

HB

252

23-LS0945AS  
Mischel  
3/11/04

**SENATE CS FOR CS FOR HOUSE BILL NO. 252( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES MCGUIRE, Lynn

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the terms and duties of the members of the State Board of  
2 Registration for Architects, Engineers and Land Surveyors; and relating to the  
3 employment and classification of an executive secretary for the board."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* **Section 1.** AS 08.48.021 is amended by adding a new subsection to read:

6 (c) For purposes of determining appointments and terms under AS 08.01.035,  
7 notwithstanding the reference in that section relating to eligibility for reappointment  
8 after serving a full or partial term,

9 (1) a member who has served all of two successive terms on the board  
10 may not be reappointed to the board unless four years have elapsed since the person  
11 last served on the board; and

12 (2) for purposes of (1) of this subsection, a person who serves for two  
13 years or more of a four-year term is considered to have served a full term.

14 \* **Sec. 2.** AS 08.48 is amended by adding a new section to read:

1           **Sec. 08.48.055. Executive secretary of the board.** (a) The department, in  
2 consultation with the board, shall employ an individual who is not a member of the  
3 board to serve as the executive secretary of the board. The executive secretary is the  
4 principal executive officer of the board and is in the partially exempt service under  
5 AS 39.25.120.

6           (b) The executive secretary of the board shall perform duties as prescribed by  
7 the board.

8 \* **Sec. 3.** AS 08.48.101(a) is amended to read:

9           (a) The board may adopt regulations to carry out the purpose of this chapter,  
10 including regulations

11                   (1) describing the contents of an examination;

12                   (2) establishing the conduct of an examination;

13                   (3) establishing a minimum score for passing an examination;

14                   (4) establishing bylaws governing its meetings and activities;

15                   (5) publishing a code of ethics or professional conduct for those  
16 persons regulated by this chapter, including corporations, limited liability companies,  
17 and limited liability partnerships under AS 08.48.241;

18                   (6) establishing continuing education requirements for persons  
19 regulated by this chapter that must be completed before a certificate may be  
20 renewed; the continuing education requirements may not exceed standards  
21 established by a national accrediting body or other recognized professional  
22 organization.

23 \* **Sec. 4.** AS 39.25.120(c) is amended to read:

24           (c) The following positions in the state service constitute the partially exempt  
25 service:

26                   (1) deputy and assistant commissioners of the principal departments of  
27 the executive branch, including the assistant adjutant general of the Department of  
28 Military and Veterans' Affairs;

29                   (2) the directors of the major divisions of the principal departments of  
30 the executive branch and the regional directors of the Department of Transportation  
31 and Public Facilities;

1 (3) attorney members of the staff of the Department of Law, of the  
2 public defender agency, and of the office of public advocacy in the Department of  
3 Administration;

4 (4) one private secretary for each head of a principal department in the  
5 executive branch;

6 (5) employees of councils, boards, or commissions established by  
7 statute in the Office of the Governor or the office of the lieutenant governor, unless a  
8 different classification is provided by statute;

9 (6) not more than two special assistants to the commissioner of each of  
10 the principal departments of the executive branch, but the number may be increased if  
11 the partially exempt service is extended under AS 39.25.130 to include the additional  
12 special assistants;

13 (7) the principal executive officer of the following boards, councils, or  
14 commissions:

15 (A) Alaska Public Broadcasting Commission;

16 (B) Professional Teaching Practices Commission;

17 (C) Parole Board;

18 (D) Board of Nursing;

19 (E) Real Estate Commission;

20 (F) Alaska Royalty Oil and Gas Development Advisory Board;

21 (G) Alaska State Council on the Arts;

22 (H) Alaska Police Standards Council;

23 (I) Alaska Commission on Aging;

24 (J) Alaska Mental Health Board;

25 (K) State Medical Board;

26 (L) Governor's Council on Disabilities and Special Education;

27 (M) Advisory Board on Alcoholism and Drug Abuse;

28 (N) Statewide Suicide Prevention Council;

29 **(O) the State Board of Registration for Architect, Engineers**

30 **and Land Surveyors;**

31 (8) Alaska Pioneers' Home managers;

- 1 (9) hearing examiners in the Department of Revenue;
- 2 (10) the comptroller in the division of treasury, Department of
- 3 Revenue;
- 4 (11) airport managers in the Department of Transportation and Public
- 5 Facilities employed at the Anchorage and Fairbanks International Airports;
- 6 (12) the deputy director of the division of insurance in the Department
- 7 of Community and Economic Development;
- 8 (13) the executive director and staff of the Alaska Public Offices
- 9 Commission;
- 10 (14) the rehabilitation administrator of the Workers' Compensation
- 11 Board;
- 12 (15) guards employed by the Department of Public Safety for
- 13 emergencies;
- 14 (16) marine pilot coordinator of the Board of Marine Pilots;
- 15 (17) guards employed by the Department of Corrections, other than in
- 16 state correctional facilities, to carry out the responsibility of the commissioner of
- 17 Corrections under AS 33.30.071(b);
- 18 (18) hearing officers and administrative law judges of the Regulatory
- 19 Commission of Alaska;
- 20 (19) the compact administrator appointed under AS 33.36.130.

23-LS1850A  
Mischel  
3/12/04

**SENATE CONCURRENT RESOLUTION NO.**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY**

**Introduced:**  
**Referred:**

**A RESOLUTION**

1 **Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State**  
2 **Legislature, concerning House Bill No. 252, relating to boards under AS 08.01.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4       That under Rule 54, Uniform Rules of the Alaska State Legislature, the provisions of  
5 Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of the Alaska State Legislature, regarding  
6 changes to the title of a bill, are suspended in consideration of House Bill No. 252, relating to  
7 boards under AS 08.01.

# Alaska State Legislature

*Session:*  
State Capitol  
Juneau, AK 99801  
Phone: (907) 465-2995  
Fax: (907) 465-6592



*Interim:*  
716 W 4<sup>th</sup> Avenue, Suite 300  
Anchorage, AK 99501-2133  
Phone: (907) 269-0250  
Fax: (907) 269-0249

Representative Lesil McGuire  
Chair, Judiciary Committee

## MEMORANDUM

To: Brian Hove, Senate Judiciary Aide

Cc:

From: Heath E. Hilyard, Staff to Rep. McGuire

Date: February 10, 2004

Re: Hearing request for HB 252 - "An Act relating to the terms and duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors."

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Included in this packet is a sponsor statement, the most recent version of HB 252, and accompanying fiscal note.

I am requesting a hearing for HB 252 before the Senate Judiciary Committee at the Senator's earliest convenience. As a note, I am having a blank committee substitute drafted to include amendments requested by the AELS board. These amendments may require a title change resolution.

I will forward to you a draft of the committee substitute as soon as one is available.

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## Representative Lesil McGuire

Chair, Judiciary Committee

### Sponsor Statement HB 252

*"An Act relating to the terms of members of boards and commissions that regulate businesses and professions and to the duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors."*

I have introduced HB 252 by request of the State Board of Registration for Architects, Engineers and Land Surveyors (AELS Board), the regulatory board responsible for adopting regulations to ensure minimum competency of design professionals and to ensure the public health, safety and welfare is met. The AELS Board is also responsible for overseeing the scope of work practices of those professionals. Board members can serve a minimum of two full terms, and the bill would allow board members to serve a minimum of 6 years full years; and would enhance public health, safety, and welfare by allowing the AELS Board to require a mandatory continuing education program for continued professional competency. HB 252 would accomplish two things:

First, HB 252 modifies the existing term limit statute so that serving a partial term of less than two years would not represent a full term on the State Board of Registration for Architects, Engineers, and Land Surveyors defined under AS 08.48.021 but serving a partial term of two or more years would count as a full 4-year term. The AELS Board has, in the past, experienced problems with this statutory provision when a vacancy occurs but is not filled for some time. When an individual fills a partial term, it counts as a full term, no matter how short the partial term may be. This change would allow a Board member filling a partial term of less than two years, to serve the partial term, plus a full 8 years (two 4-year terms).

Second, the AELS Board requires statutory authority in order to adopt regulations concerning continuing education. The first recommendation cited in the Legislative Audit #08-20001-00 dated October 20, 2000 specified this ability be legislated to the AELS Board in order to help implement and maintain high standards in the professions they oversee. HB 252 would provide the AELS Board statutory authority under AS 08.48.101(a) to develop mandatory continuing education programs for the professions it serves. It is important to the Board that the statute not specifically mandate the Board to require a mandatory continuing education as a condition of licensure renewal, because in some instances professionals are already complying with continuing education requirements required by their professional societies. The AELS Board would work with the professional societies before developing any programs.

I would appreciate your support on HB 252.

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSHB 252 (STA)  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DCED  
 Title Occ Licensing Terms of Bd & Cont. RDU Occupational Licensing (117)  
Education Component Occupational Licensing  
 Sponsor Representatives McGuire & Lynn  
 Requester Senate Judiciary Component No. 2360

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

HB 252 specifies that a person who serves for two years or more of a term on a board is considered to have served a full term. The bill also authorizes the State Board of Registration for Architects, Engineers and Land Surveyors to establish continuing education requirements by regulation before a license is renewed. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Manager Phone (907) 465-2144  
 Division Occupational Licensing Date/Time 2/13/04 11:00 AM  
 Approved by: Edgar Blatchford, Commissioner Date 2/13/2004  
 Agency Department of Community & Economic Development

# Alaska State Legislature

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## Representative Lesil McGuire

Chair, Judiciary Committee

### Explanation of Changes to HB 252

*"An Act relating to the terms of members of boards and commissions that regulate businesses and professions and to the duties of the members of the State Board of Registration for Architects, Engineers and Land Surveyors."*

**CSHB 252(L&C)** – The Labor and Commerce Committee amended HB 252 in Section 1 by applying the changes of the terms and duties of members of boards and commission only to the members of the State Board of Registration for Architects, Engineers, and Land Surveyors rather than to all members of all State boards and commissions. The original version amended AS 08.01.035 and the Labor and Commerce committee substitute amends AS 08.48.021. This amendment necessitated an appropriate title change.

**CSHB 252(STA)** – The State Affairs Committee deleted the word "has" from Page 1, line 10 of CSHB 252(L&C). The amendment has no significant policy impact.

**Blank CS for CSHB 252 (23-LS0945\O)** – This blank CS, requested by the AELS Board, includes specific language to amend AS 39.25.120(c)(7) to add the Executive Secretary of the AELS board to the list of principal executive officers that are considered partially exempt. (Page 3, Lines 27 & 28)

23-LS0945\Q  
Mischel  
2/11/04

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**Offered:**  
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31 public defender agency, and of the office of public advocacy in the Department of

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Administration;

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**and Land Surveyors;**

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THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

HB 252: Mandatory Continuing Education

**Subject: HB 252: Mandatory Continuing Education****Date: Wed, 25 Feb 2004 07:49:28 -0900****From: "Bear, David" <dbear@HomerElectric.com>****To: <Kenai\_Lio@legis.state.ak.us>**

From: David M. Bear, RLS #7336

I am totally supportive of continuing education in all professional disciplines and at all levels. However, given the disparity of access to education centers and the limited type of education available to individuals statewide I think it is not only unfair but unnecessary to "mandate" continuing education in order to renew a license. Any licensed professional who's livelihood depends on business practices is going to acquire the knowledge necessary to compete in his/her discipline. No amount of education will change the practices of an unscrupulous or unethical individual anyway.

Until a detailed list of available and applicable education categories has been established and a method of making said education equally available to ALL Licensees I am adamantly opposed to passing a law that allows for discretionary undefined/undetailed requirements to renew a license.

As I am unable to attend the 8:00 a.m. teleconference this a.m. I would very much appreciate your introduction of my comments at the hearing.

Thank You,  
dbear,

Subject:

HB 252: Mandatory Continuing Education

Date:

Wed, 25 Feb 2004

From: David M. Bear, RLS #7336

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Dave Bear.