

**H B**

**182**

SENATE COMMITTEE REPORT

FURTHER

4/26/89

DATE TURNED INTO OFFICE

5/1/89

Mr. President:

LABOR & COMMERCE

Committee considered

CSHB 182 (L&C) am

relating to, and eliminating certain exemptions from, the regulation of architects, engineers, and land surveyors extending the termination date of the State Board of Registration for Architects, Engineers, and and recommended Land Surveyors

- replace with \_\_\_\_\_ CS \_\_\_\_\_ )  same title
- or adopt \_\_\_\_\_ CS \_\_\_\_\_ )  new title
- attached amendment(s) and  technical title change (HB only)
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

FISCAL NOTE(S)  zero  fiscal impact  appropriation no FN  
 new  updated  previous  
 same as previous fiscal note(s) published 4/17/89

MEMBERS SIGNING DO PASS

*[Handwritten Signature]*  
 \_\_\_\_\_  
*[Handwritten Signature]*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

OTHER RECOMMENDATIONS

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*[Handwritten Signature]*  
 Chair signature and recommendation

Committee Backup attached

**FISCAL NOTE**

**REQUEST:**

Revision Date: \_\_\_\_\_ Agency Affected: Commerce & Economic Dev.  
 Title: An Act relating to, and eliminating BRU: Occupational Licensing  
certain exemptions from, the reg. of architects, eng., and LS...  
 Sponsor: Representatives Koponen & Leman Components: All  
 Requestor: House Labor and Commerce

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
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)**

Prepared by: Jennifer Strickler, Administrative Officer  
 Division: Occupational Licensing

Approved by Commissioner: Larry Mercurieff  
 Agency: Commerce and Economic Development

Phone: 465-2144  
 Date: March 6, 1989

Date: 3/8/89

**Distribution (by preparer):**

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

## FISCAL NOTE

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CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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**ANALYSIS :** (Attach a separate page if necessary)

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ACTUAL88

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CATEGORY	TOTAL	AELS
NUMBER OF LICENSEED	26,766	4,435
PERCENT OF LICENSEES	100%	16.57%
PERSONAL SERVICES		
Administrative	620,398	102,797
Executive Secretary	167,495	
% of Licensing Examiner	100%	95%
Examiner Pay/Benefits	488,022	46,362
% of Investigator	60%	60%
Investigator Pay/Benefits	296,694	29,669
SUB TOTAL	1,572,609	179,829
TRAVEL/PER DIEM		
Administrative	13,216	2,190
Board Meetings	194,503	21,545
SUB TOTAL	207,719	23,735
CONTRACTUAL SERVICES - ADMINISTRATIVE		
Professional Services	73,096	12,112
Communications	50,603	8,385
Transportation	17,094	2,832
Advertising/Printing	5,652	937
Repairs/Maintenance	21,220	3,516
Rental	5,948	986
Other (Memberships)	6,830	1,132
SUB TOTAL	180,444	29,899
CONTRACTUAL SERVICES - DESIGNATED		
Professional Services	86,398	18,123
Communications	36,042	2,992
Transportation	6,981	605
Advertising/Printing	44,807	6,207
Repairs/Maintenance	3,374	
Rental	9,946	880
Other (Memberships)	15,577	3,480
SUB TOTAL	203,126	32,297
CONTRACTUAL TOTAL	383,570	62,185
SUPPLIES		
Administrative	27,658	4,583
Designated	4,438	21
SUB TOTAL	32,096	4,603
EQUIPMENT		
Administrative	35,134	5,821
Designated	11,089	
SUB TOTAL	46,222	5,821
TOTAL BUDGET - COLUMNS 2,242,216 275,173		
FY 68 RESTRICTED REVENUES 2,034,626 575,717		
FY 68 UNRESTRICTED REV. 301,159 37,085		
OVER/UNDER 93,549 300,628		

DIVISION OF OCCUPATIONAL LICENSING (4-13-89)  
 FY 90 PROJECTED BUDGET FOR OCCUPATIONS (W/O Business Licensing)

LICENSING AREA	FY 89 LICENSEES	FY 89 BUDGET	FY 90 BUDGET	AVERAGE 4-YEAR REVENUE
Architects, Engineers & LS	4,648	331,247	397,992	313,515

HB 182: An act relating to, and eliminating certain exemptions from, the regulation of architects, engineers, and land surveyors.

In Section 1, HB 182 continues the Board of Registration for Architects, Engineers, and Land Surveyors (hereinafter "AELS Board") through 1992.

In Section 2, the bill makes a number of housekeeping changes, plus eliminates the requirement that the AELS Board publish its code of ethics with its roster of registrants.

Section 3 of HB 182 substantially rewrites the exemption section of the AELS statute (Chapter 48 of Title 8) to clarify the intent of exemptions provided.

Sections 4-6 of the bill amend the definition section to more adequately distinguish between the practice and scope of architecture and engineering. The changes clarify that architects design buildings and engineers apply math and science to the design of structures and define the terms "building" and "structure."

Section 7 repeals the exemption presently available for state employees from the requirement that persons performing professional architectural, engineering, or land surveying services must be licensed before engaging in that service. In addition, this section repeals the requirement that a roster of AELS registrants must be provided to every registrant on an annual basis.

Section 8 sets out a transitional period of four years for state employees who must, as a result of the repeal of the state employee exemption, become licensed. It also provides a similar length of transition for persons to seek licensure who were previously exempt from licensure as an employee of a company for which they were employed and for whom the employees provided architecture, engineering or land surveying services.

Section 9 provides for an immediate effective date.

Because the substantive changes to the exemption section proposed by Section 3 of this bill require repeal and reenactment

rather than simple amendment, a brief analysis of the proposed changes to AS 08.48.331 follows:

Paragraph Number in Current Statute	Proposed Paragraph Number in HB 182	Brief Description of Change
(1)	(1)	No change in intent. Wording changed to reflect nongender specific language and to refer exemptions to persons rather than acts.
(2)	(2)	No change in intent. Changes made reflect removal of gender specific language.
(3)	(3)	No change.
(4)		Exemptions for state employees deleted. We believe that the state should be required to hire licensed architects, engineers, and land surveyors to design its public works projects.
(5)	(4)	No change in intent.
(6)		Deleted as unnecessary.
(7)		Deleted as unnecessary.
(8)	(5)	No change in intent.
(9)(A)	(6)(A)	No change.
(9)(B)	(6)(B)	Deleted word "substantially," as it is too difficult to define.
(9)(C)	(6)(C)	No change.
(9)(D)	(6)(D)	Increased the exemption from 500 sq. feet to 1,000 sq. feet, as present footage is too restrictive.
(10)	(7)	No change in intent.

(11)

(8)

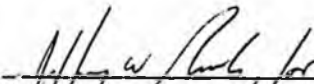
No change in intent.

(12)

Deleted. We believe that any building that is open to or used by the general public must be designed by demonstrably qualified individuals. We believe licensure provides the necessary protection. This exemption is frequently used by a person who builds and owns his own building without utilizing the expertise of licensed architects and engineers. The exemption has been abused and, because of the ambiguity, the Attorney General will not pursue cases against individuals whom the division alleges to have violated this section through risk to the public safety and welfare.

The department has been advised that design professionals affected by this bill are in concurrence with the changes proposed and support its passage.

The department supports the amendments to the AELS Board's statutes and urges passage of the bill.

  
Larry Mercurieff  
Commissioner

3/8/89  
Date

RPB/djd9767W  
030789b

**DEPARTMENT OF COMMERCE &  
ECONOMIC DEVELOPMENT**

P.O. BOX D-LIC  
JUNEAU, ALASKA 99811-0800  
PHONE: (907) 465-2534

*DIVISION OF OCCUPATIONAL LICENSING*

BOARD OF ARCHITECTS, ENGINEERS AND LAND SURVEYORS

March 6, 1989

The Honorable Dave Donley  
Chairman, House Committee on  
Labor and Commerce  
House of Representatives  
P.O. Box V  
Juneau, AK 99811

Dear Representative Donley:

Re: Proposed Changes to HB 182 as Drafted by the AELS  
Board and Discussed at HL&C Meeting March 2, 1989

Change AS 08.48.331. EXEMPTIONS. (Page 2) to read:

- (6)(a) A person preparing drawings or specifications for garages, buildings, workshops, and similar buildings for private noncommercial applications.

Change Sec. 9. The following new section shall be added:

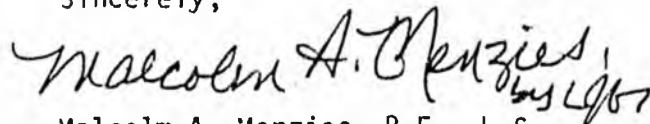
AS 08.48.332. UNIVERSITY PROFESSORS.

- (a) An out-of-state resident who is hired by an institution of higher learning to teach advanced architectural, engineering or land surveying courses shall have eighteen (18) months from their date of hire to fulfill the registration requirements of this chapter; provided nothing herein shall authorize such a person to perform architectural, engineering or land surveying services other than teaching until such time as such person is registered under this chapter.
- (b) An out-of-state resident not registered under this chapter who is hired by an institution of higher learning as a visiting professor for a period not to exceed one (1)

year shall not be in violation of the registration requirements of this chapter for teaching advanced architectural, engineering or land surveying courses at such institution; provided, nothing herein shall authorize such visiting professor to perform architectural, engineering or land surveying services in the state without registration.

Change existing Sec. 9 to Sec. 10

Sincerely,

Handwritten signature of Malcolm A. Menzies in cursive script. The signature includes a date "4/1/89" written at the bottom right of the signature.

Malcolm A. Menzies, P.E., L.S.  
Chairman

MAA/djd9763W  
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