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438

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: CSSB 438 (L&C)  
 Title: An Act relating to the State Board of Regis. for Architects, Eng. & LS;...  
 Sponsor: Labor & Commerce Committee  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.  
 Program Category Affected: Public Protection  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
 Division of Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Funding for the State Board of Registration for Architects, Engineers and Land Surveyors is included in the Department's FY 85 budget.

ANALYSIS: Attach a separate page for analysis

Prepared By: Jennifer Strickler, Mgmt. Analyst Phone: 465-2144  
 Division: Occupational Licensing Date: 3-13-84  
 Approved by Commissioner: Richard A. Lyon Date: 3-13-84  
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 438  
Title: An Act extending the term.  
date of the Board of Arch., Eng., &  
Sponsor: Labor & Commerce Committee  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Dept. of Commerce & Econ. Dev.  
Program Category Affected: Public Protection  
L.S.: ...  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Division of Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No additional fiscal impact is expected to incur with this Senate Bill.

Funding to be continued and provided for in the Department's FY '85 budget.

ANALYSIS: Attach a separate page for analysis

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144  
Division: Occupational Licensing Date: February 15, 1984

Approved by Commissioner: Richard A. Ivon Date: 3/12/84  
Agency: Department of Commerce & Economic Dev.

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

Board of Architects, Engineers and Land Surveyors

FY '83 - Allocated 20.0 (Board Travel and Per Diem)

Revenues (7/1/82 - 6/30/83) 85.2  
(Total Number of Active Licenses 3,679)

Expenses: Board Travel and Per Diem	19.1
Personal Services (7/1/82 - 6/30/83)	29.3
Contractual	31.3
Total	<u>79.7</u>

FY '84 - Allocated 18.2 (Board Travel and Per Diem)

Revenues (7/1/83 - 2/1/84) 120.5

Expenses: Board Travel and Per Diem	7.2
**Personal Services (7/1/83 - 2/1/84)	17.0
*Contractual	3.0
Total	<u>27.2</u>

FY '85 - Board Component - Division Budget Total - 95.0  
Board of Architects, Engineers and Land Surveyors Allocation - 18.2

\* The above items are funded in the division's budget under the Administration component

\*\* Personal services are one licensing examiner's position.

# Summary for SB 438

THE SENATE LABOR AND COMMERCE COMMITTEE HAS HAD THE STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS UNDER ADVISEMENT AND RECOMMENDS THE BOARD BE REESTABLISHED FOR 4 YEARS -- UNTIL 1988. THIS BOARD HAS ACTED IN PUBLIC BEST INTEREST BY ASSURING ONLY QUALIFIED PROFESSIONALS IN THIS AREA OF EXPERTISE ARE GRANTED LICENSES TO CONDUCT BUSINESS.

CSSB 438(L&C) REQUIRES PUBLIC REPRESENTATION ON THE BOARD. CURRENTLY THIS BOARD IS THE ONLY LICENSING BOARD WITH NO REPRESENTATION. LAY MEMBERS WITH NO DIRECT FINANCIAL INTEREST CAN AND SHOULD CONTRIBUTE TO POLICY FORMULATION AND ENFORCEMENT DECISIONS. CSSB 438 (L&C) WOULD ASSURE PUBLIC REPRESENTATION ON THE BOARD.

THIS COMMITTEE SUBSTITUTE WOULD ALSO LIMIT THE TERM OF OFFICE FOR BOARD MEMBERS TO 4 YEARS (PREVIOUSLY 6 YEARS). A MEMBER COULD SERVE ONLY 2 TERMS IN SUCCESSION. THESE CHANGES WILL ENHANCE THE FLOW OF NEW IDEAS AS NEW INDIVIDUALS ARE APPOINTED TO THE BOARD.

IN RECOGNITION OF THE HIGH DEGREE OF EDUCATIONAL AND PRACTICAL COMPETENCE NEEDED IN THESE PROFESSIONS, CSSB 438 (L&C) REQUIRES AN APPLICANT REQUESTING RENEWAL OF A CERTIFICATE TO GIVE EVIDENCE OF CONTINUED COMPETENCY. BOTH THE BOARD AND DEPARTMENT OF COMMERCE VIEW THIS REQUIREMENT AS BEING APPROPRIATE AND VERY WORTHWHILE IN MAINTAINING THE PUBLIC'S TRUST AND CONFIDENCE.

FOR THESE REASONS I RECOMMEND PASSAGE OF CSSB 438 (L&C).

MORE INFORMATION

IN JANUARY, 1984, THE ANTI-COMPETITIVE REGULATION WAS DELETED FROM THE ADMINISTRATIVE CODE AS STIPULATED BY THE U.S. JUSTICE DEPT.

ALTHOUGH THE AUDIT COMMENTED THAT PHOTOS WERE REQUIRED WITH APPLICATIONS, A BOARD MEMBER TESTIFIED THAT THIS PRACTICE WAS NOT BEING CARRIED OUT.

BUDGET REPORT IS ON PAGE 15.

AVERAGE REVENUE (FROM LICENSE FEES)	\$108,052
EXPENDITURES	99,967
EXCESS REVENUES	8,085

## SUMMARY

### A Performance Report on the Board of Registration for Architects, Engineers, and Land Surveyors

The Board has a membership of nine members consisting of two civil engineers, one land surveyor, one mining engineer, two engineers from other branches of the engineering profession, and three architects.

The Division of Legislative Audit proposed recommendations which, if implemented, would improve the effectiveness and efficiency of the Board.

1. Legislation should be introduced requiring continuing education.

Renewal of certificates is not dependent upon evidence of a professional's continued competence. The Department of Commerce feels it is appropriate for the State as a licensing agency be concerned with continuing competency.

2. The Board should repeal its anticompetitive regulations.

These regulations are going to be repealed.

3. The Board should approve for examination only those applicants eligible to take the examination.

If the Board no longer believes that these requirements are necessary, the regulations should be repealed.

4. The Board's membership should include a representative from the general public.

The Board is the only licensing board that has no lay representative and this should be changed. It is also recommended that a statutory change limit the number of terms a Board member can serve as well as reducing the years in a Board member's term.

5. The Board should not require that a photograph accompany an application for licensure.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

<p><u>REQUEST</u>                  Bill/Resolution No.: <u>HCS CSSB 438 (L&amp;C)</u>                  Title: <u>An Act relating to the Board of registration for Arch., Eng., &amp; Sponsor: Labor &amp; Commerce Committee</u>                  Requestor: _____                  Date of Request: _____</p>	<p><u>FISCAL DETAIL</u>                  Agency Affected: <u>Commerce &amp; Economic Dev.</u>                  Program Category Affected: <u>Public Protection L.S.;...</u>                  BRU, Program or Subprogram(s) Affected: <u>Division of Occupational Licensing</u></p>
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EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

No additional fiscal impact is expected to incur with this bill.

Funding to be continued and provided for in the Department's FY '85 budget.

ANALYSIS: ~~Attach a separate page for analysis~~

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144  
 Division: Occupational Licensing Date: 4-17-84

Approved by Commissioner: Richard A. Lyon Date: 4/23/84  
 Agency: Department of Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

NOTE REGARDING THE FOLLOWING FRAME(S) ON MICROFILM:  
COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES.  
TITLE PAGE ONLY HAS BEEN FILMED.

A PERFORMANCE REPORT  
ON THE  
BOARD OF REGISTRATION FOR  
ARCHITECTS, ENGINEERS,  
AND LAND SURVEYORS

July 1, 1980 - April 15, 1983

Audit Control Number  
08-1114-54-83-R

Commissioner, Department of  
Commerce and Economic Development

Richard A. Lyon

Deputy Commissioners, Department of  
Commerce and Economic Development

Vincent O'Reilly  
Terry Elder

Members of the Board of Registration for  
Architects, Engineers, and Land Surveyors

President  
Member  
Member  
Member  
Member  
Member  
Member  
Member  
Member

Wallace I. Deboff  
Wayne K. Jenson  
Paul Stutzman  
Gordir. Unwin  
Wallace Wellenstein  
Gordon S. Best  
Robert Boswell  
Odin Strandberg  
Vacant

AMENDED TITLE: C0SSB 438  
 AN ACT RELATING TO THE STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, AND LAND SURVEYORS, AND PROVIDING FOR AN EFFECTIVE DATE

PRIME SPONSOR: SENATE LABOR&COMM COMMITTEE.  
 CO-SPONSORS:

CURRENT STATUS: 5/29/84 CHAPTER 0063 SLA 84

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/09/84	01	2011	FIRST READING -- COMMITTEE REPORTS
03/09/84	02	2309	L&C -- CS05
03/09/84	03	2310	L&C LETTER OF INTENT
03/15/84	04	2361	RLS -- L&C CS05, OTHER05 TAKEN UP IMMEDIATELY
03/15/84	05	2363	SECOND READING
03/15/84	06	2363	L&C CS ADOPTED BY UNAN CONSENT
03/15/84	07	2363	ADVANCED TO 3RD READING BY UNAN CONSENT
03/15/84	08	2363	THIRD READING
03/15/84	09	2363	PASSED BY DIV 19-00-01
03/15/84	10	2363	EFFECTIVE DATE VOTE SAME AS PASSAGE
04/10/84	19	2678	FAILED TO CONC IN (H) AMS BY DIV 00-19-01
04/10/84	20	2679	CC -- ELIASON MULCAHY RODEY
05/08/84	23	2974	CC REPORT ADOPTED BY DIV 19-01-00
05/08/84	24	2974	EFF DATE CLAUSE VOTE SAME UNAN CONSENT
05/15/84	27	3101	TRANSMITTED TO GOVERNOR
05/29/84	28	3393	SIGNED BY GOVERNOR-CH0063, EFF 05/30/84
****	**	**	*** *** ***

DATE	SEQ	PAGE	LEGISLATIVE ACTION
03/16/84	11	2945	FIRST READING -- COMMITTEE REPORTS
04/04/84	12	3200	L&C -- CS05
04/05/84	13	3224	SECOND READING
04/05/84	14	3224	L&C CS ADOPTED BY UNAN CONSENT
04/05/84	15	3224	ADVANCED TO 3RD READING BY UNAN CONSENT
04/05/84	16	3224	THIRD READING
04/05/84	17	3224	PASSED BY DIV 36-00-04
04/05/84	18	3225	EFFECTIVE DATE VOTE SAME AS PASSAGE
04/16/84	21	3344	FAILED TO RECEDE FRM AMS BY DIV 12-25-03
04/16/84	22	3345	CC -- RINGSTAD UENLING SZYMANSKI
05/14/84	25	3641	CC REPORT ADOPTED BY DIV 24-11-05
05/14/84	26	3641	EFF DATE ADOPTED BY DIV 37-00-03
***	**	**	*** *** ***



OFFICIAL BUSINESS

# ALASKA STATE LEGISLATURE - SENATE

## COMMITTEE ON LABOR AND COMMERCE

SENATOR RICHARD I. ELIASON  
CHAIRMAN

POUCH V • JUNEAU, ALASKA 99811  
(907) 465-3844

### MEMORANDUM

TO: Representative John Ringstad, Chair  
House Conference Committee on SB 438

FROM: Senator Dick Eliason, Chair  
Senate Conference Committee on SB 438

RE: SB 438 - "An Act relating to the Board of Registration for  
Architects, Engineers, and Land Surveyors"

DATE: April 19, 1984

There are two major differences between CSSB 438 (L & C) and HCS CSSB 438 (L & C). The Senate version includes a public member within the nine member board and requests the board to adopt regulations regarding a "continue competency" requirement.

The Senate feels very strongly that the Board should have representation by an individual who has no direct financial interest in this area of expertise except as a consumer without increasing the size of the original board. Currently this board is the only board which regulates entry into a profession without public representation on the board. Wayne Jensen, President of the Board, stated a majority of board members felt that IF a board member were to be added without increasing its membership, the proposal originally set forth in CSSB 438 (L & C) was the most appropriate course of action. I urge you to reconsider this issue and to agree that inclusion of a public member to this board is in the best interest of the Alaskan consumers.

Upon reviewing the merits of requiring proof of continued competency before license renewal, it has become evident that this stipulation may not be the best answer to assure qualified professionals in these professions. Therefore, the Senate is willing to agree to the deletion of this requirement.

The Senate Conference Committee on SB 438 would like to meet with the House Conference Committee to discuss the merits of this legislation. Please let me know when it would be most convenient for you.

CONFERENCE COMMITTEE REPORT

May 4, 1984

Date

Mr. President:  
Mr. Speaker:

The CONFERENCE COMMITTEE considered CS FOR SENATE BILL NO. 438(L&C) and HOUSE CS FOR CS FOR SENATE BILL NO. 438(L&C) (State Board of Registration for Architects, Engineers and Land Surveyors; eid) and recommends that:

CONFERENCE CS FOR SENATE BILL NO. 438 - "An Act relating to the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

be adopted.

*[Signature]*  
Senator Blinson, Chairman

*[Signature]*  
Senator Rutledge

Senator Rudy

*[Signature]*  
Rep. Ruppstad, Chairman

*[Signature]*  
Rep. [unclear]

*[Signature]*  
Rep. [unclear]



OFFICIAL BUSINESS

# ALASKA STATE LEGISLATURE - SENATE

## COMMITTEE ON LABOR AND COMMERCE

SENATOR RICHARD I. ELIASON  
CHAIRMAN

POUCH V • JUNEAU, ALASKA 99811  
(907) 465-3844

### MEMORANDUM

TO: Representative John Ringstad, Chair  
House Conference Committee on SB 438

FROM: Senator Dick Eliason, Chair  
Senate Conference Committee on SB 438

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The Senate Conference Committee on SB 438 would like to meet with the House Conference Committee to discuss the merits of this legislation. Please let me know when it would be most convenient for you.

Architects, Engineers

<u>MEMBER</u>	<u>APPT</u>	<u>REAPPT</u>	<u>TERM</u>
Gordon S. Best Box 476 Soldotna 99669 Land Surveyor	82/10/08	RT-83/02/28	88/07/01
Robert B. Boswell 543 Third Ave. #206 Fairbanks 99701 Engineer	81/11/16		87/07/01
Wayne K. Jensen P.O. Box 310 Juneau 99802 Architect - Chair	78/10/02		84/07/01
Malcolm A. Menzies Box 1786 Juneau 99802 Civil Engineer	83/10/19		86/07/01
Sandra L. Sampson P.O. Box 104757 Anchorage 99510 Architect	83/10/19		89/07/01
Odin E. Strandberg 6502 Lakeway Dr. Anchorage 99502 Mining Engineer	81/07/31		87/07/01
Paul E. Stutzmann P.O. Box 1429 Fairbanks 99707 Civil Engineer	75/04/28		84/07/01
VACANT Architect			86/07/01
VACANT Engineer			88/07/01

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 27, 1984

SUBJECT: Board of Registration for Architects,  
Engineers, and Land Surveyors (CCS SB 438)

TO: Senator Dick Eliason  
Chairman  
Senate Labor & Commerce Committee

FROM: Teresa B. Cramer *TBC*  
Legislative Counsel

You have asked for language to ensure that the membership on the Board of Architects, Engineers and Land Surveyors turns over in an orderly progression. As the provisions of CCS SB 438 now read, there would be four members appointed in 1984. Two terms have regular expiration dates of July 1, 1984. Under the bill, appointments to those terms would be for terms of four years. Two terms are vacant and appointments to those vacancies would also be to terms of four years if the bill becomes law before the appointments are made. In addition, one term expires in 1988 and would be filled with a four-year appointment. Therefore, in 1992, five vacancies would occur on the board.

To remedy this imbalance, you may wish to consider adding the following language as a new section 7 to CCS SB 438:

A member appointed to fill a vacancy in a position with a duration of six years may serve for the duration of that term. A vacancy that exists on the effective date of this Act shall be considered a vacancy in a position with a duration of six years, and a person appointed to fill such a vacancy may serve the unexpired portion of the six-year term.

TC:ojb  
J7/002

# Alaska State Legislature

Representative John Ringstad  
District 20-B  
P.O. Box 1848  
Fairbanks, Alaska 99707  
(907) 456-8336

While in Juneau  
Pouch V  
Juneau, Alaska 99811  
(907) 465-4998

## House of Representatives

### MEMORANDUM

TO: Senator Dick Eliason, Chair  
Senate Conference Committee on SB 438

FROM: Representative John Ringstad, Chair  
House Conference Committee on SB 438

RE: SB 438 - "An Act relating to the Board of Registration for  
Architects, Engineers, and Land Surveyors"

DATE: April 24, 1984

I am in receipt of your memorandum dated April 19, 1984. I would like to invite you and the members of the Senate Conference Committee to meet with the House Conference Committee on SB 438 at your earliest convenience. I would suggest Wednesday, April 25 or Thursday, April 26 at 3:00 p.m. or later. The House Resources Committee room 118 in the Capitol Building is available for our use.

Please let me know what time would be convenient for the Senate Conference Committee on SB 438 to meet with the House Conference Committee.



# ALASKA STATE LEGISLATURE - SENATE

## COMMITTEE ON LABOR AND COMMERCE

SENATOR RICHARD I. ELIASON  
CHAIRMAN

POUCH V • JUNEAU, ALASKA 99811  
(907) 465-3844

OFFICIAL BUSINESS

March 8, 1984

The Honorable Jalmar Kerttula  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Dear Mr. President:

The Senate Labor and Commerce Committee has had under consideration for "Sunset Review" the Board of Registration for Architects, Engineers, and Land Surveyors pursuant to your referral under AS 44.66.050 and AS 08.03.010.

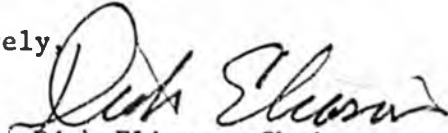
In accordance with the statutory requirement, a public hearing was held on the review of the Board. The Committee considered the proposed budget of the Board and examined the performance audit of the activities of the Board prepared by the Legislative Audit Division.

Guided, in part, by the report prepared by the Legislative Audit Division, the Committee took into consideration the factors required to be considered under AS 44.66.050(c). The Board has operated in the public best interest by licensing only qualified people in the appropriate fields. The regulations which were anti-competitive have already been repealed by the Board.

The Board is the only licensing board that has no lay representation. In general, lay members with no direct financial interest in a regulated profession can and should contribute to policy formulation and enforcement decision. The Committee will introduce legislation which will add a public member to the Board as well as limiting the number of terms a Board member can serve.

Through the new legislation, the Board will be requested to promulgate regulations to assure license renewal is based upon evidence of professional continued competency. A four year extension period for the Board is recommended.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dick Eliason".

Senator Dick Eliason, Chair  
Labor and Commerce Committee

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

BILL SHEFFIELD, GOVERNOR

REPLY TO:

1031 W 4th AVENUE  
SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 276-3550

1st NATIONAL CENTER  
100 CUSHMAN ST.  
SUITE 400  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 452-1568

POUCH K - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3500

March 15, 1984

The Honorable Dick Eliason, Chair  
Senate Labor and Commerce Commission  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Re: Committee report on SB 438  
(Architects, engineers, and  
land surveyors)

Dear Senator Eliason:

In reviewing the March 8 Senate Labor and Commerce Committee's report on SB 438 (extending the Board of Registration for Architects, Engineers, and Land Surveyors), I noticed one sentence that requires some clarification. The last sentence in the third paragraph of the report stated that "(t)he regulations which were anti-competitive have already been repealed by the Board." (1984 H. J. 2310)

In fact, one anti-competitive regulation was not repealed by the Board but rather was deleted by the regulations attorney in the Department of Law, as a result of a stipulation to settle an antitrust lawsuit against the Board by the U.S. Department of Justice. The attached copies of two pages from the Alaska Administrative Code include that deletion of 12 AAC 36.230(b) and an explanatory editor's note.

I hope that this clarification is helpful. Please do not hesitate to contact me if I can provide any further information.

Sincerely yours,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:   
Peter B. Froehlich  
Assistant Attorney General

PBF:eja

Enclosure:

The Honorable Dick Eliason, Chair  
Senate Labor and Commerce Commission

March 15, 1984  
Page 2

cc w/enc.: Wayne Jensen, Chair  
Board of Registration for Architects, Engineers  
and Land Surveyors  
Department of Commerce and Economic Development

Harry Traeger, Director  
Division of Occupational Licensing  
Department of Commerce and Economic Development

The Honorable John Cowdery, Chair  
House Labor and Commerce Committee  
Alaska State House of Representatives

*The Alaska Society of  
Professional Engineers*



Address Reply To:

Donald R. Dent, PE/RLS  
National Director  
2064 Belair Drive  
Anchorage, AK 99503  
(907) 277-6855

March 30, 1984

Senator Richard Eliason  
Chairman, L&C Committee  
Pouch V  
Juneau, AK 99811

re: CS SB 438 (L&C)  
relating to State Board of Registration for  
Architects, Engineers, and Land Surveyors

Dear Seantor Eliason;

As the Legislative Chairman for the Alaska Society of Professional Engineers, I am writing to convey our concerns with the text of the above referenced bill as it emerged from the Senate Labor and Commerce Committee, passed the Senate, and was presented to the House Labor and Commerce Committee.

Initially, the Bill contained only \*Section 1, which changed the termination date of the Board to June 30, 1988, and the standard clause for effective date.

Through your committee, as prepared by your staff, several radical changes to the licensing statute, AS 08.48, were proposed. These proposals would (1) remove the Mining Engineer from the Board, (2) add one Public Member to the Board, (3) reduce the term of Board members to four years, from the present six years, (4) limit membership on the Board to two consecutive terms, and (5) require evidence of "continued competence" of each registrant in order to renew a license.

The rationale for these proposed changes came, in part, from the Legislative Audit Division. It's only surmise where their additional support arises. Be that as it may, the proposed changes contained in CS SB 438 (L&C), as passed by the Senate, have serious drawbacks. We do support the extension of the life of the Registration Board, but have serious reservations on the balance of the Bill. Following will be discussion of the proposed changes.

Removal of the Mining Engineer and replacing that seat with a Public Member shows a lack of understanding of the necessary operations and functions of the Board. There are over 3200 registrants in Alaska, less than 1500 of whom are residents. The Board meets at least five times a year in order to handle the large volume of applicants for licenses, and for other actions. Each applicant is evaluated on education, background and experience to determine if the qualifications for licensure and practice are met. This evaluation is usually performed in teams of three. A Public Member, as the 9th member of the Board, it is assumed, would not be involved with this evaluation process.

To this date, it has never been the intent of the Legislature that non-licensed persons make determination of eligibility to practice architecture, engineering, or land surveying. The Public Member, as the 9th member, would necessitate additional workload be put on the other 8 members, would incur additional expenses against an already strangled Board budget, and would be non-productive in the licensing functions of the Board.

When the present statute, AS 08.48, was enacted in 1972, it was felt by the Legislature, and supported by the professions, that a six-year term for Board members was necessary in order to "keep politics out of the licensing area" as much as possible, and to provide the ability to maintain continuity in the Board's operations. This was directed in AS 08.48.021(b), in which only two members must be confirmed each year, and one member every six years. With the bulk of Alaskan registrants and applicants (estimated at over 90%) residing in or near to the three population centers of the state, this provides better personal access to the Board. A four-year term would mandate that once every four years three Board seats would be up for confirmation and two each of the other years. The Administration has made no bones about its desire to pack the Board with political appointees, diffuse Board membership away from the population centers, reduce the size and funding of the Board as an "economy measure", and to reduce the Board's effectiveness and credibility by coercive actions.

The limitation of Board terms to two consecutive terms is a good idea. This would disallow entrenchment.

A statutory requirement of "continued competence" for relicensing has little or no merit. Although the Legislative Audit Division conducted a poll in which a high percentage of respondents indicated that they personally participated in seminars and short courses, the making of such individual efforts mandatory will not prove maintenance of competence within the profession. Evaluation would be strictly subjective. The problems with the statutory requirement involves (1) establishment of criteria by the Board of acceptable evidence, including seminars and shortcourses which issue CEU's (this would also have to be conversant with programs "outside" to accommodate the high percentage of non-residents), (2) the high volume workload put on the Board to evaluate and substantiate the relicensing applications every two years (3) negation of ability to handle the increased workload as a result of the Governor's reduction of Board budget to 4% of the funds generated, and reduction of Board members (this would necessitate the state hiring additional non-licensed personnel to make the decisions on relicensure), (4) the high cost and amount of time involved to handle this for the state, and the Board, (5) our University system, being the easiest access for continuing education, is not geared to handle the additional influx of specialty courses that would be required, particularly in the architectural field (this would also apply

March 30, 1984

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to the 16 other professional areas regulated by the state in which continuing competence is being promoted by the Administration), (6) the high cost and loss of time to registrants in being compelled to attend continuing education classes held not at a time and place, or even content, of their choosing, or ability to attend. In this last instance, what would be the cost to a registrant in Nome or Kotzebue to have to go to Fairbanks to take a one or two day class to meet the CE requirements? \$1000 to \$1500 would not be an unreasonable assumption. If membership and participation in Professional Societies were to be one of the requirements for relicensing, as it is in Iowa, it would be impossible for a person not situated in one of the three population centers to comply, or be licensed. The Professional Societies do not have chapters in every city, town or village.

The only state which requires Continuing Education for relicensure is Iowa. Why only one? Other states have seriously contemplated the process, but have discarded it because it is not cost effective for the state, it would reduce (restrict) the number of practitioners in the state, it would be cumbersome to operate (increase in bureaucratic red tape), and there is no proof that there would be an increase in competence on the part of practitioners.

These determinations are exactly those found in Iowa after a two year assessment of the program. There was a loss of over 850 registrants and an increase of 500 inactive registrants - effectively a net loss of 1350 registrants. There was an increase of over 8000 class room hours in the University system. There was the necessity to increase staff personnel just to handle the data processing duties. There was absolutely no proof of any benefit to the public.

Enactment of such requirement, for the Alaska situation, would be discriminatory against many registrants based on domicile and economic status. Restricting the number of practitioners, would be in restraint of trade, for no beneficial purpose or known result. It appears obvious that the proponents of "continuing competence" have not done adequate homework - by weighing all sides of the issue.

Your response, and views, would be appreciated.

Sincerely,



Donald R. Dent, PE/RLS  
Legislative Chairman

# COMMITTEE REPORT

## SENATE

FURTHER:

2/9/84

Date 3/8/84

Mr. President

The Committee on LABOR & COMMERCE considered SB 435

extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 437
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_

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Chairman

\_\_\_\_\_

Chairman recommendation



## SIGN-IN SHEET

Proposed Legislation

SB 438

Name (please print)	Address	Representing	Testify?? (YES or NO)	Phone Number
M. A. MENZIES	1335 FRITZ COVE - JNU	BOARD of A.E.L.S.	YES	789-0880
HARRY D. TREAGER	Div of Coc Lic	COMMERCE	YES	2534
Carol Dextner	Office of Gov		yes	

SENATE LABOR AND COMMERCE COMMITTEE

HEARING DATE

3/8/84

Bd of Architects

Post Office Box 310  
Juneau, Alaska 99802

March 1, 1984

RE: Sunset Review  
Board of Registration for Architects,  
Engineers and Land Surveyors

Senator Elliason  
Senate Labor and  
Commerce Committee  
State of Alaska  
Pouch V  
Juneau, Alaska 99811

Dear Senator Elliason:

We wish to take the opportunity afforded us during the sunset review process to offer some constructive suggestions that we feel will improve the effectiveness of the board.

1. Addition of Public Board Members

This board is one of few that does not have public members. One reason for this is that this is a combined board, regulating three distinct professions and therefore has a comparatively large membership. The concern on appointment of public members is that the professional membership would be reduced beyond a workable level. The Statutes designate three Architects, one Land Surveyor, and five Engineers. If each profession was regulated by its own board, which is the case in most other states, the total membership might be more than double what it is now.

In summary, we are in favor of having public members on the board, but do not want to see the professional membership reduced. A change to AS 08.48.011 will be required if the board composition is revised.

2. Reduction in the Length of Terms

The board favors reducing the term of office for board members to five years from six and to limit the number of terms to two. This will require a change in AS 08.48.021(b).

3. Revise the Exemptions for Registration

The board favors simplifying the exemptions and eliminating confusion by changing AS 08.48.331. The recommended changes are to eliminate paragraphs (3), (4), (9)(A), (10) and (12).

Paragraphs 3 and 4 deal with government employees practicing architecture, engineering or land surveying. Where the public safety is involved, projects should be designed and sealed by registered individuals regardless of whether they are governmental employees of private consultants.

Paragraph (9) (A) has caused confusion when agencies or companies ask if this applies to them when they design projects for only their employees. The board has never held that they were exempt in these instances; we feel that the confusion can be resolved by eliminating the paragraph.

Paragraph (10) has caused confusion when people try to expand the definition of the term "Specialty Contractor" to encompass or overlap the professions regulated by the board. We feel that paragraph 7 adequately states that this statute does not prohibit the practice of any other profession, and that paragraphs (1), (2) and (11) exempts construction activity.

Paragraph (12) is confusing as it also deals with the subject in paragraph (9)(A) which we suggest removing.

5. Participate in the Regional and National Examination and Registration Processes

This board is a member of the National Council of Architectural Registration Boards (NCARB) and the National Council of Engineering Examiners (NCEE), as are all other state registration boards. Through the work of these two agencies, continuity is maintained in registration requirements throughout the United States. Through annual business meetings the registration standards and examinations are reviewed and approved. Since we, like all other states, use the standards and examinations adopted by these national organizations, it is important that the Alaska board participate in the business of NCARB and NCEE. The only way we can effectively represent the State is to attend the annual meetings. In the past we have been unable to attend because of a lack of funds.

This board provides the State general fund with revenue that far exceeds the annual appropriation for board operation. We, in fact, have the potential to generate even greater revenues,

Senator Elliason  
March 1, 1984  
Page 3

but since the level of service provided the public and the candidates for registration is unaffected, there is no incentive for us to raise fees. In fact, we often have considered lowering fees to closer reflect the service provided.

In summary, we feel it is extremely important to participate with other state registration boards in NCARB and NCEE and that there should be a correlation between the revenues produced through fees and the expenses necessary to operate properly.

Sincerely,



Wayne Jensen, President  
Board of Registration for Architects,  
Engineers and Land Surveyors

WJ:mec12(2)

cc: Harry Treager  
Paul Stutzman  
Robert Boswell  
Sandra Sampson  
Sam Best  
Odin Strandberg  
Malcom Menzies

Bd Recommend's Repealing

blue area

FINDINGS TITLE 9.  
BUSINESS AND PROFESSIONS.  
CHAPTER 48.  
ARCHITECTS, ENGINEERS AND LAND SURVEYORS.  
ARTICLE 4.  
GENERAL PROVISIONS.  
SECTION 39.48.331.

EXEMPTIONS.  
THIS CHAPTER DOES NOT APPLY TO

- (1) THE EXECUTION AS A CONTRACTOR OF WORK DESIGNED BY A PROFESSIONAL ARCHITECT OR ENGINEER, OR THE SUPERVISION OF THE CONSTRUCTION OF THIS WORK AS A FOREMAN OR SUPERINTENDENT FOR A CONTRACTOR;
- (2) SUPERINTENDENTS, FOREMEN, INSPECTORS, OR BUILDING TRADES CRAFTSMEN IN THE PERFORMANCE OF THEIR CUSTOMARY DUTIES;
- (3) AN OFFICER OR EMPLOYEE OF THE UNITED STATES GOVERNMENT PRACTICING ARCHITECTURE, ENGINEERING OR LAND SURVEYING AS REQUIRED BY THAT PERSON'S OFFICIAL CAPACITY;
- (4) AN OFFICER OR EMPLOYEE OF THE STATE PRACTICING ARCHITECTURE, ENGINEERING OR LAND SURVEYING AS REQUIRED BY THAT PERSON'S OFFICIAL CAPACITY IF REGISTRATION IS NOT REQUIRED BY THAT PERSON'S JOB DESCRIPTION OR BY AS 38.95.150 OR 38.95.150;

398.48.331 DOCUMENT# 1 OF 1 PAGE # 2 OF 4

- (5) THE WORK OF AN EMPLOYEE OR A SUBORDINATE OF A PERSON LEGALLY REGISTERED UNDER THIS CHAPTER, IF THE WORK OR SERVICE DOES NOT INCLUDE FINAL DESIGNS OR DECISIONS OR SURVEYS, AND IS DONE UNDER THE DIRECT SUPERVISION OF AND VERIFIED BY A PERSON LEGALLY REGISTERED UNDER THIS CHAPTER;
- (6) THE SERVICES ORDINARILY PERFORMED BY LOCOMOTIVE, STATIONARY AND MARINE ENGINE MEN, POWER PLANT OPERATORS, AND MANUFACTURERS WHO SUPERVISE THE OPERATION OF OR OPERATE MACHINERY OR EQUIPMENT, OR SUPERVISE CONSTRUCTION WITHIN THEIR OWN PLANT WHICH AFFECT ONLY THE PROPERTY OR INTEREST OF THE MANUFACTURER, UNLESS THE PUBLIC HEALTH OR SAFETY IS INVOLVED;
- (7) THE PRACTICE OF ANY OTHER LAWFULLY RECOGNIZED PROFESSION;
- (8) ASSOCIATES, CONSULTANTS OR SPECIALISTS RETAINED BY AN INDIVIDUAL, A PARTNERSHIP OF LEGALLY REGISTERED INDIVIDUALS, OR A CORPORATION AUTHORIZED UNDER THIS CHAPTER, IN THE PERFORMANCE OF THE PROFESSIONAL SERVICES OFFERED BY THE LEGALLY REGISTERED INDIVIDUAL, PARTNERSHIP, OR AUTHORIZED CORPORATION IF RESPONSIBLE CHARGE OF THE WORK REMAINS WITH THE INDIVIDUAL, PARTNERSHIP OR DESIGNATED REPRESENTATIVE OF THE CORPORATION;
- (9) A PERSON PREPARING PLANS, DRAWINGS, OR SPECIFICATIONS FOR
  - (A) A BUILDING FOR THAT PERSON'S OWN USE AND OCCUPANCY UNLESS THE PUBLIC HEALTH, SAFETY, OR WELFARE IS SUBSTANTIALLY INVOLVED;
  - (B) OTHER OR RANGE BUILDINGS UNLESS THE PUBLIC

HEALTH, SAFETY, OR WELFARE IS SUBSTANTIALLY INVOLVED;

(9) A BUILDING INTENDED TO BE USED ONLY AS A RESIDENCE BY NOT MORE THAN FOUR FAMILIES AND NOT MORE THAN TWO STORIES HIGH;

(10) A BUILDING WITH A TOTAL OF NOT MORE THAN 500 SQUARE FEET OF FLOOR SPACE;

(10) A SPECIALTY CONTRACTOR LICENSED UNDER APPROPRIATE ALASKA STATUTES, WHILE ENGAGED IN THE BUSINESS OF CONTRACTING, DESIGNING SYSTEMS OR FACILITIES AS OTHERWISE PERMITTED BY LAW FOR WORK WITHIN THE SPECIALTY FOR WHICH THE SPECIALTY CONTRACTOR'S LICENSE WAS ISSUED TO BE PERFORMED OR SUPERVISED BY THE CONTRACTOR, OR ANY LICENSED CONTRACTOR PREPARING SHOP OR FIELD DRAWINGS FOR WORK WHICH THE SPECIALTY CONTRACTOR HAS CONTRACTED TO PERFORM.

(11) A PERSON FURNISHING, EITHER ALONE OR WITH SUBCONTRACTORS, LABOR AND MATERIALS, WITH OR WITHOUT PLANS, DRAWINGS, SPECIFICATIONS, INSTRUMENTS OF SERVICE, OR OTHER DATA COVERING THE LABOR AND MATERIALS TO BE USED FOR ANY OF THE FOLLOWING:

(a) STOREFRONTS (FACADES), INTERIOR ALTERATIONS OR ADDITIONS, FIXTURES, CABINETWORK, FURNITURE, OR OTHER APPLIANCES OR EQUIPMENT;

(b) WORK NECESSARY TO PROVIDE FOR INSTALLATION OF AN ITEM LISTED IN (a) OF THIS PARAGRAPH;

(c) ALTERATIONS OR ADDITIONS TO A BUILDING NECESSARY TO OR ATTENDANT UPON INSTALLATION OF AN ITEM LISTED IN (a) OF THIS PARAGRAPH, IF THE ALTERATION OR ADDITION DOES NOT CHANGE OR AFFECT THE STRUCTURAL SYSTEM

OR SAFETY OF THE BUILDING;

(12) AN OFFICER OR EMPLOYEE OF AN INDIVIDUAL, FIRM, PARTNERSHIP, ASSOCIATION OR CORPORATION WHICH OFFICER OR EMPLOYEE PRACTICES ARCHITECTURE, ENGINEERING OR LAND SURVEYING WHEN REQUIRED BY THAT PERSON'S OFFICIAL CAPACITY OR WORK DUTIES CONNECTED WITH THAT PERSON'S EMPLOYMENT IF THE INDIVIDUAL, FIRM, PARTNERSHIP, ASSOCIATION OR CORPORATION IS NOT ENGAGED IN THE BUSINESS OF OFFERING ARCHITECTURAL, ENGINEERING OR LAND SURVEYING SERVICES TO THE PUBLIC.

REG. 3 CH 172 SLA 1972, AND SEC. 2 CH 95 SLA 1981

(1) at all times recognize his primary obligation to protect the safety, health, property, and welfare of the public in the performance of his professional duties; if his professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, he shall inform his employer or client of the possible consequence and notify such other proper authority of the situation as may be appropriate; and

(2) undertake to perform assignments only when he or his associates, consultants, or employees are qualified by education, training, experience, and licensing in the specific technical branches or fields involved;

(3) be completely objective and truthful in all professional reports, statements, or testimony and shall include all relevant and pertinent information in such reports, statements, or testimony when the result of an omission would, or reasonably could, lead to a fallacious conclusion; and

(4) not affix his signature or seal to any plan or document dealing with professional services in which he is not qualified by virtue of education, experience, and licensing; and

(5) issue no statements, criticisms, or arguments on architectural, engineering, or land surveying matters connected with public interests which are inspired or paid for by his interested party or parties unless he has prefaced his comment by explicitly identifying himself by disclosing the identities of the party or parties on whose behalf he is speaking, and by revealing the existence of any pecuniary interest. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)  
AS 08.48.111

#### 12 AAC 36.220. CONFLICT OF INTEREST.

(a) Each architect, engineer, or land surveyor shall avoid conflicts of interest with his employer or client but, when unavoidable, the architect, engineer, or land surveyor shall promptly inform his employer or client of any business association, interests, or circumstances and identify any circumstances which could influence his judgment or the quality of his service to his employer or client.

(b) An architect, engineer, or land surveyor may not accept compensation, financial or otherwise, from more than one party for services on the same project or for services pertaining to the same project unless the circumstances are fully disclosed to and agreed to by all interested parties or their authorized agents.

(c) An architect, engineer, or land surveyor may not solicit or accept financial or other valuable consideration from suppliers for specifying their products.

(d) An architect, engineer, or land surveyor may not solicit or accept gratuities from other parties dealing with his client or employer in connection with the work for which he is responsible. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)(5)

12 AAC 36.225. PUBLIC SERVICE. When in public service as a member, advisor, or employee of a government body, an architect, engineer, or land surveyor may not participate in considerations or actions with respect to services provided by him or his organization. An architect, engineer, or land surveyor, in his capacity as an elected, retained, or employed public official, may not review or approve work that he has performed, whether it was under his direction or on behalf of another employer or client. (Eff. 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)(5)

12 AAC 36.230. SOLICITATION OF EMPLOYMENT. (a) An architect, engineer or land surveyor may not pay, solicit nor offer, directly or indirectly, any bribe or commission for professional employment with the exception of his payment of the usual commission for securing salaried positions through licensed employment agencies.

(b) Deleted 11/18/83.

(c) An architect, engineer or land surveyor may not falsify or permit misrepresentation of his or her associates' academic or professional qualifications. He may not misrepresent or exaggerate his degree of responsibility in or for the subject matter of prior assignments.

(d) Brochures or other presentations incident

to an architect's, engineer's or land surveyor's solicitation of employment may not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or his or their past accomplishments with the intent and purpose of enhancing his qualifications and his work. (Eff. 5/23/74, Reg. 50)

Authority: AS 08.48.101  
AS 08.48.111

Editor's Note: As of Register 88, Jan. 1984, 12 AAC 36.230(b) was deleted by the regulations attorney under AS 44.62.125 (b)(6) and in accordance with a Stipulation and proposed Final Judgment filed on November 18, 1983 by the Board of Architects, Engineers and Land Surveyors and the United States Department of Justice in the United States District Court for the District of Alaska in United States v. Alaska Board of Registration for Architects, Engineers and Land Surveyors, Civil Action No. A82-423 CIV. This Stipulation and proposed Judgment were filed because 12 AAC 36.230(b) was in violation of section 1 of the Sherman Antitrust Act [15 U.S.C. § 1 (1977)]. The proposed Final Judgment which may become final on or soon after January 16, 1984 will also prohibit further enforcement of any ban or board policy against competitive bidding.

**12 AAC 36.235. ADVERTISING.** An architect, engineer, or land surveyor may not advertise his or her services in a deceptive or untruthful manner. (Eff. 9/30/78, Reg. 67; am 5/30/82, Reg. 82)

Authority: AS 08.48.101(a)(5)

**12 AAC 36.240. IMPROPER CONDUCT.** (a) An architect, engineer, or land surveyor may not knowingly associate with or permit the use of his name or firm name in a business venture by any person or firm which he knows or has reason to believe is engaging in business or professional practices in a fraudulent or dishonest manner.

(b) If an architect, engineer, or land surveyor has knowledge or reason to believe that another person or firm may be in violation of the provisions of AS 08.48, or any of these rules of professional conduct, he or she shall present that information to the board in writing and shall cooperate with the board in furnishing such further information or assistance as may be required. (Eff. 5/23/74, Reg. 50; am 9/30/78, Reg. 67)

Authority: AS 08.48.101(a)

### ARTICLE 3. GENERAL PROVISIONS

#### Section

#### 250. Definitions

**12 AAC 36.250. DEFINITIONS.** For the purposes of this chapter and AS 08.48, unless the context requires otherwise