

HB

425

STATE OF ALASKA THE LEGISLATURE

POUGH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465.3800

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HL+C

2-25-88

1:30 p.m.

HL+C

3-1-88

1:30 p.m.

HOUSE COMMITTEE REPORT

(7)

Date referred: 2/3/88

FURTHER REFERRALS: Finance

DATE: 3-1-88

The Labor & Commerce Committee has considered HB 425

"An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; and providing for an effective date."

RECOMMENDS:

- replace with CS HB425(L+C) the same title
- attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact same as previous fiscal note published _____
- zero fiscal note same as previous zero fiscal note published _____
- zero with analysis

SIGNING DO PASS:

W. Ellis

Walt Furnace

[Signature]

[Signature]

Don Wouley

SIGNING OTHER RECOMMENDATIONS:

Don Wouley

Chairman's signature

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
 Title: An Act extending the term, date of BRU: Occupational Licensing
the State Board of Regis. for Architects, Engineers & L.S.
 Sponsor: Rep. Koponen Components: _____
 Requestor: House Labor & Commerce Committee

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

ANALYSIS : (Attach a separate page if necessary)

Funding for the State Board of Registration for Architects, Engineers and Land Surveyors is included in the department's FY 89 operating budget request.

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 2/22/88

Approved by Commissioner: J. Anthony Smith Date: 2/22/88
 Agency: Commerce and Economic Development

Distribution (by preparer):

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

5-1753L
 Utermohle
 3/1/88

Original sponsors: Koponen

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 425 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to regulation of architects, engi-
 7 neers, and land surveyors; extending the termination
 8 date of the State Board of Registration for Archi-
 9 tects, Engineers, and Land Surveyors; and providing
 10 for an effective date."

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

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

13 (15) State Board of Registration for Architects, Engineers,
 14 and Land Surveyors (AS 08.48.011) -- June 30, 1992 [1988].

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

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

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

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

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

7 (1) a contractor of work designed by a professional archi-
8 tect or engineer or the supervision of the construction of this work
9 as a foreman or superintendent for a contractor;

10 (2) superintendents, foremen, inspectors, or building
11 trades craftsmen in the performance of their customary duties;

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

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

18 (5) associates, consultants, or specialists retained by a
19 registered individual, a partnership of registered individuals, or a
20 corporation authorized under this chapter, in the performance of
21 professional services if responsible charge of the work remains with
22 the individual, partnership, or designated representative of the
23 corporation;

24 (6) a person preparing plans, drawings, or specifications
25 for

26 (A) farm or ranch buildings, unless the public health,
27 safety, or welfare is involved;

28 (B) a building intended to be used only as a residence
29 by not more than four families and not more than two stories

1 high;

2 (C) a building not intended for public use with a
3 total of not more than 1,000 square feet of floor space unless
4 the public health, safety, or welfare is involved;

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

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

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

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

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

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

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

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

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

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

17 * Sec. 7. AS 08.48.081 is repealed.

18 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).
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Official Business

COMMITTEE:

HOUSE LABOR & COMMERCE

DATE: February 25, 1988

SIGN-IN

Subject of meeting:

- HB 425 "An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors"
- HB 436 "An Act relating to overtime wages."
- HB 440 "An Act relating to insurance coverage for treatment of infertility."
- HB 433 "An Act establishing a moratorium on judicial and nonjudicial foreclosures"

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
WAYNE JENSEN	PO BOX 20310 JUNEAU 99802	596 1070	AELS BD	YES
J.R. CAROL	3301 CARE ST	264-2437	LABOR DEPT	HB 436 YES
SAM BEAT	P.O. Box 426 Soldotna, AK 99669	262-7490	AELS	No
Edwin Stronberg	PO Box 874296 Nesille, AK 99697	373 5016	AELS	No
Rob Boswell	543-3RD AVE Pm: 206 FAIRBANKS, AK 99701	452-1441	AELS	No
Sandra Jones	1640 Shore Drive Anchorage AK 99515	563 8877	AELS	No
Jacqueline Luke	6530 Shale Circle Anchorage, AK 99576	346-3996	AELS	No
BOB PERKINS	PO BOX 60770 FAIRBANKS AK 99706	551-6009	AELS Board	No
M.A. Menzies	19005 Glacier Hwy JUNEAU	789-9025	AELS Board	No
LINDA GOHL	JUNEAU	465-2540	AELS BOARD	No



Official Business

COMMITTEE:

HOUSE LABOR & COMMERCE

DATE: February 25, 1988

SIGN-IN

Subject of meeting:

- HB 425 "An Act extending the termination date the State Board of Registration for Architects, Engineers, and Land Surveyors."
- HB 436 "An Act relating to overtime wages."
- HB 440 "An Act relating to insurance coverage treatment of infertility."
- HB 433 "An Act establishing a moratorium on judicial and nonjudicial foreclosures"

NAME	ADDRESS	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
JOHN L. BURDICK	300 HERMIT ST - #7 JUNEAU AK, 99801	586-1957	ALASKA SOC. OF PROF. ENGINEERS	Y/N
Randall Burns	P.O. BOX P-216 Juneau 99811	465-2535	Dept. of Commerce Div. of Occup. Licensing	YES
C. A. Ray Jenkins		586-4100	NFIB	HB 440 YES HB 433
J. D. Tanen	105 Municipal Way #300 Juneau AK 99801	586-2286	Alaska State Chamber of Commerce	HB 436 YES
Bob Statnaker	Box CR Juneau	465-4470	OPU. OF RETIREMENT & BENEFITS	HB 440 YES
Pick Heintz	321 Highland Pr - Juneau	586-6366	Pacific Sealnet Processing ASSN.	YES HB 436
Mike Gordon	2207 Scribner Way - Anch.	277-3374	Lynner Industry	YES

AB 425

from: Rep. Koponen
3/1/88

PROPOSED CHANGES TO AS 08.48.331. EXEMPTIONS

Current Number	New Number	Description of Change
1	1	No change in intent. Wording changed to eliminate ambiguities, contradictions, and/or to refer exemptions to persons rather than acts, etc.
2	2	No change.
3	3	Same as (1).
4		Deleted. All design work performed by the State of Alaska must be sealed by registered individual(s)/employee(s). Therefore, whether a persons job description requires. Registration is irrelevant. Also the head (Commissioner) of each principal department may waive registration for individual individual employees on a case-by-case basis (AS 08.48.261).
5		Same as (1).
6		Deleted. Unnecessary.
7		Deleted. Unnecessary.
8	5	Same as (1).
9	6	Same as (1).
A		Deleted. Any building that is open to or used by the general public should be designed by licensed individuals. This exemption is frequently misinterpreted to mean a person/company/etc. that builds and owns their own building(s), can design the building without being registered. It has been abused. The Attorney General will not prosecute cases in this category.
B	A	Deleted word "Substantially" as it is hard to define.
C	B	No change.
D	C	500 square feet changed to 1,000 square feet. The opinion of Board is that this is more appropriate; 500 square feet is too restrictive.

PROPOSED CHANGES TO AS 08.48.331. EXEMPTIONS

Current Number	New Number	Description of Change
10	7	Same as (1).
11	8	Same as (1).
12		Deleted. Same reason as old 9(A).
7 & 8		Changed to differentiate "Buildings" from "Structures" to help clarify the practice of Architecture as it differs from Engineering.
14 & 15		Added. Same reason as above.

901/11a

ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS

AFFILIATE OF AMERICAN CONGRESS OF SURVEYING AND MAPPING
MEMBER OF WESTERN FEDERATION OF PROFESSIONAL LAND SURVEYORS

LOL



PATRICK H. KALEN, P.L.S.
1041 Chena Ridge Road
Fairbanks, AK 99709

MILO KOPONEN

2/25/88

ATTN: DANA OWEN
FACS 3 PAGES

DEAR MILO -

WE ADOPTED RESOLUTION 88-1 AT THE
ANNUAL MEETING ON FEBRUARY 3.
IT RELATES TO SB 365, AELS BOARD
SUNSET REVIEW. ACSM ADOPTED THE
ENDORSEMENT LATER THAT DAY.



Alaska Section
AMERICAN CONGRESS ON SURVEYING AND MAPPING

P.O. Box 3761
Anchorage, Alaska 99510

**AN ENDORSEMENT OF THE GENERAL
MEMBERSHIP OF THE AMERICAN
CONGRESS ON SURVEYING AND MAPPING
ALASKA SECTION.**

Be it hereby known that the general membership of the ASCM,
Alaska Section, did endorse the Alaska Society of Professional
Land Surveyors Resolution 88-1 entitled:

**DEFINING THE POSITION OF THE ALASKA SOCIETY OF
PROFESSIONAL LAND SURVEYORS CONCERNING CONTINUED
COMPETENCE REQUIREMENTS**

On this 10th day of February 1988, in Anchorage, Alaska

Attest

President

Secretary

Alaska Society of Professional Land Surveyors

Date: February 10, 1988
Introduced By: ASPLS Board of Directors

RESOLUTION 88-1

DEFINING THE POSITION OF THE ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS CONCERNING CONTINUED COMPETENCE REQUIREMENTS

WHEREAS, there is a national effort to provide within each state a program for continued competence in all professions; and

WHEREAS, the American Congress on Surveying and Mapping and the National Society of Professional Surveyors are encouraging each State Affiliate to work toward State legislation which provides for continued competence requirements; and

WHEREAS, the Alaska Board of Registration for Architects, Engineers and Land Surveyors during the audit performed in connection with the 1988 Sunset Legislation is obliged to address provisions for continued competence; and

WHEREAS, the Alaska Society of Professional Land Surveyors wishes to express its position concerning continued competence requirements in the State of Alaska:

NOW THEREFORE be it resolved by the General Membership of the Alaska Society of Professional Land Surveyors:

Section 1 Alaska is a large and diverse State making it difficult for many individuals to avail themselves of timely education or examination opportunities. Realizing this, the Alaska Society of

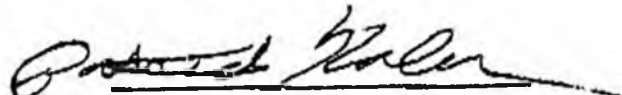
Professional Land Surveyors supports legislation which would allow the Board of Architects, Engineers and Land Surveyors to prepare administrative code regulations that set forth provisions for continued competence upon finding that;

- a. Educational opportunities which meet continued competence requirements are available to professional surveyors via college courses, seminars, correspondence or other satisfactory means statewide.
- b. Examinations are available to test competence in lieu of education through such testing entities as National Council of Engineering Examiners.
- c. Administrative and regulatory functions are available from sources other than through a State Agency.

Section 2. That copies of this resolution be forwarded by the ASPLS Board of Directors to whoever they deem appropriate, including but not limited to J. Anthony Smith, Commissioner, Alaska Department of Commerce and Economic Development, Wayne K. Jensen, Chairman, Board of Architects, Engineers and Land Surveyors, Representative Dave Donley, Chairman, House Labor & Commerce Committee, Senator Tim Kelly, Chairman, Senate Labor & Commerce Committee and other legislators, institutions and individuals who from time to time request copies.

Adopted in Anchorage, Alaska, by the General Membership of the Alaska Society of Professional Land Surveyors, this 10th day February, 1988.

Attest:


President

Secretary

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Econ. Dev.
 Title: An Act extending the termination date BRU; Occupational Licensing
of the State Board of Registration for Architects, Eng., & LS...
 Sponsor: Senators Kelly and Szymanski Components: _____
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

ANALYSIS : (Attach a separate page if necessary)

Funding for the State Board of Registration for Architects, Engineers and Land Surveyors is included in the department's FY 89 operating budget request

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 2/8/88

Approved by Commissioner: J. Anthony Smith Date: 2/8/88
 Agency: Commerce and Economic Development

Distribution (by preparer):

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

SB 365: "An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors and providing for an effective date."

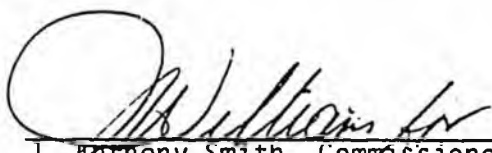
SB 365 proposes the continuation of the Board of Registration for Architects, Engineers, and Land Surveyors (hereinafter "AELS Board") for an additional four (4) years.

There are currently some 3,500 registered architects, engineers, and land surveyors in Alaska, with an additional 200 applicants seeking admission by examination or comity each year.

The Department of Commerce and Economic Development strongly endorses passage of this legislation.

The Legislative Budget and Audit Committee's performance report on the AELS Board, while not yet formally public, found no significant audit exceptions concerning the board, and has recommended that the board be continued. The AELS Board has clearly performed professionally on behalf of the public's health, safety, and welfare, and the department is unaware of any serious complaint concerning the board's operations. Indeed, the board recently adopted a system of voluntary disciplinary enforcement for consumers and members of the profession in Alaska which, if successful, will do much to further the public trust in the ability of AELS professionals to discipline themselves effectively and with due speed.

The department and the Division of Occupational Licensing ask the Legislature's support of SB 365 and the continuation of the State Board of Registration for Architects, Engineers, and Land Surveyors.



J. Anthony Smith, Commissioner
Department of Commerce and Economic
Development
3/8/88

Date

RPB/dg10035o
020888a

HB 425: "An Act extending the termination date of the State Board of Registration for Architects, Engineers and Land Surveyors; and providing for an effective date."

HB 425 continues the Board of Registration for Architects, Engineers and Land Surveyors (hereinafter "AELS Board") for the maximum allowable period: an additional four (4) years (until June 30, 1992).

The Performance Report on the AELS Board by the Legislature's Budget and Audit Committee concluded that the board "should be reestablished." The report also found that the board: (1) regulates and licenses the practice of architecture, engineering and land surveying in a manner that properly protects the public's health, safety and welfare; and (2) assures that those AELS professionals who are licensed are qualified to practice by providing active investigation and appropriate discipline services.

The Budget and Audit report did find the AELS Board weak in one area: the failure of the board to provide for the mandatory continuing education of the professionals it regulates. Finding that a program of continuing education "provides a reasonable means of assuring continuing competency in a profession," the report recommended that legislation be introduced requiring continuing education of AELS professionals.

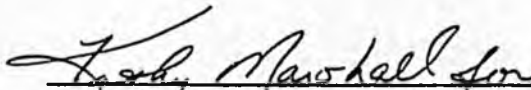
The department is aware that this issue is the subject of considerable discussion within the AELS professions and that the board itself, for a variety of reasons, has not yet acted to set such a program in place through regulation.

The department has, however, gone on record in its response to the performance report as concurring in the Budget and Audit Committee's recommendation. Should the Legislature decide to require continuing education of AELS professionals, the department would request that the language which mandates continuing education also give the board the authority to prescribe the hours, reporting requirements, accreditation procedures, and general provisions in administrative regulation. The department's Division of Occupational Licensing is developing expertise in this area and would like the administrative flexibility to structure the program in the manner most appropriate to the differing professions regulated by the AELS Board.

Regardless of any decision on the continuing education recommendations, it must be remarked that the AELS Board has performed consistently well in a highly professional manner during the four years encompassed by the present performance report. The public's interest is always at the forefront of the board's deliberations and its assistance to the division and its staff has always been professional. Indeed, the board

recently adopted a system of voluntary disciplinary enforcement for consumers and members of the profession in Alaska which, if successful, will do much to further the public trust in the ability of AELS professionals to discipline themselves effectively and with due speed.

The department wholeheartedly supports the continuation of the Board of Registration of Architects, Engineers and Land Surveyors and requests legislative support for passage of this legislation.



J. Anthony Smith, Commissioner
Department of Commerce and Economic
Development

2/24/88

Date

RPE/dgl
022388a

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

July 1, 1983 - June 30, 1987

Audit Control Number

08-1317-88-R

Commissioner, Department of
Commerce and Economic
Development

J. Anthony Smith

Deputy Commissioner, Department
of Commerce and Economic
Development

John Williams

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

Member
Member
Member
Member
Member
Member
Member
Member
Member

Wayne K. Jensen
Gorden S. Best
Rajiev Bhargava
Robert B. Boswell
Jacquelyn R. Luke
Malcolm A. Menzies
Robert A. Perkins
Sandra L. Sampson-Jones
E. Odin Strandberg

STATE OF ALASKA

AUDIT DIVISION
P.O. BOX W
JUNEAU, ALASKA 99811-3300

THE LEGISLATURE
BUDGET AND AUDIT COMMITTEE

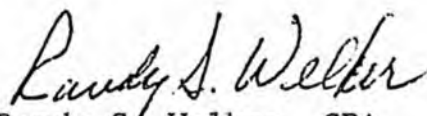
December 31, 1987

Members of the Legislative Budget
and Audit Committee:

According to the provisions of Titles 24 and 44 of the Alaska Statutes, the Division of Legislative Audit is required to conduct a "Sunset" review of the Board of Registration for Architects, Engineers, and Land Surveyors.

At the request of the Chairman, during Fiscal Year 1988 budget deliberations, the Audit Division's budget was revised to reflect certain changes in the organization of the Committee's two Divisions. The revised budget of the Audit Division reflected efficiencies that might be obtained by utilizing the staff of the Legislative Finance Division on selected audit assignments during the interim.

As a result, the audit of the Board of Registration for Architects, Engineers, and Land Surveyors was conducted and this report has been prepared by the Legislative Finance Division. We feel this report discharges our responsibility under Titles 24 and 44. The report is submitted for your review.


Randy S. Welker, CPA
Acting Legislative Auditor
Division of Legislative Audit

STATE OF ALASKA

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

FINANCE DIVISION
POUCH WF-STATE CAPITOL
JUNEAU, ALASKA 99811
PHONE: (907) 465-3795

December 10, 1987

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and 44 of the
Alaska Statutes (sunset legislation), the attached report is
submitted for your review.

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

July 1, 1983 - June 30, 1987

Audit Control Number

08-1317-88-R



Mike Greany, Director
Division of Legislative Finance

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PURPOSE AND SCOPE OF THE REPORT

PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Registration for Architects, Engineers, and Land Surveyors for the past four fiscal years. Our examination was conducted to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Registration for Architects, Engineers, and Land Surveyors should be reestablished. The law now specifies that this Board will terminate on June 30, 1988, and have one year from that date to conclude its affairs.

SCOPE

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Interviews with Board members.
3. Tests of files and documents of licensees.
4. Interviews with license examiners.
5. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Office, Attorney General's Office, and the Ombudsman's Office.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General's opinions applicable to professional boards.

ORGANIZATION AND FUNCTION

The Board of Architects, Engineers, and Land Surveyors is a regulatory board with nine members consisting of two civil engineers, one land surveyor, one mining engineer, two engineers from other branches of the engineering profession two architects, and one public member.

The Board sets the minimum standards to practice in Alaska by:

1. Examining and issuing licenses to qualified applicants.
2. Establishing, amending, or eliminating regulations controlling architect, engineer, and land surveyor practices.
3. Revoking, annulling, or suspending licenses in accordance with the Administrative Procedures Act when a person has violated architect, engineer, and land surveyor statutes or regulations.

REPORT CONCLUSION

Policy Issues

This report contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this report but require legislative consideration. In debating these issues, the oversight committees should take into consideration the finding and recommendation presented in this report so the potential impact of policy changes can be evaluated.

Report Conclusion

In our opinion, the Board of Registration for Architects, Engineers, and Land Surveyors should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Also, assurances that those licensed act in a competent manner is provided by active investigation of complaints and revocation or suspension of licenses where appropriate.

The following finding describe areas where weaknesses or conflict exist. We have made a recommendation which, if implemented, will improve the efficiency and effectiveness of the Board.

FINDING AND RECOMMENDATION

Recommendation No. 1

Legislation should be introduced requiring continuing education for architects, engineers, and land surveyors.

Architects, engineers, and land surveyors must demonstrate a high degree of educational and practical competence before they can become registered in Alaska. However, renewal of certificates is not dependent upon evidence of a professional's continued competence.

Continuing education, although not a absolute guarantee, provides a reasonable means of assuring continuing competency in a profession. A program of continuing education will help avoid professional obsolescence and keep practitioners aware of changes taking place in the profession.

Most professional licensing boards require continuing education to assure that license renewal is based upon evidence of professional continued competency.

ANALYSIS OF PUBLIC NEED

Limited Analysis

The following analyses indicate both positive and negative factors as they relate to the public need as defined in the "sunset" law. These analyses are not intended to be comprehensive, but to address those areas we were able to cover during our examination.

- I. The extent to which the board, commission or program has operated in the public interest.
 - A. The Board holds at least four regular meetings each year.
 - B. The Board holds written exams at least twice each year, except for certain national examinations that are held only once a year.
- II. The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices which it has adopted, and any other matter, including budgetary, resource, and personnel matters.
 - A. The Board has received assistance from DOL relative to the drafting of legislation and regulatory changes.
 - B. The Board has received legal assistance from the Attorney General's Office.
- III. The extent to which the board, commission, or agency has recommended statutory changes which are generally of benefit to the public interest.

The Board adopted regulations that clarified various vague statutory and regulatory requirements.
- IV. The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service which it has provided.

The Board has published public notices of all examination, and meetings.
- V. The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.

Public notices of proposed regulations are published in major newspapers. Public comment on proposed regulations, both written and oral, are considered at Board meetings.

- VI. The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.

The Board has taken appropriate action to resolve complaints filed with the Office of Ombudsman. No complaints were filed with the Attorney General's Office.

- VII. The extent to which a board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.

A. We found no instances where the Board has licensed unqualified practitioners.

B. Architects, engineers, and land surveyors are not required to demonstrate their continued competence through a continuing education program (see Recommendation No. 1).

- VIII. The extent to which State personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.

According to the Office of Equal Employment Opportunity, no complaints were filed against the Board from FY84 through FY87.

- IX. The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.

Please refer to the previous section, Finding and Recommendation.

APPENDIXES

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APPENDIX A

BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS,
AND LAND SURVEYORS
SCHEDULE OF
REVENUES COMPARED WITH EXPENDITURES
For Fiscal Year 1987
(Unaudited)
(Note 1)

Average Revenue (Note 2)	\$149,302
Expenditures (Note 3)	<u>251,320</u>
Excess of Expenditures over Revenues	<u>\$102,018</u>

Note 1

The Schedule of Revenues Compared with Expenditures was prepared from available records and discussions with the Division of Occupational Licensing (DOL) personnel. The records were not audited by us and, accordingly, we do not express an opinion on the Board's Schedule of Revenues Compared with Expenditures.

Note 2

A significant portion of revenues is composed of license renewal fees. Licenses are renewed biennially. Because of the renewals, revenues vary substantially between years. Therefore, we combined revenues collected in fiscal year 1986 and 1987; and calculated a total in order to obtain a representative amount of average annual revenues collected. Licensing fees were increased in November 1986 in response to legislative intent to make the Boards more self supporting. See Appendix C for the current fee schedule.

Note 3

Expenditures consist of direct costs resulting from board member activities, (i.e. travel and per diem) and an allocation of direct and indirect costs of DOL. It should be noted, that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

APPENDIX B

BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS,
AND LAND SURVEYORS
SCHEDULE OF ESTIMATED REVENUES
COMPARED WITH BUDGETED EXPENDITURES
For Fiscal Year 1988
(Unaudited)
(Note 1)

Average Revenue (Note 2)	\$296,000
Expenditures (Note 3)	<u>280,119</u>
Excess of Revenue Over Expenditure	<u>\$ 15,881</u>

Note 1

The Division of Occupational Licensing (DOL) prepared the above Schedule of Estimated Revenues Compared with Budgeted Expenditures. The schedule is included for informational purposes only and has not been audited by us. Accordingly, we do not express an opinion on the Board's Schedule of Estimated Revenues Compared with Budgeted Expenditures.

Note 2

Revenues were estimated based upon the current licensing fees (See Appendix C) and projected license renewals and application fees for fiscal years 1988, 1989, 1990 and 1991. Because of a downward trend in Alaska's economy the projection for revenues includes a factor representing a 20% to 30% decline in the number of licensed professionals.

Note 3

Expenditures consist of FY88 budgeted direct costs associated with board member activities (i.e. travel and per diem) and a allocation of direct and indirect costs of DOL. It should be noted that represented expenditures do not include expenses incurred by other Departments or other divisions of the Department of Commerce and Economic Development in assisting the Board.

APPENDIX C

BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS,
AND LAND SURVEYORS
SCHEDULE OF TYPES OF REVENUES
(Unaudited)
(Note 1)

<u>Revenues</u>	<u>Amount</u>	<u>Collection Time</u>
Application For Individual By Exam	\$ 20	With Application
Application For Corporation Authorization	\$ 20	With Application
Application By Comity	\$120	With Application
Examination Fees*		
Fundamentals of Engineering (EIT)	\$ 50	With Application
Professional Engineering (PE)	\$100	With Application
Fundamentals of Land Surveying (LSIT)	\$ 50	With Application
Principals & Practices of Land Surveying	\$ 50	With Application
Alaska Land Surveying (AKLS)	\$ 75	With Application
Architect Registration Exam (ARE)		
Division A	\$ 40	With Application
Division B	\$ 40	With Application
Division C	\$ 75	With Application
Division D	\$ 25	With Application
Division E	\$ 20	With Application
Division F	\$ 15	With Application
Division G	\$ 25	With Application
Division H	\$ 30	With Application
Division I	\$ 30	With Application
For Entire ARE Exam	\$300	With Application
Individual Registration & Renewal Fee (Renewals paid biennially.)	\$100	
Corporate Authorization & Renewal Fee (Renewals paid biennially. Corporations registered in the second half of the biennium pay one-half of their first renewal fee.)	\$400	
Amendment to Corporate Authorization	\$ 50	With Amendment
Penalty for Reinstatement of Lapsed Registration	\$ 20	With Reinstatement
Postponement of Examination	\$ 20	With Request For Postponement
Duplicate License	\$ 5	With Request
Duplicate Certificate	\$ 20	With Request
Verification of Registration	\$ 5	With Request
Name Change	\$ 5	With Request
Returned Check (NSF)	\$ 20	

* Reexamination fees are the same as the initial exam fees.

Note 1

This schedule represents the licensing fees currently in effect. Fees were raised in November 1986 in response to legislative intent to make the boards more self supporting.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

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OFFICE OF THE COMMISSIONER

January 20, 1988

JAN 27 1988

ADMIT

Mr. Randy Welker
Acting Legislative Auditor
Division of Legislative Audit
Budget and Audit Committee
P.O. Box W
Juneau, AK 99811-3300

Dear Mr. Welker:

This is written in response to the Budget and Audit Committee's (hereinafter "Committee") audit report of its sunset performance review of the Board of Registration for Architects, Engineers and Land Surveyors (hereinafter "AELS Board"). Below is the Department of Commerce and Economic Development's (hereinafter "Department") comments on the Committee's recommendation.

Recommendation #1

The Committee has found that a program of continuing education "provides a reasonable means of assuring continuing competency in a profession" and has recommended that legislation "be introduced requiring continuing education for architects, engineers, and land surveyors." The Department is cognizant that this matter has been the subject of much discussion by the AELS Board and that action to set a continuing education program in place has not yet been taken by the Board.

Nevertheless, the Department concurs in the recommendation of the Committee and would support passage of legislation requiring continued education for AELS professionals. Such legislation could be made a part of the bill which reestablishes the AELS Board this Second Session of the Fifteenth Legislature.

Sincerely,



J. Anthony Smith
Commissioner

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