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BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT	SPONSOR (PRINCIPAL)	BILL NO.
Commerce & Econ. Develop.	Commerce Committee	SB 257
DEPARTMENT POSITION		
Opposed.		
DIVISION DIRECTOR	DATE	COMMISSIONER
<i>S.A. Hartak</i> Occupational Licensing	03-23-79	
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED	<input type="checkbox"/> POSITION APPROVED	<input type="checkbox"/> POSITION DISAPPROVED
BY: _____	DATE: _____	
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		
(2) OTHER AGENCIES AFFECTED BY BILL		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL	/	(2) b. ORGANIZATIONAL OPPOSITION TO BILL
Unknown		State Board of Architects, Engineers, and Land Surveyors
(3) PROGRAM EFFECTS OF BILL		
Would add another regulated group to an existing regulated profession.		
(4) FISCAL IMPACT: <input type="checkbox"/> NONE <input checked="" type="checkbox"/> FISCAL ANALYSIS ATTACHED		
(5) AMENDMENTS PROPOSED:		

(6) COMMENTS:

It has not been demonstrated that nonregulation of landscape architecture adversely impacts the public health, safety or welfare. This profession is concerned with esthetics and does not involve activities related directly to human life or well being. Actual need, not imagined need, should be established.

Consumers of these services are most likely to have substantial resources and recourses. Practitioners may be presently certified by the National Association of Landscape Architects if they wish such status. Nothing in AS 08.48 prohibits or restricts the profession. It does not appear that either the public or the profession requires governmental regulation of another group of practitioners.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 257
 Title Relating to the State Bd. of Registration for Arch., Eng., and Land
 Requested by Commerce Committee Date Surveyors
March 22, 1979

II. FISCAL DETAIL

Agency Affected Commerce and Economic Development
 Program Category Affected Public Protection
 Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	2.0	2.1	2.1	2.2	2.2
300 CONTRACTUAL	0	1.0	1.1	1.1	1.2	1.2
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC	0	0	0	0	0	0
TOTAL	0	3.0	3.2	3.2	3.4	3.4

FUNDING (Thousands of Dollars)

GENERAL FUND	0	3.0	3.2	3.2	3.4	3.4
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

TRAVEL

Boards, Commissions & Legislators	
3 Trips	In-state transportation 495
12 per diem days	In-state per diem 660
1 Trip	Out-of-state transportation 550
6 per diem days	Out-of-state per diem 300

CONTRACTUAL

Communications, including printing and advertising	500
Professional fees and services	
Council dues and examination fees	500

In-state travel for one board member assumes 4 meetings per year with 1/4 being held in the member's home town. Inflation is computed at 6% per annum. Assumes an effective date of July 1, 1979.

IV. DATE March 23, 1979 PREPARED BY Don Hostak, Director
 AGENCY Division of Occupational Licensing
 PHONE 465-2534

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Feb. 13 (noon)

Brad ---

① Robert Cacy of the ATC is the first Exec. Director. *Thanks. We need some info from him*

② At 1:30 today the Senate Judiciary Committee is hearing the Bill on Guides. They called to make certain that you are aware of this. *I made it & did O.K!*

③ Please call Ross Hart about legislation regarding the registration of Landscape Architects. 586-6400 Attached is the Senate Bill from last year regarding this topic. *I'll see him some weekend.*

Christian

Chris *OK*

Too late for this year. Tuesday was last day. I introduced my full quota. Can introduce for next year, but cannot get on calendar this year so might as well wait.

*Thank you
Brad*

27

Background
Information

1978?
I think

Admin does not support this legislation.

We have consistently suggested that occupational regulation is an inappropriate ~~and~~ use of the state's police power in the absence of evidence of overt public abuse.

The proponents of this legislation argue in its favor that the service is concerned with public health, welfare and safety. That incompetence can result in damage. We concur. Damages ^{can} result to the consumer from incompetence in any occupation. That premise is insufficient in our viewpoint to require government regulation. Actual, not imagined, need should be established.

2. They will argue that there is no way for the average consumer of landscape architectural services to discriminate between the competent and incompetent. We do not agree.

~~How~~ First the average consumer is unlikely to be your average man in the street. He is most likely a person with either substantial private resources, such as EXXON or public resources, such as the State.

Second, private institutions exist which already provide evaluative ability - the Nat Soc. of Landscape Architects will certify any person meeting its requirements which are rigorous. Educational institutions routinely attest to an educational achievement of their graduates on request of the graduate.

3. They will argue that Alaska's Pugsis Act for A. C. & L. S. inhibits them from working by requiring their designs be sealed by a registered professional. H 508.48.331(?) specifically exempts ~~from~~ "the practice of any other ~~unofficially~~ recognized profession" Although

"lawfully recognized" is not defined, surely this language was intended to exempt ~~with~~ ~~other than~~ more than just regulated occupations. We do not regulate traffic engineers nor do we attempt to prevent them from practicing. The situations are analogous.

~~That includes my testimony~~
~~if you have any questions~~

In short, it does not appear that either the public or the profession requires government intrusion into this area of private enterprise.

~~Bob Bradley~~
approximately 25 members - less than half
of those practicing -

Washington incident - Washington
" " Oregon

Minch recommends exemption under 321

landscape project that doesn't substantially
affect public health, safety and welfare.

recommends 341 (7) be expanded to include
~~sites and grounds~~ "works and projects"

Dougherty - one of the most difficult areas of
administration is in overlap.

wants to delete word "buildings"
from engineering definition.

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, wal ways, highway rights of way, recreation areas, and other kinds of fa lities 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 childern 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 ocured:

- 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 oniy 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 LICENSED?

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

10. PRESENT LAW RESTRICTS LANDSCAPE 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 ARCHITECTS 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.

LAKE & BOSWELL

CONSULTING ELECTRICAL ENGINEERS

JAMES M. LAKE, P.E.
ROBERT B. BOSWELL, P.E.

543 THIRD AVENUE, ROOM 206
FAIRBANKS, ALASKA 99701
PHONE 907-452-1441

January 30, 1979

Mr. Don Hostak, Director
Division of Occupational Licensing
Department of Commerce and Economic Development
Pouch D
Juneau, Alaska 99811

Dear Don:

I have again reviewed the committee substitute for Senate Bill No. 416, introduced in the last session of the Legislature, pertaining to the Licensing of Landscape Architects.

I am opposed to the Licensing of Landscape Architects for three reasons:

1. In my judgement the practice of Landscape Architecture does not impact the public health, safety or welfare as, in its simplest terms, Landscape Architecture is concerned basically with esthetics. There is a very definite trend, both in the state of Alaska and Nationally, to abolish unnecessary licensing requirements and to create another licensed profession which has no demonstrated need for protection of the public is, in my opinion, imprudent.
2. Paragraph 15 of 08.48.341 as written is in conflict with the presently defined areas of expertise of Architects, Civil Engineers and Land Surveyors. Each of these three established diciplines are involved with various phases of "preservation, enhancement, or improvement of natural land features" and it would appear that the act would create numerous areas of overlapping jurisdiction with resultant problems.
3. Since the public Safety, Health and Welfare is not affected by the dicipline of Landscape Architecture, I see no need to require the public to pay for such services. The addition of a Landscape Architect to the design team for a commercial building, for instance, would increase the design costs for no tangible reason.

Very truly yours,

James M. Lake, P.E.

JML/vg

STUTZMANN ENGINEERING ASSOC., INC.

P. O. BOX 1429

FAIRBANKS, ALASKA 99707

907 452-4084

RECEIVED
DEPARTMENT OF
LICENSING

JAN 29 2 13 PM '79

OCCUPATIONAL
LICENSING

January 25, 1979

State of Alaska
Dept. of Commerce and Economic Development
Division of Occupational Licensing
Pouch D
Juneau, Alaska 99811

Attn: Erma Norlund

Dear Erma:

I have received the copy of CS for Senate Bill 416 which you sent me. As to my comments thereon, I am still opposed to licensing of landscape architects for the same reasons as I stated last year when this came up. At a time when we are in the process of paring down boards under the Sunset Law, why add another branch of individuals of this sort?

Also, I cannot see how their activities effect "health and safety" of the public. Their work is mainly cosmetic, like that of a hairdresser. I do not believe they belong on a common board with architects, engineers and land surveyors in any event.

I firmly oppose their registration as proposed under this bill.

Please convey my comments to Mr. Hostak by copy of this letter.

Very truly yours,

Paul E. Stutzmann

Paul E. Stutzmann, P.E. and R.L.S.

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

REQUEST

Bill/Resolution No. SB 416 / HB 655

Title Relating to State Board of Registration for Architects, Engineers &

Requested by _____ Date Land Surveyors

1/16/78

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development

Program Category Affected Public Protection

Budget Request Unit(s) Affected Regulation & Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES		0	0			
200 TRAVEL		0	4.1	4.3	4.6	4.9
300 CONTRACTUAL		0	1.0	1.1	1.1	1.2
400 COMMODITIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS, ETC.		0				
TOTAL		0	5.1	5.4	5.7	6.1

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND		0	5.1	5.4	5.7	6.1
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME		0	0	0	0	0
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

TRAVEL

Boards, Commissions & Legislators

8 Trips	In-State Transportation	1,320
36 Per diem Days	In-State Per diem	1,980
1 Trip	Out-of-State Transportation	550
6 Per diem Days	Out-of-State Per diem	300

CONTRACTUAL

Communications, including Printing and Advertising	500
Professional Fees and Services	
Council Dues and Exam Fees	500

In-state travel for two board members assumes 6 meetings per year with 1/3 being held in the members home town. Inflation is computed at 6% per annum. Assumes an effective date of 7/1/78.

IV. DATE 1/23/78

PREPARED BY Margaret Anderson

AGENCY Department of Commerce & Economic Development

PHONE 545-2535

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

HEWITT V. LOUNSBURY & ASSOCIATES
ENGINEERS PLANNERS SURVEYORS

723 W. 6th. Avenue, Anchorage, Ak. 99501 Tel. (907) 272-5451

RECEIVED
DEPARTMENT OF
COMMERCE
FEB 6 1 36 PM '79

OCCUPATIONAL
LICENSING

MEMORANDUM

TO: Mr. Don Hostak
RE: Landscape Architects Bill
DATE: January 31, 1979
FROM: Loren H. Lounsbury

I am opposed to the regulation of landscape architects as proposed by the bill to be introduced to the Alaska Legislature. In my opinion there is no need to register landscape architects as the work they perform does not endanger the health, safety or welfare of the public. Therefore, it is inappropriate to include them with architects, engineers and land surveyors.

Since the legislature passed Sunset Legislation it appears they are concerned with limiting regulation to those professions that have a direct affect on the health, safety and welfare of the public.

It would seem to me that the landscape architects should make a showing that they do affect the health, welfare and safety of the public before this legislation is considered.

If this bill is passed every nursery operator, gardener, or anyone who has ever done any landscaping would have to be registered to practice under Grandfather Rights. I am not aware of any move by the public or the people who have provided landscape services in the past to be concerned about the registration and regulation. Therefore, it would appear to me that unless there is a huge outcry by the public that they need protection by the practitioners of landscaping, we would be just adding another costly regulation to the State Statutes.

MEMORANDUM

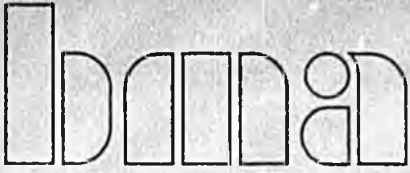
TO: Mr. Don Hostak
RE: Landscape Architects Bill
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RECEIVED
DEPARTMENT OF
COMMERCIAL
BRIDGES · MONSARRAT · ARCHITECTS

FEB 5 9 44 AM '79

4789 BUSINESS PARK BLVD • BLDG K • (907) 272 5488 • ANCHORAGE ALASKA 99503
OCCUPATIONAL
LICENSING

January 31, 1979

Mr. Don Hostak
Director of Licensing
Department of Commerce and Economic Development
State Board of Registration for Architects,
Engineers and Land Surveyors
Pouch D
Juneau, Alaska 99811

Dear Don,

I received a memorandum from Erma Norland indicating that you would like comments and reasons for favoring or opposing the proposed legislation.

I have reviewed last year's Senate Bill #416 to add landscape architects to the present Board of Registration for Architects, Engineers and Land Surveyors. I am not opposed to the concept of requiring professional registration for landscape architects. There are, however, many questions to be answered before I could support adding landscape architects to our present registration statutes.

As we are registered for the health, welfare and protection of the public, I believe it is imperative that it be clarified how the public is threatened by the lack of professional registration for landscape designers.

An acceptable definition of landscape architecture must be prepared for review. The definition submitted last year literally carved out professional requirements from existing services provided by civil engineers and architects. The proponents of the Landscape Architecture Bill have stated that there is an existing deficiency and that they are filling an existing void. This should be established prior to legislation being proposed for legislative action.

There are many architects, engineers, landscape planners and landscape companies presently offering services that may be restricted with a Landscape Architects Bill. I believe the

Mr. Don Hostak
Director of Licensing
January 31, 1979
Page 2

bill should speak more directly to the effects of such a bill on existing companies. There are approximately forty of these companies listed under landscape architects and contractors in the Anchorage Telephone Directory. I do not believe that all of these can qualify for professional registration, as civil engineering and surveying knowledge is required for topographic design. I also do not believe that these companies providing lesser services should be forced into hiring a registered professional on their staff or close their businesses.

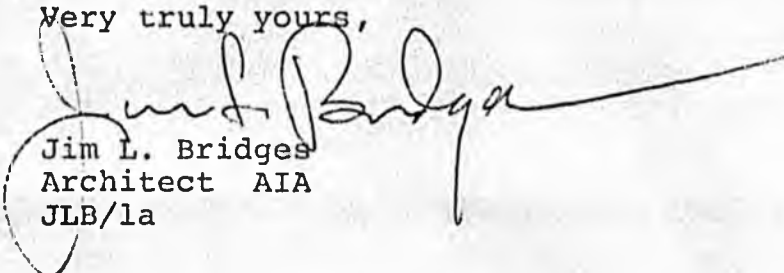
Internally, the bill proposed would create havoc, in my opinion, for the Board of Registration. The new regulations will be in immediate conflict, and the proponents of the Landscape Architects Bill have not, so far as I know, attempted to establish regulations compatible with the presently registered professionals. I believe that a task force working with the Alaska Professional Design Council, an organization which represents all registered professionals, could probably satisfy the conflicts by introducing proposed regulations to be implemented as quickly as possible upon passage of any bill creating registration for landscape architects.

All Alaskan professionals are registered through examination or comity based upon examination. I believe more information should be presented concerning the testing and a review by the Board of Registration of the national tests given landscape architect trainees. The contents of that examination would help verify qualifications and conflicts with existing professional registrations.

Finally, as we are presently in a struggle to justify our very existence, I find it very untimely that consideration is given to expanding the Registration Board with another discipline within a year of the time required to justify the existence of the existing Board of Registration.

I shall be in Juneau February, 22nd, 23rd, 24th for the next scheduled meeting of th Board of Registration. I hope to have the opportunity of visiting with you on the morning of the 22nd. I would appreciate the opportunity to discuss the landscape architect and other Board related subjects with you at that time, if your schedule permits.

Very truly yours,



Jim L. Bridges
Architect AIA
JLB/la

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

325 BARROW STREET • ANCHORAGE, ALASKA 99501
PHONE (907) 279-3941 • 277-6254

RECEIVED
DEPARTMENT OF
COMMERCE

JAN 29 2 54 PM '79

OCCUPATIONAL
LICENSING



JANUARY 25, 1979

MR. DON HOSTAK, DIRECTOR
DEPARTMENT OF COMMERCE
AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL
LICENSING
POUCH D
JUNEAU, ALASKA 99811

TO MR. HOSTAK:

ERMA NORLUND SENT ME A COPY OF THE LANDSCAPE ARCHITECTS BILL
FOR MY COMMENT.

I AM NOT IN FAVOR OF LICENSING LANDSCAPE ARCHITECTS. ATTACHED
IS A COPY OF A LETTER I WROTE LAST YEAR AND MY OPINION HASN'T
CHANGED.

SINCERELY

W. J. WELLENSTEIN
MEMBER, BOARD OF REG.
A. E. AND L.S.

WJW/DG

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

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

5 HARBOR STREET

ANCHORAGE, ALASKA 99501

PHONE (907) 270-0941 • 277-6254

RECEIVED
DEPARTMENT OF
LABOR

JAN 29 2 54 PM '79

OCCUPATIONAL
LICENSING



JANUARY 22, 1979

JOHN L. RADER, PRESIDENT
ALASKA STATE SENATE
1000
ANCHORAGE, ALASKA

TO SENATOR RADER:

I APPRECIATE BEING GIVEN THE OPPORTUNITY TO COMMENT ON THE PROPOSED
A.S. 366 AND S.B. 416.

I AM OPPOSED TO THE LICENSING OF INDIVIDUALS AS LANDSCAPE ARCHITECTS
FOR THE FOLLOWING REASONS:

1. PROTECTION LAWS, AS YOU ARE AWARE, ARE WRITTEN FOR THE
PROTECTION OF HEALTH, WELFARE AND SAFETY. I SEE
NO HARM TO THE PUBLIC IN ANY OF THESE AREAS IF THEY ARE
UNLICENSED.

2. THERE IS A DIFFICULTY ENFORCING OUR PRESENT LAW WITHOUT
HOLDING ANOTHER DISCIPLINE.

3. I CAN SEE ADDITIONAL PROBLEMS FOR THE BOARD IN COMPLAINTS
EITHER THE CIVIL AND/OR LANDSCAPE ARCHITECT AS TO WHOSE
DISCIPLINE THE SHAPING OF THE TERRAIN WILL BE.

4. ROAD CONTROL, SETTING GRADES, DETERMINATION OF PROPER LAND
USE, APPROACHES TO BUILDINGS, ETC., ARE NOT IN A LANDSCAPE
ARCHITECTS DOMAIN.

5. TWO MEMBERS ON THE BOARD WOULD NOT BE IN PROPORTION TO THE
REAL DISCIPLINES AND THE MEMBERS THEY REPRESENT.

6. I AM AWARE, WE ARE PRESENTLY REVISING THE STATE BOARD OF
REGULATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS
CHAPTER 36. WE HAVE REPEATEDLY BEEN INFORMED
BY THE ATTORNEY GENERAL'S OFFICE THAT WE ARE UNABLE TO POLICE
OUR MEMBERS WITH THE PRESENT REGULATIONS AS THEY NOW EXIST.
OUR MEMBERS SHOULD BE HELD TO THE SAME

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

1000 W STREET

ANCHORAGE, ALASKA 99501

PHONE (907) 429-5911 • 277-8254



MAY 20, 1973

SENATOR JOHN L. RADER, PRESIDENT
ALASKA STATE SENATE

AGAIN, I AM OPPOSED TO THIS BILL AND AM RESPONDING NOT AS A
MEMBER OF THE BOARD BUT AS A PRIVATE PRACTITIONER. THANKS AGAIN
FOR GIVING ME THE OPPORTUNITY OF EXPRESSING MY VIEWS IN THIS
PROPOSED LEGISLATION.

SINCERELY,

[Handwritten signature]

D. J. WELLENSTEIN
ARCHITECT

[Handwritten signature]

[Faint handwritten notes at the bottom left of the page]

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

BILL ANALYSIS

ASSIGNMENT DATE _____

UNASSIGNED _____

DEPARTMENT	SPONSOR (PRINCIPAL)	BILL NO.
Commerce & Econ. Develop.	Commerce Committee	SB 257
DEPARTMENT POSITION		
Opposed.		
DIVISION	DATE	COMMISSIONER
Occupational Licensing	03-23-79	
GOVERNOR'S OFFICE USE		
<input type="checkbox"/> POSITION NOTED	<input type="checkbox"/> POSITION APPROVED	<input type="checkbox"/> POSITION DISAPPROVED
BY:		DATE:
SUMMARY		
(1) RELATED BILLS (SIMILAR OR CONFLICTING)		
(2) OTHER AGENCIES AFFECTED BY BILL		
(2) a. ORGANIZATIONAL SUPPORT FOR BILL	/	(2) b. ORGANIZATIONAL OPPOSITION TO BILL
Unknown		State Board of Architects, Engineers, and Land Surveyors
(3) PROGRAM EFFECTS OF BILL		
Would add another regulated group to an existing regulated profession.		
(4) FISCAL IMPACT:		
<input type="checkbox"/> NONE	<input checked="" type="checkbox"/> F.A.	ANALYSIS ATTACHED
(5) AMENDMENTS PROPOSED:		

(6) COMMENTS:

It has not been demonstrated that nonregulation of landscape architecture adversely impacts the public health, safety or welfare. This profession is concerned with esthetics and does not involve activities related directly to human life or well being. Actual need, not imagined need, should be established.

Consumers of these services are most likely to have substantial resources and recourses. Practitioners may be presently certified by the National Association of Landscape Architects if they wish such status. Nothing in AS 08.48 prohibits or restricts the profession. It does not appear that either the public or the profession requires governmental regulation of another group of practitioners.

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SB 257
 Title Relating to the State Bd. of Registration for Arch., Eng., and Land
 Requested by Commerce Committee Date Surveyors
March 22, 1979

II. FISCAL DETAIL

Agency Affected Commerce and Economic Development
 Program Category Affected Public Protection
 Budget Request Unit(s) Affected Regulation and Licensing of Professions

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	2.0	2.1	2.1	2.2	2.2
300 CONTRACTUAL	0	1.0	1.1	1.1	1.2	1.2
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	3.0	3.2	3.2	3.4	3.4

FUNDING (Thousands of Dollars)

GENERAL FUND	0	3.0	3.2	3.2	3.4	3.4
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

TRAVEL

Boards, Commissions & Legislators

3 Trips	In-state transportation	495
12 per diem days	In-state per diem	660
1 Trip	Out-of-state transportation	550
6 per diem days	Out-of-state per diem	300

CONTRACTUAL

Communications, including printing and advertising	500
Professional fees and services	
Council dues and examination fees	500

In-state travel for one board member assumes 4 meetings per year with 1/4 being held in the member's home town. Inflation is computed at 6% per annum. Assumes an effective date of July 1, 1979.

IV. DATE March 23, 1979 PREPARED BY Don Hostak, Director
 AGENCY Division of Occupational Licensing
 PHONE 465-2534

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)