

**SB**

**9**

HFIN

FILE



FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. CSSB 9 (L&C)

Revision Date: \_\_\_\_\_  
 Title: An Act extending the termination date of the State Board of Registration for Architects, Engineers, Land Surveyors...  
 Sponsor: Senator Therriault  
 Requester: \_\_\_\_\_

Dept. Affected DCED  
 BRU Occupational Licensing  
 Component Occupational Licensing  
 Component Serial No. 2360

Expenditures/Revenues

(Thousands of Dollars)

| OPERATING EXPENDITURES | FY 02      | FY 03        | FY 04        | FY 05        | FY 06        | FY 07      |
|------------------------|------------|--------------|--------------|--------------|--------------|------------|
| Personal Services      | 0.0        | 174.9        | 174.9        | 174.9        | 174.9        | 0.0        |
| Travel                 | 3.0        | 39.5         | 39.5         | 39.5         | 39.5         |            |
| Contractual            |            | 101.3        | 101.3        | 101.3        | 101.3        |            |
| Supplies               |            | 1.3          | 1.3          | 1.3          | 1.3          |            |
| Equipment              |            |              |              |              |              |            |
| Land & Structures      |            |              |              |              |              |            |
| Grants & Claims        |            |              |              |              |              |            |
| Miscellaneous          |            |              |              |              |              |            |
| <b>TOTAL OPERATING</b> | <b>3.0</b> | <b>317.0</b> | <b>317.0</b> | <b>317.0</b> | <b>317.0</b> | <b>0.0</b> |

|                      |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES |  |  |  |  |  |  |
|----------------------|--|--|--|--|--|--|

|                        |     |       |       |       |       |     |
|------------------------|-----|-------|-------|-------|-------|-----|
| CHANGE IN REVENUES [ ] | 3.0 | 317.0 | 317.0 | 317.0 | 317.0 | 0.0 |
|------------------------|-----|-------|-------|-------|-------|-----|

FUND SOURCE

(Thousands of Dollars)

|                          |            |              |              |              |              |            |
|--------------------------|------------|--------------|--------------|--------------|--------------|------------|
| 1002 Federal Receipts    |            |              |              |              |              |            |
| 1003 GF Match            |            |              |              |              |              |            |
| 1004 GF                  |            |              |              |              |              |            |
| 1005 GF/Program Receipts |            |              |              |              |              |            |
| 1037 GF/Mental Health    |            |              |              |              |              |            |
| 1156 RSS                 | 3.0        | 317.0        | 317.0        | 317.0        | 317.0        |            |
| <b>TOTAL</b>             | <b>3.0</b> | <b>317.0</b> | <b>317.0</b> | <b>317.0</b> | <b>317.0</b> | <b>0.0</b> |

Estimate of any current year (FY01) cost: \_\_\_\_\_

POSITIONS

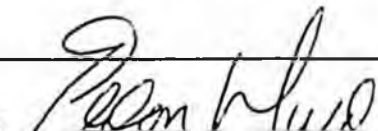
|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

ANALYSIS: (Attach a separate page if necessary)

The bill extends the State Board of Registration for Architects, Engineers, and Land Surveyors to June 30, 2005. The Board meets four times each year and the increase for FY02 (3.0) shown on this fiscal note will fund travel for the landscape architect position when attending meetings and exams in Anchorage, Juneau and Fairbanks. This increase will be funded by licensing fees.

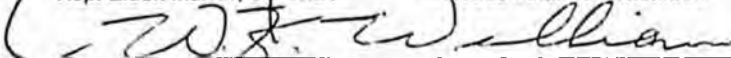
Failure to pass this legislation would result in the Board's termination in FY03. Funding for FY02 is contained in the Management Plan.

Prepared by



Rep. Eldon Mulder, Co-Chair

House Finance Committee



Rep. Bill Williams, Co-Chair

House Finance Committee

Phone 465-2647

Phone 465-3424

Date \_\_\_\_\_

## Letter of Intent

It is the intent of the House Finance Committee that the State Board of Registration for Architects, Engineers and Land Surveyors submit a written report to the Legislature no later than February 15, 2002 on the following outstanding issues:

- Continuing Professional Education: The Board shall report the progress it has made to develop continuing professional education requirements for each of the professions. If the Board intends to mandate continuing education, the report should include a timeline to illustrate when those requirements will go into effect.
- Licensure of architects by comity: The Board shall report if it intends to modify the current board practice of requiring all candidates for licensure to hold a certificate of qualification issued by the National Board of Architectural Registration Board.

The board shall also include an assessment, with input from the affected membership, if the current educational requirements for certification by the National Board of Architectural Registration Board are necessary to meet minimum qualifications for licensure in the State of Alaska.

The report shall include any suggested statutory modifications necessary to implement the board's recommended actions.

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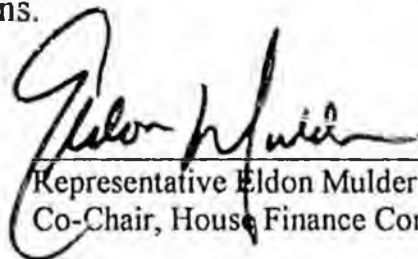
- Continuing Professional Education: The Board shall report the progress it has made to develop continuing professional education requirements for each of the professions. If the Board intends to mandate continuing education, the report should include a timeline to illustrate when those requirements will go into effect.
- Licensure of architects by comity: The Board shall report if it intends to modify the current board practice of requiring all candidates for licensure to hold a certificate of qualification issued by the National Board of Architectural Registration Board.

The board shall also include an assessment, with input from the affected membership, if the current educational requirements for certification by the National Board of Architectural Registration Board are necessary to meet minimum qualifications for licensure in the State of Alaska.

The report shall include any suggested statutory modifications necessary to implement the board's recommended actions.



Representative Bill Williams  
Co-Chair, House Finance Committee



Representative Eldon Mulder  
Co-Chair, House Finance Committee

Tony Knowles, Governor

*Alaska*

**Department of Community  
and Economic Development**

**Division of Occupational Licensing**

P.O. Box 110806, Juneau, AK 99811-0806

Telephone: (907) 465-2534 • Fax: (907) 465-2974 • Text Telephone: (907) 465-5437

Email: License@dced.state.ak.us • Website: www.dced.state.ak.us/occl

**ALASKA BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS  
AND LAND SURVEYORS**

February 15, 2001

Rep. Bill Williams, Co-Chair  
Rep. Eldon Mulder, Co, Chair  
House Finance Committee  
State Capitol  
Juneau, AK 99801-1182

Dear Representative Williams and Mulder,

I am writing in support of CS SB 9 (L&C), an Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors (AELS).

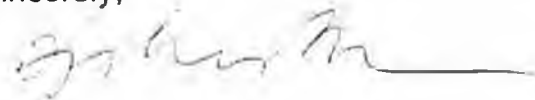
The AELS board supports extending the termination date of the AELS Board until June 30, 2005, which includes extending the temporary, non-voting Landscape Architect member until the next board sunset date of June 30, 2005, and to provide for the same travel reimbursement privileges as every other board member.

The enabling legislation to license landscape architects, HCS CSSB 110(Fin), passed the legislature in 1998 and became effective on August 20, 1998. Under the bill, landscape architects are required to become licensed and the bill added a temporary, non-voting board member to serve on the board. That temporary member's term expires on June 30, 2001.

The AELS board also supports amending the statutes so the board may, by regulation, require mandatory or voluntary continuing education (CEU) for license renewal. Statutory authority to adopt continuing education regulations would allow the board to develop effective and appropriate requirements for each profession, and would provide registrants with sufficient lead time to comply with requirements. This will take time and should not be tied to the sunset bill under consideration.

The AELS board does currently support the CS SB 9 (L&C). The AELS Board does not support addressing other changes to board composition, or Architect by Comity requirements in this bill. These are ongoing issues that can only be determined after further discussions with professional organizations and other registration boards.

Sincerely,



Daphne Brown, Chair

*"Promoting a healthy economy and strong communities"*

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSSB 9 (L&C)  
(S) Publish Date: 1/24/01

Revision Date/Time (Note if correction): 1/23/2001 4:45p.m. Dept. Affected: DCED  
Title: An act extending the termination date of the BRU: Occupational Licensing  
State Board of...AELS... Component: Occupational Licensing  
Sponsor: Senator Therriault  
Requester: Senate Labor & Commerce Component Number: 2360

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2002    | FY 2003    | FY 2004    | FY 2005    | FY 2006 | FY 2007 |
|------------------------|------------|------------|------------|------------|---------|---------|
| Personal Services      |            |            |            |            |         |         |
| Travel                 | 3.0        | 3.0        | 3.0        | 3.0        |         |         |
| Contractual            |            |            |            |            |         |         |
| Supplies               |            |            |            |            |         |         |
| Equipment              |            |            |            |            |         |         |
| Land & Structures      |            |            |            |            |         |         |
| Grants & Claims        |            |            |            |            |         |         |
| Miscellaneous          |            |            |            |            |         |         |
| <b>TOTAL OPERATING</b> | <b>3.0</b> | <b>3.0</b> | <b>3.0</b> | <b>3.0</b> |         |         |

|                             |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|
| <b>CAPITAL EXPENDITURES</b> |  |  |  |  |  |  |
|-----------------------------|--|--|--|--|--|--|

|                               |            |            |            |            |  |  |
|-------------------------------|------------|------------|------------|------------|--|--|
| <b>CHANGE IN REVENUES ( )</b> | <b>3.0</b> | <b>3.0</b> | <b>3.0</b> | <b>3.0</b> |  |  |
|-------------------------------|------------|------------|------------|------------|--|--|

**FUND SOURCE** (Thousands of Dollars)

|                          |            |            |            |            |  |  |
|--------------------------|------------|------------|------------|------------|--|--|
| 1002 Federal Receipts    |            |            |            |            |  |  |
| 1003 GF Match            |            |            |            |            |  |  |
| 1004 GF                  |            |            |            |            |  |  |
| 1005 GF/Program Receipts |            |            |            |            |  |  |
| 1037 GF/Mental Health    |            |            |            |            |  |  |
| 1156 RSS                 | 3.0        | 3.0        | 3.0        | 3.0        |  |  |
| <b>TOTAL</b>             | <b>3.0</b> | <b>3.0</b> | <b>3.0</b> | <b>3.0</b> |  |  |

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |

**ANALYSIS:** (Attach a separate page if necessary)

The bill extends the State Board of Registration for Architects, Engineers, and Land Surveyors to June 30, 2005. Funding for the board is included in the FY 2002 Operating Budget request. The Board meets four times each year and costs shown on this fiscal will fund travel for the landscape architect position when attending meetings and exams in Anchorage, Juneau, and Fairbanks. The costs will be funded by licensing fees.

For informational purposes, the attached page shows expenditure and revenue information for the last two fiscal years.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144  
Division: Occupational Licensing Date/Time 01/23/2001 4:45p.m.  
Approved by: Commissioner Deborah B. St. Lewis Date 1/23/2001  
Agency: Dept. of Community and Economic Development

For distribution information, call the Governor's Legislative Office

ANALYSIS: (continued)  
CSSB 9: An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors...  
Page 2 of 2

| <u>FY 1999 Expenditures</u> |            | <u>FY 2000 Expenditures</u> |
|-----------------------------|------------|-----------------------------|
| Personal Services:          |            |                             |
| Direct                      | 159,973.14 | 174,878.69                  |
| Indirect                    | 133,565.85 | 135,294.18                  |
| Travel:                     |            |                             |
| Direct                      | 34,872.23  | 36,454.57                   |
| Indirect                    | 1,886.77   | 1,287.12                    |
| Contractual Services:       |            |                             |
| Direct                      | 99,152.53  | 101,261.19                  |
| Indirect                    | 74,610.41  | 89,851.03                   |
| Supplies:                   |            |                             |
| Direct                      | 1,808.87   | 1,280.46                    |
| Indirect                    | 9,432.86   | 7,675.87                    |
| Equipment                   |            |                             |
| Direct                      | 0.00       | 0.00                        |
| Indirect                    | 6,735.89   | <u>3,387.79</u>             |
| TOTAL:                      | 522,038.55 | <u>551,370.90</u>           |
| REVENUE:                    | 131,325.92 | 1,095,757.18                |

# Alaska State Legislature

SENATOR  
GENE THERRIAULT

Mailing Address:  
119 N. Cushman, Suite 101  
Fairbanks, Alaska 99701  
(907) 488-0857  
Fax: (907) 488-4271



Senate

While in session  
State Capitol  
Juneau, Alaska  
99801-1182  
(907) 465-4797  
Fax: (907) 465-3884

Senate District: C

Senate Bill 9

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

Sponsor:

Senator Gene Therriault 

Sponsor Statement

---

Under AS 08.48.011 the State Board of Registration for Architects, Engineers, and Land Surveyors regulates the professions of registered architects, engineers, and land surveyors by ensuring that the requirements laid out for licensure are met and adhered to.

The Board consists of 10 members appointed by the governor having the qualifications as set out in AS 08.48.031. The board consists of two civil engineers, two land surveyors, one mining engineer, one electrical or mechanical engineer, one engineer from another branch of the profession of engineering, two architects, and one public member. Section 31, ch. 47, SLA 1998 provided for a landscape architect to sit as a temporary non-voting board member whose term is also set to expire June 30, 2001.

The regulation and licensing of qualified architects, engineers, and land surveyors safeguards the public by ensuring the competence and integrity of those who represent themselves as being registered architects, engineers, and land surveyors.

The Board of Registration for Architects, Engineers, and Land Surveyors is set to expire June 30, 2001 under AS 08.03.010, Termination of State Boards and Commissions. If the Legislature does not act to extend the Board, it would have one year, until June 30, 2002 to administratively conclude its affairs. Senate Bill 9 will extend the Board for another four years.



**Alaska Professional Design Council**  
P.O. Box 103115, Anchorage, AK 99510-3115

January 28, 2001

Senator Gene Therriault  
Alaska State Legislature  
Capitol Room 121  
Juneau, AK 99801

Re: CSSB 9 – Extending the sunset of the AELS board

Dear Senator Therriault,

APDC represents 5,000 registered design professionals, and with our newsletter and legislative outreach, we bring design issues to the forefront of the legislative process.

Thank you for introducing SB 9, an act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors. We support the Labor & Commerce Committee Substitute for SB 9, which includes the amendment made on January 23<sup>rd</sup>, which matches the sunset of the temporary Landscape Architect position.

At this time, APDC does not support inclusion of the Legislative Audit recommendations for changes to AS 08. While the audit brought forward important issues, these issues are currently under review among our member groups, and we have not reached consensus.

Please let us know if there are any questions we can answer for you with respect to SB 9.

Sincerely,

---

Sam Kito III  
Chair  
Legislative Liaison Committee

Jeffery Wilson  
President  
Alaska Professional Design Council

|  |
|--|
| <p style="text-align: center;"><b>Member Societies</b></p> <p style="text-align: center;">American Congress of Surveying and Mapping (ACSM) - American Society of Civil Engineers (ASCE)<br/>Alaska Society of Professional Engineers (ASPE) - Alaska Society of Professional Land Surveyors (ASPLS)<br/>American Institute of Architects (AIA) Alaska Chapter - Structural Engineers Association of Alaska (SEAA)<br/>Architecture/Engineering Marketing Association of Alaska (A/EMAA) - Consulting Engineers Council of Alaska (CECA)<br/>American Society of Landscape Architects (ASLA) Alaska Chapter - Professional Engineers in Private Practice (PEPP) Alaska Chapter</p> |
|--|

**Subject:** AELS Sunset Bill

**Date:** Wed, 17 Jan 2001 13:31:06 -0900

**From:** "Daphne Brown" <dbrown@kumin.alaska.com>

**To:** <Senator\_Gene\_Therriault@legis.state.ak.us>

**CC:** "Nancy Hemenway" <Nancy\_Hemenway@dced.state.ak.us>, <Heather\_Brakes@legis.state.ak.us>

Dear Senator Therriault:

I am writing as Chair of the State Board of Registration for Architects, Engineers and Land Surveyors (AELS) in support of extending the Board and the temporary Landscape Architect member. The board oversees the licensing of architects, engineers, land surveyors and landscape architects in the state in the interest of the public with respect to health safety and public welfare. We have recently begun licensing landscape architects and highly recommend the temporary landscape architect position be retained as a designated non-voting member of the board. This board member assists the remainder of the board in understanding the nuances of their profession in addition to helping develop applicable regulations.

We also request that the landscape architect board member be reimbursed for expenses when attending state board meetings or applicable national licensing board meetings. Presently the landscape architect board member's expenses are paid for by the local landscape architecture professional society. Since we as a board serve in the interest of the public and do not "represent" the individual professional societies, we firmly believe all the expenses related to board business should be paid for out of our budget and not contributed by the various professional groups.

If you have any questions, please do not hesitate to call. Thank you for your support.

Sincerely,

Daphne E. Brown, AIA  
Chair AELS Board  
Architect Member  
907/272-8833 (wk)  
907/272-7733 (fax)  
907/248-2980 (hm)

**ALASKA BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS  
AND LAND SURVEYORS**

January 17, 2001

Senator Gene Therriault  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Therriault,


I am writing in support of SB 9, an Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors (AELS).

The AELS board supports extending the termination date of the AELS Board until June 30, 2005. Additionally, the board supports amending the bill to extend the temporary, non-voting Landscape Architect member until the next board sunset date of June 30, 2005, and to provide for the same travel reimbursement privileges as every other board member.

The enabling legislation to license landscape architects, HCS CSSB 110(Fin), passed the legislature in 1998 and became effective on August 20, 1998. Under the bill, landscape architects are required to become licensed and the bill added a temporary, non-voting board member to serve on the board. That temporary member's term expires on June 30, 2001.

The AELS board also supports amending the statutes so the board may, by regulation, require continuing education (CEU) for license renewal. Statutory authority to adopt continuing education regulations would allow the board to develop effective and appropriate requirements for each profession, and would provide registrants with sufficient lead time to comply with requirements.

Sincerely,



Daphne Brown, Chair

Tony Knowles, Governor

# Alaska

## Department of Community and Economic Development

### Division of Occupational Licensing

P.O. Box 110806, Juneau, AK 99811-0806

Telephone: (907) 465-2534 • Fax: (907) 465-2974 • Text Telephone: (907) 465-5437

Email: license@dced.state.ak.us • Website: www.dced.state.ak.us/occl

November 22, 2000

Legislative Budget and Audit Committee  
Division of Legislative Audit  
PO Box 113300  
Juneau, AK 99811-3300

Dear Ms. Davidson,

Thank you for this opportunity to comment on the Preliminary Audit Report (#08-20001-00). We concur that the Board of Registration for Architects, Engineers and Land Surveyors should be continued through June 30, 2005. Our comments regarding the audit recommendations follow.

Recommendation No. 1. The legislature should consider revising statutes requiring continuing education for architects, engineers, and land surveyors.

The board discussed this recommendation at length during its November 16-17 meeting. The board supports continuing education requirements. The board and the division recommend amending the statutes so the board may, by regulation, require continuing education for license renewal. This amendment would allow the board to develop continuing education requirements that best serve the public. Flexible statutory authority would permit the board to adjust continuing education regulations when experience with the system demonstrated a need for change.

Recommendation No. 2. The legislature should consider revising the structure of the state Board of Registration for Architects, Engineers and Land Surveyors (BRAELS).

The percentage of Alaska engineers who are mining engineers is low. The board does not believe the relatively small number of mining engineers has made it difficult to fill the designated board seat. Several years ago the legislature considered removing the requirement that one of the five engineers on the board be a mining engineer, and the legislature decided not to make the change. The designation of board seats does not have to correlate to the percentage of licensees. The importance of competent mining engineering to sound state development may warrant a designated board seat.

Recommendation No. 3. In order to improve statutory clarity, the legislature should consider amending the board's statutes related to licensure of architects by comity.

The board has adopted regulations that address this issue. However, a statutory change may help clarify the law and reduce the potential for litigation.

Sincerely,



Catherine Reardon  
Director

*"Promoting a healthy economy and strong communities"*



**ENVIRONMENTAL & ENGINEERING CONSULTANTS**

Ph: (907) 452-5688 Fax: (907) 452-5694 Email: info@NortechEngr.com  
2400 College Road Fairbanks, Alaska 99709

SENT BY TELEFAX

January 17, 2001

Senator Gene Therriault  
Alaska State Capitol,  
MS 3100  
Juneau, AK 99801-1182

RE: Senate Bill 9

Senator Therriault:

This letter is in support of Senate Bill 9, an Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors until June 30, 2005.

The board serves an important role in protecting the general public by licensing professional architects, engineers and land surveyors.

I trust this information is sufficient for your needs at the present time. If you have any additional questions feel free to contact us.

Sincerely  
NORTECH

John Hargeshcimcr PE, CIH, DEE  
Principal & CEO



**Alaska Professional Design Council**  
P.O. Box 103115, Anchorage, AK 99510-3115

January 17, 2001

Heather Brakes  
State Capitol  
Juneau, Alaska 99801-1182

Subject: Legislative Recommendation

Dear Ms. Brakes

We support the position forwarded to you by John Hargesheimer PE yesterday.

Copy Enclosed.

His position will be posted in our news letter which will go out in about 10 days.

If you have any questions please feel free to call myself (907) 272-1405 or Sam Kito.

Thank you very much for your prompt work on this matter.

---

Sam Kito III  
Chair  
Legislative Liaison Committee

Jeffery Wilson  
President  
Alaska Professional Design Council

**Member Societies**

American Congress of Surveying and Mapping (ACSM) - American Society of Civil Engineers (ASCE)  
Alaska Society of Professional Engineers (ASPE) - Alaska Society of Professional Land Surveyors (ASPLS)  
American Institute of Architects (AIA) Alaska Chapter - Structural Engineers Association of Alaska (SEAA)  
Architecture/Engineering Marketing Association of Alaska (AEMAA) - Consulting Engineers Council of Alaska (CECA)  
American Society of Landscape Architects (ASLA) Alaska Chapter - Professional Engineers in Private Practice (PEPP) Alaska Chapter

October 20, 2000

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF COMMUNITY AND  
ECONOMIC DEVELOPMENT  
STATE BOARD OF REGISTRATION FOR  
ARCHITECTS, ENGINEERS AND LAND SURVEYORS  
SUNSET REVIEW

October 20, 2000

Audit Control Number  
08-20001-00

This audit was conducted under the requirements of Alaska Statutes 44.66.050 and the authority of AS 24.20.271(1). In the report, we assess the operations and performance of the State Board of Registration for Architects, Engineers and Land Surveyors utilizing the criteria set out in AS 44.66.050(c). This statutory criteria is intended to be used to assess whether the activities of a given board, commission, council, agency, or program is effectively meeting a demonstrated public need.

Currently, under AS 08.03.010 (c)(3) the board is scheduled for termination on June 30, 2001. The board would be allowed one year from this date in which to conclude its affairs, if not extended by legislative action. We recommend that the legislature extend the board until June 30, 2005.

The audit was conducted in accordance with generally accepted government auditing standards using the criteria set out in AS 44.66.050(c). Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section of this report.

Pat Davidson, CPA  
Legislative Auditor

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| Board of Registration for Architects, Engineers and Land Surveyors ..... | 15          |

## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the State Board of Registration for Architects, Engineers, and Land Surveyors. As required by AS 44.66.050(a), the committee of reference shall consider this report during the legislative oversight process to determine whether the board should be reestablished. Currently, AS 08.03.010(c)(3) states that the board will terminate on June 30, 2001, and will have one year from that date to conclude its affairs.

### Objectives

The objectives of our review were:

1. To determine if the termination date of the board should be extended.
2. To determine if the board is operating in the public's interest. The assessment of the operations and performance of the board, was based on criteria set out in AS 44.66.050(c). Criteria set out in this statute relate to the determination of a demonstrated public need for the board.

### Scope and Methodology

Another auditor at our direction and supervision conducted a majority of this review. We followed professional standards to determine that the other auditor was independent and that their work was competent and sufficient.

Our audit reviewed the operations and activities of the State Board of Registration for Architects, Engineers, and Land Surveyors for the period of FY 98 through FY 00. During the course of our examination, we reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Compliance with statutes and regulations related to the licensing of architects, engineers, land surveyors, and landscape architects.
3. Minutes of meetings of the board.
4. Licensing and investigation files.
5. Complaints filed with the Division of Occupational Licensing and the Department of Law.
6. Office of the Ombudsman on-line closed case files.
7. Reading files maintained at the Division of Occupational Licensing.

8. Other documents deemed pertinent.

We also conducted interviews with employees of the Department of Community and Economic Development, Division of Occupational Licensing.

## ORGANIZATION AND FUNCTION

The State Board of Registration for Architects, Engineers and Land Surveyors is a regulatory board consisting of 11 members appointed by the governor. The board consists of two civil engineers, two land surveyors, one mining engineer, one electrical or mechanical engineer, one engineer from another branch of the profession of engineering, two architects, one landscape architect,<sup>1</sup> and one public member.

Alaska Statute requires each board member to have been a resident in the State for three consecutive years immediately preceding an appointment.

Additionally, except for the public member and the non-voting landscape architect position, board members must be registered and have a minimum of five years of professional practice in their field.

Alaska Statutes 08.48.101 and 08.48.111 establish the powers of the board. They include:

1. Adopting regulations.
2. Describing the contents, conducting and establishing a minimum score for passing examinations.
3. Suspending, revoking, or refusing to issue or renew a license.
4. Issuing licenses to practice to architects, engineers, and land surveyors who meet standards of education and training determined to be necessary by the board.

Department of Community and Economic Development, Division of Occupational Licensing

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<sup>1</sup>In a non-statutory clause included in 1998 legislation providing for the licensing of landscape architects, the membership of the board was expanded, although the following provisions were attached. Section 31 of Chapter 47 of the 1998 session laws provided the following:

*TEMPORARY BOARD MEMBER. After considering recommendations made by the Alaska chapter of the American Society of Landscape Architects, the governor shall appoint a landscape architect to the Board of Registration for Architects, Engineers, and Land Surveyors. The person appointed under this section:*

*(1) must have been a resident in the state for three consecutive years immediately preceding appointment;*

*(2) serves in an advisory, nonvoting capacity on the board;*

*(3) is not entitled to receive state money for per diem or travel expenses for work as a board member;*

*(4) serves a term that expires June 30, 2001; and*

*(5) must be registered as a landscape architect[.]..*

STATE BOARD OF REGISTRATION FOR  
ARCHITECTS, ENGINEERS AND LAND  
SURVEYORS  
as of October 1, 2000

Professional Members

Daphne E. Brown, Chair, Architect  
Patricia Piersol, Architect  
Linda Cyra-Korsgaard, Landscape Architect  
Kathleen L. Gardner, Mechanical Engineer  
Donald J. Iverson, Electrical Engineer  
D. Lance Mearig, Civil Engineer  
Robert E. Miller, Civil Engineer  
Ernie Siemoneit, Mining Engineer  
Patrick H. Kalen, PLS – Land Surveyor  
Scott McLane, PLS – Land Surveyor

Public Member

Marcia R. Davis, Esq. Public Member

The Department of Community and Economic Development, Division of Occupational Licensing provides administrative and investigative assistance to the State Board of Registration for Architects, Engineers, and Land Surveyors. Administrative assistance includes budgetary services and functions such as collecting fees, maintaining files, receiving and issuing application forms, and publishing notices of examinations and meetings.

Alaska Statute 08.01.065, mandates the department, with the concurrence of the board, adopt regulations to establish the amount and manner of payment of fees for applications, examinations, licenses, registration, permits, investigations, and all other fees as appropriate for the occupations covered by the statute.

Alaska Statute 08.01.087 empowers the Division of Occupational Licensing with the authority to conduct an investigation on its own initiative or in response to a complaint.

## REPORT CONCLUSIONS

In our opinion, the State Board of Registration for Architects, Engineers, and Land Surveyors is operating in an efficient and effective manner and should continue to regulate architects, engineers, land surveyors and landscape architects. We believe the board is safeguarding the public interest by ensuring the competence and integrity of those who hold themselves out to the public as registered architects, engineers, land surveyors, and landscape architects.

The State Board of Registration for Architects, Engineers, and Land Surveyors has been found to serve a public purpose and has demonstrated an ability to conduct its business in a satisfactory manner. The board continues to propose changes to regulations to improve the effectiveness of the regulatory oversight provided for registered architects, engineers, land surveyors and landscape architects licensed in the State of Alaska. Existence of the board provides more assurance that the various professionals it oversees are competent, and promotes maintenance of the integrity of the professions involved.

Alaska Statute 08.03.010(c)(3) requires the State Board of Registration for Architects, Engineers, and Land Surveyors be terminated on June 30, 2001. Under AS 08.03.020, the board has a one-year period to administratively conclude its affairs. We recommend the legislature extend the board's termination date to June 30, 2005.

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

The legislature should consider revising statutes requiring continuing education for architects, engineers, and land surveyors.

Architects, engineers, and land surveyors overseen by the board currently are not required to obtain continuing education when renewing their licenses. This is contrast to most other licensed professionals in Alaska, who are required to demonstrate they are receiving continuing education in their field in order to maintain an awareness of the changes taking place in their profession.

Continuing professional education requirements do not provide absolute assurance of the competency of licensed professionals. Such requirements, however, provide reasonable assurance that the professional is at least keeping abreast with new developments and maintains an awareness of the changes taking place in their profession.

It is our understanding that the current board supports voluntary continuing professional education, but opposes making such instruction mandatory. The reasons behind the board's reluctance to mandate continuing education are twofold. A majority of the board favors fewer regulations for professional engineers, architects, and land surveyors as a matter of general principle. Other board members have expressed concerns that any requirements the State may adopt for continuing education may conflict with similar requirements of national organizations or other licensing jurisdictions. Such conflict may make it difficult for professionals to maintain membership in national organizations or relocate to other jurisdictions.

Many national organizations maintain continuing education requirements as a requirement for membership; however, there is no mandate that requires that licensees in the State of Alaska to maintain current affiliation with a national organization. As a result, there is no requirement in place that professional architects, engineers, and land surveyors keep abreast of current developments and maintain a minimum level of competency in their professional field.

Review of the continuing education requirements of other state boards and licensing jurisdictions indicates that the national trend is towards implementing and requiring continuing education. Sixteen states currently have minimum continuing education requirements for professional architects prior to renewal of their licenses, and another 12 states have recently considered or are considering legislation addressing continuing education requirements. Twenty-four states have mandatory continuing education requirements for professional engineers, and land surveyors for renewing their licenses.

The National Council of Examiners for Engineers and Surveyors (NCEES), has established guidelines for continuing education statutes and regulations for possible use by various state legislatures and licensing boards. Similarly, the American Institute of Architects (AIA) has established minimum guidelines for aiding licensing jurisdictions in their efforts to establish minimum continuing education requirements. Use of such guidelines in developing state requirements would promote consistency with other jurisdictions and not necessarily create an undue burden on professionals that choose to relocate from one jurisdiction to another.

We recommend that the legislature consider adopting appropriate statutes and the board regulations requiring that some level of continuing education be mandated.

### Recommendation No. 2

The legislature should consider revising the structure of the State Board of Registration for Architects, Engineers, and Land Surveyors.

Mining engineers account for less than one percent (0.76%) of the board's total registrants. However, AS 08.48.011(b)<sup>2</sup> requires that the board's membership consists of 10 professionals, one of which must be a mining engineer. The board has supported legislation to alter the composition and eliminate the requirement for the mining engineer. The board has indicated on many occasions that it is often difficult to find a qualified mining engineer who is willing to fill the designated seat. This is due to the relatively few licensed mining engineers in the State.

We recommend that the legislature consider revising AS 08.48.011(b) to eliminate the specific requirement that a mining engineer be a member of the board. Such a change would not preclude a mining engineer from sitting on the board, since the statute currently allows for an engineer from any branch of the profession. The legislature may also want to consider the advisability of designating a board seat for a representative from the landscape architect profession. This profession, which came under the purview of the board in 1998 is currently represented by a non-voting, "temporary" board member.<sup>3</sup>

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<sup>2</sup> The board consists of two civil engineers, two land surveyors, one mining engineer, one electrical or mechanical engineer, one engineer from another branch of the profession of engineering, two architects, and one public member.

<sup>3</sup>The legislation establishing landscape architects under the board, did provide for a temporary board seat to represent the profession. The landscape architect representative served in an advisory, nonvoting capacity, was not entitled to state funding for per diem or travel costs for board work, and had a term expiring June 30, 2001.

### Recommendation No. 3

In order to improve statutory clarity, the legislature should consider amending the board's statutes related to licensure of architects by comity.

The current statutory requirement, AS 08.48.191(a), for licensure by comity or endorsement for architects is unclear and subject to challenge.

The statute reads as follows (with annotation added):

*A person holding a certificate of registration authorizing the person to practice architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, or holding a certificate of qualification issued by the National Council of Architectural Registration Board, that, in the opinion of the board, meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance with the regulations of the board. [Emphasis added.]*

The way the statute is currently worded is, in the view of the board, semantically unclear. Currently, the board requires National Council of Architectural Registration Board (NCARB) "blue book" certification, a nationally recognized standard for indicating that an applicant has met minimum technical knowledge qualifications for licensure. As a result of this interpretation, it is not currently possible for an architect registered out of state to be licensed in Alaska without NCARB certification. However, the board has been advised if an architect is registered in another jurisdiction but does not currently have the NCARB certification, they likely could be licensed if the board was ever challenged on its interpretation of this statute.

The board's current interpretation of the statute is not unreasonable. However, it is advisable to restructure the semantics of the statute in order to foreclose any future possible challenge. It does appear that the statute, as currently worded, could be successfully challenged.

We recommend that the legislature revise the wording of this statute to clarify the board's authority of requiring NCARB certification for licensure, and the extent to which the board shall be required to provide licensure to individuals without NCARB "blue book" certification. Deleting the current phrase from AS 08.48.191(a), "*holding a certificate of registration authorizing the person to practice architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, or . . .*" may avoid further confusion in this area.

## ANALYSIS OF PUBLIC NEED

The following analysis of board activities relate to the "public need factors" set out in the "sunset" review law, AS 44.66.050. The italicized, shaded, and bold face phrases are taken from AS 44.66.050 (c) (1) - (9). These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

*Determine the extent to which the board, commissions, or program has operated in the public interest.*

The board through its administration of the licensure of architects, engineers, land surveyors, and landscape architects, has endeavored to present competent professionals to the public. There is a public need for this board because of the professional expertise required to practice the various professions within its purview. The licensing of applicants who meet necessary qualifications is necessary to protect the public's safety, health, and welfare.

The board is responsible for adopting regulations to ensure only persons with the proper qualifications are admitted into the profession. The public needs the board to discipline, suspend, or revoke licenses of practitioners who have committed acts listed at AS 08.48.291 and AS 08.48.295. Licensees are required to stamp final drawings, specifications, surveys, plats, plates, reports, or similar documents with a seal bearing the registrant's name, registration number and the profession for which they are registered. By affixing this seal and signing the documents, the registrant certifies that these documents were prepared by or under the registrant's direct supervision, and that the registrant has met the minimum standards set to protect public safety, health, and welfare.

The board has established regulations governing its duties and licensure requirements, enforced the laws for issuing licenses in a uniform and consistent manner, held meetings, and administered examinations in accordance with statutory requirements.

*Determine the extent to which the operations 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.*

Over the last three complete fiscal years of operation (FY 98 - FY 00) the board met the statutory requirement that it meet at least four times during the year. Teleconferences were held to address board concerns between regularly scheduled quarterly meetings.

As discussed in the Findings and Recommendations section of this report, we have the following concerns about operations of the board:

1. Assurance of professional competency could be enhanced through the implementation of continuing education requirement for registrants. (See Recommendation No. 1.)

2. Consideration should be given to changing the composition of the board. (See Recommendation No. 2.)
3. Consider clarification of semantics of the statute related to licensure by comity and endorsement for architects. (See Recommendation No. 3.)

***Determine the extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.***

A variety of changes have been made to the board's statutes and regulations over the past three years. The most significant changes have been:

1. Additional educational and experience requirements for engineers applying for licensure.
2. Verification of work experience for land surveyors.
3. Adoption of eligibility requirements for applicants to sit for the Fundamentals of Engineering examination.
4. The landscape architect profession became a profession within the purview of the board. The board has adopted regulations and has offered its first exam under the new regulations. The regulations are consistent with the current statutes for architects, engineers, and land surveyors and allows the board to regulate the profession with the same consistency and in the same manner in which it currently oversees the other license-holders under its purview.

***Determine 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 services, economy of service, and availability of services that it has provided.***

The location, date, and time of upcoming board meetings and notices of proposed changes in regulations are published in the *Anchorage Daily News*, the *Fairbanks Daily News-Miner* and the *Juneau Empire*. The board's meeting agenda sets aside adequate time for the board to take public comment. Minutes from the meetings of the board reflect public participation throughout the meeting. Proposed regulations are often circulated to those affected by the proposed regulations through professional trade journals, public notice advertisement, or direct mail correspondence from the Division of Occupational Licensing.

***Determine the extent to which the board has encouraged public participation in the making of its regulations and decisions.***

Public notice of proposed regulations are published in major newspapers. Meetings are adequately advertised, and time is set aside for public testimony. The board reviews all public correspondence at its meetings.

*Determine 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;*

During the past three fiscal years (FY 98 – FY 00) the Division of Occupational Licensing has received 97 complaints concerning persons licensed by the board. The division completed 68 investigations of the 97 complaints, and resolved 52 without board action. The resolutions involved 15 warning letters, 11 instances of voluntary compliance, 22 determinations of no violation, and four other administrative closures. The division also completed an additional 24 investigations from complaints received prior to FY 98.

For the 16 complaint investigations brought to the board, 9 involved final denial of a license to an aggrieved applicant; 6 board orders (referred to as "cease and desist" orders) to licensees to stop various activities; and, the revocation of 1 license.

*Determine the extent to which the board regulates entry into an occupation or profession and whether it has presented qualified applicants to serve the public.*

Listed below is a summary of new licenses and permits issued by the board for the period under review.

| New Licenses and Permits Issued<br>(Exclusive of Renewals) | FY 98 | FY 99 | FY 00 | Total | Current as of<br>June 30, 2000 |
|--|-------|-------|-------|-------|--------------------------------|
| Professional Engineers                                     | 194   | 147   | 231   | 572   | 3,933                          |
| Professional Architects                                    | 12    | 8     | 16    | 36    | 519                            |
| Professional Land Surveyors                                | 6     | 17    | -     | 18    | 630                            |
| Professional Landscape Architects                          | -     | -     | 6     | 6     | 6                              |
| Corporate Authorizations                                   | 21    | 24    | 48    | 93    | 335                            |

The board is statutorily responsible for the issuance of all licenses. A person may apply for licensure by examination or by using past performance records. Licensure using past performance records is more commonly referred to as licensure by comity. The application process for licensing appears reasonable and appropriate.

*Determine the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board to its own activities and the area of activity or interest.*

The Office of the Ombudsman received no complaints regarding the Division of Occupational Licensing. We did not find any evidence that the board was not complying with the state personnel practices, including affirmative action in qualifying applicants. In no instances has the board denied an applicant a license based on personal attributes.

*Determine the extent to which statutory, regulatory, budgeting or other changes are necessary to enable the board to better serve the interest of the public and to comply with the factors enumerated in this subsection.*

Please refer to the Findings and Recommendations section of this report.

November 22, 2000

Legislative Budget and Audit Committee  
Division of Legislative Audit  
PO Box 113300  
Juneau, AK 99811-3300

Dear Ms. Davidson,

Thank you for this opportunity to comment on the Preliminary Audit Report (#08-20001-00). We concur that the Board of Registration for Architects, Engineers and Land Surveyors should be continued through June 30, 2005. Our comments regarding the audit recommendations follow.

Recommendation No. 1. The legislature should consider revising statutes requiring continuing education for architects, engineers, and land surveyors.

The board discussed this recommendation at length during its November 16-17 meeting. The board supports continuing education requirements. The board and the division recommend amending the statutes so the board may, by regulation, require continuing education for license renewal. This amendment would allow the board to develop continuing education requirements that best serve the public. Flexible statutory authority would permit the board to adjust continuing education regulations when experience with the system demonstrated a need for change.

Recommendation No. 2. The legislature should consider revising the structure of the state Board of Registration for Architects, Engineers and Land Surveyors (BRAELS).

The percentage of Alaska engineers who are mining engineers is low. The board does not believe the relatively small number of mining engineers has made it difficult to fill the designated board seat. Several years ago the legislature considered removing the requirement that one of the five engineers on the board be a mining engineer, and the legislature decided not to make the change. The designation of board seats does not have to correlate to the percentage of licensees. The importance of competent mining engineering to sound state development may warrant a designated board seat.

Recommendation No. 3. In order to improve statutory clarity, the legislature should consider amending the board's statutes related to licensure of architects by comity.

The board has adopted regulations that address this issue. However, a statutory change may help clarify the law and reduce the potential for litigation.

Sincerely,

Catherine Reardon  
Director