislature. A copy of the draft bill was given to the Society to review as they requested. We received no feedback from them. I have personally called several times and asked the president of the Engineers Society if we could get together and discuss the bill. To this day I have not had any response. (see attached letter dated November 22, 1977).

As far as keeping you and your board informed after our early meeting in September, 1977, I must admit that we may have been at fault. For my part I was never contacted by your board or notified of subsequent meetings, however, I do believe the board was sent a copy of our draft bill prior to its being submitted to the Legislature. If your were not sent this draft, then I must assume responsibility in this area.

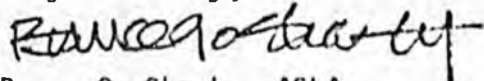
Both bills have been heard now by two committees: the Senate Commerce Committee, chaired by Senator W.E. Bradley and the House State Affairs Committee chaired by Representative Bob Bradley. During the hearings we of course provided testimony. But more importantly we have listened to the testimony given by others and in two areas feel that amendments are in order. I am sending along with this letter a copy of our draft amendments to the landscape architecture registration bills. Please note that we are suggesting changes in the following two areas:

1. Reducing the number of landscape architects on the Board to just one member.
2. Amend the definition of the practice of landscape architecture under Section 30, item (15). This new definition directly responds to suggestions made by your board and of testimony thus far provided at the public hearings we have been in attendance.

With respect to the issue of public health, safety and welfare, many of the services that are provided by landscape architects directly effect the public. Proper planning and design of land areas, design of land form (earthwork grading), proper dispersion of surface water runoff and well designed underground irrigation systems are all areas that effect public health, safety and welfare. The fact that other professions that are registered in this state to practice and offer service in these areas exist should not result in restricting landscape architects to also practice in Alaska. We do not intend to restrict other professions from practicing in areas that they have historically been providing service. On the other hand we (the landscape architects) are presently restricted to practice in areas we have been educated and trained to provide service in and do so in 38 other states in the Union.

At this point Mr. Ackley I appreciate having received a copy of your letter. I do believe that some of the points have considerable merit and if followed through with on our part in the form of amending the present bills, should result in a better piece of legislation. Again thank you for your attention. If and when it is appropriate I certainly hope that we can meet again with you and your Board to further discuss the bills.

Very sincerely,



Bruce G. Sharky, ASLA

cc: Senator W.E. Bradley
Representative Bob Bradley
Representative Terry Gardiner

Senator Joesph L. Orsini
Representative Rick Union

MARCH 11, 1978

DRAFT

PROPOSED AMENDMENTS TO S.B. 416 and H.B. 655

Section 1. AS 08.48.011

Maintain in its entirety with the following amendment to item (b), line 18:

"engineering, *one landscape architect*, and three architects."

Section 30. AS 08.48.341

Amend item (15), page 13 to read as follows:

"(15) practice of landscape architecture means professional service or creative work, the adequate performance of which requires landscape architectural education, training and experience, professional services include consultation, *teaching of landscape architectural courses in institutions of higher learning*, research, planning, design, preparation of drawings, specifications, contract documents, and supervision of construction in connection with the *planning and design of land areas and exterior spaces* to the extent that the purpose of those services involve the preservation, enhancement, or improvement of natural land features *in the interest of protecting public health, safety and welfare. This is accomplished through competent design of land form, dispersion of surface runoff, laying out underground irrigation systems and layout of plantings.* The above definition does not restrict those professions who have historically provided the above services from continuing to do so."

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B. G. Sharky

Please note that this draft will be reviewed again and sent to Mr. Ross Hart in Juneau for his use in submitting amendments to S.B. 416 and H.B. 655.

HB 654

THE SOCIETY OF AMERICAN MILITARY ENGINEERS

ANCHORAGE POST



Honorable Terry Gardiner
House of Representatives
State of Alaska
Pouch V
Juneau, AK 99811

Dear Mr. Gardiner:

The Anchorage Post of the Society of American Military Engineers wishes to express its support for the proposed amendment to Alaska Statutes, Chapter 48, Architects, Engineers and Land Surveyors, to include Landscape Architects. This is a positive step in insuring quality and professional consideration in environmental design.

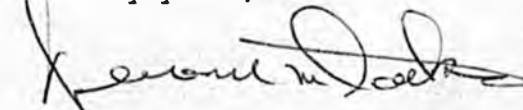
Recognition of Landscape Architecture as a professional service is recognition of design of the outdoor living environment as an art and science. This is important in a state as young and unique as Alaska. Design of the outdoor "built" environment must accommodate the fragile and changing circumstances to be encountered in this state. The Society of American Military Engineers is especially aware of the changing circumstances because of their association with the diverse military sites in the state. Understanding of the Alaskan environment can only be gained through education in the basics of land design and training in the varied environments. Examination and registration will help insure that education and training exist.

Landscape architecture must consider the interrelated parts of land design. Proper education and training provide knowledge in the use of mutually and environmentally compatible materials to fulfill human needs, while protecting the environment. Environmental quality is improved through proper site consideration, but may be degraded if that consideration is lacking. Therefore, certified professional services are required when analyzing the impact of land design on individual environments.

Recognition of Landscape Architecture as a professional service will help insure professional responsibility for landscape design. This in turn will provide insurance against misconduct and malpractice. Professional ethics for those with the title "Landscape Architect" will assure clients and consumers of a product that meets quality standards approved by knowledgeable people.

Adoption of the proposed amendment is important in insuring the highest quality in future environmental design in Alaska. A professional standard for land design would be a positive step for continuance and improvement in the quality of the Alaskan living environment.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Jerome M. Tackes", written in a cursive style.

Jerome M. Tackes
President, Anchorage Post
S.A.M.E.