

HB

167

<TARGET><BILL>HB 167</BILL><SUBJECT>HB
167</SUBJECT><COMM>HRLS28</COMM></TARGET>

Fiscal Note

State of Alaska
2013 Legislative Session

Bill Version: HB 167
Fiscal Note Number: 1
(H) Publish Date: 4/1/13

Identifier: HB167-DCCED-CBPL-03-25-13
Title: ARCHITECTS, ENGINEERS, SURVEYORS
Sponsor: LABOR & COMMERCE
Requester: House Labor and Commerce

Department: Department of Commerce, Community and
Economic Development
Appropriation: Corporations, Business and Professional
Licensing
Allocation: Corporations, Business and Professional
Licensing
OMB Component Number: 2360

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2014	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2014 Request	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES	FY 2014	FY 2014					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2013) cost: 0.0

Estimated CAPITAL (FY2014) cost: 0.0

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Don Habeger, Director
Division: Corporations, Business and Professional Licensing
Approved By: JoEllen Hanrahan, Director
Administrative Services Division

Phone: (907)465-2536
Date: 03/25/2013 09:30 AM
Date: 03/25/13

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2013 LEGISLATIVE SESSION

BILL NO. HB 167

Analysis

HB 167 amends the regulation of architects, engineers, land surveyors, and landscape architects to increase accountability of licensee work and ensure only licensed professionals are performing work within the scope of this chapter. This bill adds or amends language to existing architects, engineers, and surveyor statutes to clarify the manner and conditions for sealing and signing drawings, specifications, surveys, plats, plates, reports, or similar documents.

There is no anticipated fiscal impact to the Division of Corporation, Business and Professional Licensing.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSHB 167(RLS)
Fiscal Note Number: 2
(S) Publish Date: 4/14/14

Identifier: HB167CS(RLS)-DCCED-CBPL-02-07-14
Title: ARCHITECTS, ENGINEERS, SURVEYORS
Sponsor: LABOR & COMMERCE
Requester: Senate Labor & Commerce

Department: Department of Commerce, Community and
Economic Development
Appropriation: Corporations, Business and Professional
Licensing
Allocation: Corporations, Business and Professional
Licensing
OMB Component Number: 2360

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

CS retains original statutory authority in AS 08.48.331(a)(6)(C)(i).

Prepared By:	Don Habeger, Director	Phone:	(907)465-2536
Division:	Corporations, Business and Professional Licensing	Date:	02/07/2014 05:10 PM
Approved By:	Jeanne Mungle, Director	Date:	02/07/14
Agency:	Administrative Services		

FISCAL NOTE ANALYSIS #2

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB 167(RLS)

Analysis

CSHB 167 amends statutes for architects, engineers, land surveyors, and landscape architects to increase accountability of licensee work and to ensure only licensed professionals are performing work within the scope of this chapter. The CS differs from HB 167 by keeping original statutory language in AS 08.48.331(a)(6)(C)(i) as is. This bill adds or amends language to exiting architects, engineers, and surveyor statutes to clarify the manner and conditions for sealing and signing drawings, specifications, surveys, plats, plates, reports, or similar documents.

There is no anticipated fiscal impact to the Division of Corporation, Business and Professional Licensing.

AMENDMENT #1

OFFERED IN THE HOUSE

TO: HB 167

- 1 Page 3, line 14
- 2 Delete "three [FOUR]"
- 3 Insert "four"

ALASKA STATE LEGISLATURE

REPRESENTATIVE KURT OLSON

- Chair: Labor and Commerce
- Vice Chair: Rules
- Member: Resources, Community & Regional Affairs,
Economic Development Trade & Tourism,
Fisheries, Legislative Budget & Audit

Session: January - April
State Capitol, Room 24
Juneau, AK 99801-1182
Phone: 907-465-2693
Fax: 907-465-3835



Interim: May - December
145 Main Street Loop, Ste. 221
Kenai, AK 99611
Phone: 907-283-2690
Fax: 907-283-2763

Official Business

HB 167 Sponsor Statement

The Architects, Engineers and Land Surveyors Board is a regulatory board for the purpose of ensuring that licensed professionals meet a minimum standard of practice in the various professions to protect the public health, safety, and welfare.

Although a large majority of the registrants understand and work within their field of expertise, current statutes suggest that a registrant is allowed to seal design documents that are not in the realm of the registrants discipline of licensure if the "registrant certifies on the face of the documents to the extent of the registrants responsibility". The AELS Board Investigation Advisory Committee has reviewed many building code violations as a result. The majority of these small and seemingly uncomplicated buildings have had numerous and major health and safety code violations. The code violations are significant and are a result of the misuse of seals.

This legislation clarifies when seals can be used, and provides a definition, in statute, for "designs of minor importance" and "field drawings".

The Board of Architects, Engineers, Land Surveyors and Landscape Architects, and the Alaska Professional Design Council are in support of this legislation. I urge your support of this legislation.

ALASKA STATE LEGISLATURE

REPRESENTATIVE KURT OLSON

- Chair: Labor and Commerce
- Vice Chair: Rules
- Member: Resources, Community & Regional Affairs,
Economic Development Trade & Tourism,
Fisheries, Legislative Budget & Audit

Session: January - April
State Capitol, Room 24
Juneau, AK 99801-1182
Phone: 907-465-2693
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Official Business

Interim: May - December
145 Main Street Loop, Ste. 221
Kenai, AK 99611
Phone: 907-283-2690
Fax: 907-283-2763

HB 167 Sectional Analysis

Section 1. Amends AS 08.48.221 by requiring registrants to sign the seal on documents. Deletes language that allows the registrant to certify on the face of the document the extent of the registrant's responsibility.

Section 2. Adds a new subsection to AS 08.48.221 that requires documents containing the work of multiple fields of practice to be sealed and signed by a registrant in each of the fields covered by the document.

Section 3. Changes the exemption for buildings for residence by not more than four families to not more than three families. Adds "architect, land surveying, or landscape architecture" to this section wherever "engineering" appears. Adds language to the exceptions regarding revegetation or placement of plant material to require a board determination that the action does not affect the public health, safety, or welfare.

Section 4. Adds definitions for "design of minor importance," "shop drawing" and "field drawing."

Please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill; the bill itself is the best statement of its contents.



March 30, 2013

The Honorable Kurt Olson
Chair House Labor and Commerce
Committee House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Olson:

The Alaska Section of the American Society of Civil Engineers (ASCE) is a membership organization representing civil engineers in Alaska. ASCE is America's oldest national engineering society, and we provide value to our members by promoting the advancement of civil engineering to serve the public good.

ASCE supports House Bill 167, which proposes changes to the licensing statutes clarifying design document sealing procedures; clarifying some of the exemptions to licensed practice; and adding clarifying definitions.

These simple changes will enhance the public safety by providing clarity to licensees regarding allowed practice for design professionals.

I would like to thank the House Labor and Commerce Committee for introducing House Bill 167.

Sincerely,

A handwritten signature in cursive script that reads "Virginia Groeschel". The signature is written in dark ink and is positioned above the typed name.

Virginia Groeschel, E.I.T.
President, Alaska Section
American Society of Civil Engineers

Oien Associates, Inc.

Structural Engineering & Inspection – Construction Management Services

694-0507

March 28, 2013

Representative Kurt Olson
Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99501-1182

RE: House Bill 167
An Act relating to the regulation of architects, engineers,
land surveyors and landscape architects

Dear Representative Olson:

I am an Alaska registered design professional and I offer my support for HB 167 dealing with proposed amendments to AS 08.48.221 Seals, AS 08.48.281 Prohibited Practice, AS 08.48.331 Exemptions, and AS 08.48.341 Definitions.

This support is offered based on observing abuse in the use of seals and the misinterpretation of the intent regarding exemptions over 17 years of practice as a licensed engineer. I have reviewed the proposed changes included in HB 167, and believe these proposed changes will ensure that there is no confusion in the interpretation of the intent of the statutes.

Thank you for taking your time to pursue this important issue to help protect properly practicing design professionals as well as the people of the State of Alaska.

If you have any questions regarding this, I can be reached @ 907-694-0507, or email @ boien@gci.net.

Sincerely,
Oien Associates, Inc.



Benjamin C. Oien, P.E.
AK License no CE-9141

NCP

ARCHITECTS & PLANNERS

March 28, 2013

Representative Kurt Olson
Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99801-1182

Re: House Bill 167
An Act relating to the regulation of architects, engineers
land surveyors, and landscape architects.

Representative Olson:

As an Architect and a Design/Build Contractor, I offer my support for HB 167 dealing with proposed amendments to AS 08.48.221 Seals, AS 08.48.281 Prohibited Practice, AS 08.48.331 Exemptions, and AS 08.48.341 Definitions.

This support is offered based on observing abuse in the use of Seals and the misinterpretation of the intent regarding Exemptions. These observations have occurred during my forty years of practice in the field of architecture in Alaska and the concerns shared with me by my fellow professionals serving on the Board of Registration of Architects, Engineers, and Land Surveyors (AELS Board). The review of cases of suspected offenses of impropriety in the use of seals and application of exemptions revealed significant violations of life safety codes in construction documents prepared by unqualified individuals.

The current statues are not clear relative to the intent and impede enforcement of the guidelines required to protect the health, safety, and welfare of the public. The suggested amendments relative to the referenced statues will mitigate confusion in the interpretation of the intent of the statues.

The attached position paper by Mr. Hightower outlines the rational for the proposed amendments and examples of critical violations resulting from individuals working outside their realm of expertise in the process of designing and constructing facilities.

If additional information is required, please contact N. Claiborne Porter, Jr. at 907-561-1039 or ncp@alaska.com.

Thank you for the opportunity to submit this letter of support and to testify on this important issue.

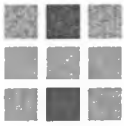
Sincerely,



N. Claiborne Porter, Jr. AIA

Attachment

CC. H.H.H.



Harley H. Hightower ▪ Architect

Representative Kurt Olson
Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99801-1182

Re: House Bill 167
An Act relating to the regulation of architects, engineers,
land surveyors, and landscape architects

Dear Representative Olson:

Representing the professional design industry I offer my support for HB 167 dealing with proposed amendments to AS 08.48.221 Seals, AS 08.48.281 Prohibited Practice, AS 08.48.331 Exemptions, and AS 08.48.341 Definitions.

This support is offered based on observing abuse in the use of Seals and the misinterpretation of the intent regarding Exemptions. These observations have occurred during forty years of practice in the field of architecture in Alaska and serving on the Board of Registration for Architects, Engineers, and Land Surveyors (AELS Board) for eight years. During my service on the AELS Board I served on the Enforcement Advisory Committee for eight years working with and advising the investigator relative to enforcement of statutes and regulations. The review of cases of suspected offenses of impropriety in the use of seals and application of exemptions revealed significant violations of life safety codes in construction documents prepared by unqualified individuals.

The current statutes are not clear relative to the intent and impede enforcement of the guidelines required to protect the health, safety, and welfare of the public. The suggested amendments relative to the referenced statutes will mitigate confusion in the interpretation of the intent of the statutes.

The attached position paper outlines the rationale for the proposed amendments and examples of critical violations resulting from individuals working outside their realm of expertise in the process of designing and constructing facilities.

If additional information is required please contact Harley Hightower at 907.644.0798 or hkh@gci.net.

Thank you for the opportunity to submit this letter of support and to testify on this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Harley H. Hightower". The signature is written in black ink and is positioned above the typed name.

Harley. H. Hightower, FAIA

Attachment

**STATE OF ALASKA
BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS, AND LAND SURVEYORS (AELS)
POSITION PAPER**

**Relative to Proposed Amendments to AS 08.48.221 Seals,
AS 08.48.281 Prohibited practice, AS 08.48.331 Exemptions,
AS 08.48.341 Definitions**

March 20, 2013

DISCUSSION

Chapter 48 outlines the Statutes and Regulations governing Architects, Engineers, and Land Surveyors in the State of Alaska. Section 08.48.011 created the State Board of Registration for Architects, Engineers, and Land Surveyors (AELS) to administer the provisions of Chapter 48 for the furtherance and enforcement of health, safety, and welfare.

AS 08.48.221 Seals

Current regulations and statutes have been interpreted suggesting that a registrant is allowed to seal design documents that are not in the realm of the registrants discipline of licensure if the “registrant certifies on the face of the documents to the extent of the registrants responsibility”. The interpretations conflicts with the large majority of the registrants that understand and work within their areas of expertise and qualifications based on their experience, education, and examination. Crossover of disciplines should occur only on “design of minor importance”.

Based on involvement serving on the AELS Board Investigation Advisory Committee this writer has reviewed numerous small buildings (warehouses, shops, and the like) whereby all documents (architectural and civil, mechanical, and electrical engineering) have been sealed and signed by a registrant of a distinct discipline. The majority of these small and seemingly simple and uncomplicated buildings have had numerous and major health and safety code violations.

Common deficient health and safety issues that are significant examples that were discovered while reviewing documents based on misuse of seals include violations of the following life safety codes:

- Mixed occupancy buildings are required to be separated with fire separations to isolate hazardous areas from non-hazardous areas (International Building Code, Section 508).
- Equipment and appliances having an ignition source and located in hazardous areas shall be elevated such that the source of ignition is not less than 18” above the floor surfaces on which equipment or appliance rests (International Mechanical Code Sec. 304.3). This issue is similarly outlined and required by the National Electrical Code.

- Offices and other inhabited areas adjacent and/or having openings into Repair Garages require a positive atmospheric pressure (International Mechanical Code, Section 403).

The above referenced codes are significant issues and have found to be violated as a result of misuse of seals. Numerous other code issues have been discovered. In many cases documents are not prepared to a stage of completion to allow a thorough code analysis or provide adequate information for construction to proceed in accordance with code requirements.

AS 08.48.281 Prohibited practice

This issue is related and recommended amendments are necessary for coordination with and adding clarity for the support of the amendments and requirements of AS 08.48.221 Seals.

AS 08.48.331 Exemptions

Under Sec 08.48.331 Exemptions.(a) states, “(a) This Chapter does not apply to” and then goes on to list 14 subjects of exemptions. The AELS Board has observed that a broad interpretation of this exemption section has been interpreted to suggest that all and/or any one of the 14 subjects are exempt from all provisions of Chapter 48.

A larger issue concerns subject (7) Specialty Contractors. The investigative staff and code enforcement officials have reported to the AELS Board significant abuse under this exemption (e.g. mechanical and electrical subcontractors in the course of construction activities are either constructing without drawings and specifications and/or constructing with documents not prepared by licensed professionals). This subject could further be interpreted where a multi-story or sophisticated hazardous building could be constructed by a group of specialty contractors (mechanical, electrical, controls, steel erector, roofing, carpet, curtain wall, etc., etc.) without a design professional being involved. This would be counter to all logic relative to health, safety, and welfare and could not possibly be the intent of the AELS Board who reviewed or authored this section prior to its adoption. This subject was discussed with a representative of the Attorney Generals office at a scheduled AELS Board meeting where analysis of past documentation of legislative action was suggested that may reveal the thought process and legislative intent of the exemptions in question.

AS 08.48.341 Definitions

This issue is related and recommended amendments are necessary for coordination with and adding clarity for the support of the amendments and requirements of AS 08.48.221 Seals

ANALYSIS

The Attorney Generals office through the investigative staff provided documentation for review and analysis. This effort produced no knowledge of the legislative intent or thought process of the provisions under Sec.08.48.331 Exemptions. Analysis of other

documentation was necessary to reach conclusions of the issues of concern relative to Exemptions. The documentation reviewed included:

- Statutes and Regulations – Construction Contractors, Chapters 18 and 21
- Statutes and Regulations – Electrical Administrators, Chapter 32 and 40
- Statutes and Regulations – Mechanical Administrators, Chapters 39 and 40
- Statutes and Regulations – Architects, Engineers, and Land Surveyors, Chapter 48

A thorough review of the Statutes and Regulations pertaining to Construction Contractors (including Specialty Contractors), Electrical Administrators, and Mechanical Administrators indicates there are no provisions for contractors to design, engineer, or otherwise establish design criteria. The one exception where design is mentioned is Chapter 40 Mechanical Administrators. Sec. 08.40.390 Exclusion (b) states “(b) AS 08.40.210 – AS 08.40. 490 do not apply to persons engaged in the design, installation, and maintenance of fire extinguishing systems.” are exempt from the requirements of Chapter 40. The design, installation, and maintenance of fire extinguishing system are allowed under Sec. 08.48.331. (a), (14).

Chapter 21 Construction Contractors, Article 2. Specialty Contractor Trades, 12AAC 21.200 outlines 37 different Specialty Contractors. Applying the mechanical and electrical subcontractor logic that they are exempt from installing systems not designed by licensed professionals the 35 other Specialty Contractors could follow this logic and design and build any size building of any hazardous occupancy without the participation of design profession. This is not only an illogical thought process and endangers not only the public and property of the structure in question but that of adjacent and nearby structures. In addition it violates the objectives of regulatory agencies dealing with health, safety, and welfare.

The date and intent of the addition or revision of the statute dealing with Specialty Contractors is not apparent from the data provided and reviewed. It may be assumed that it occurred when the subject of responsibilities for design, installation, and maintenance of fire suppression systems was under consideration. Regardless of timing and intent it is being inaccurately applied based on any sense of logic.

Relative to Sec. 08.48.331 Exemptions, (7) this statute should be revised to delete “or designing systems”. AS 08.18 Construction Contracts presently specifically excludes the mention of design contained under regulations pertaining to specialty contractors. The provision for a “*contractor preparing shop or field drawings*” is acceptable as long as the industry standard definitions are provided. Shop Drawings are prepared by contractors, subcontractors or vendors that show how a particular aspect of the work is to be fabricated and installed. Shop Drawings are not contract documents; they do however, demonstrate how an aspect of the work will satisfy the construction documents. They complete the information cycle between drawings prepared by licensed professionals and the actual construction. Field drawings are similar to shop drawings however generally prepared in the field to provide more precise data to the trades in the field. An example could be the contractor providing plans and details to the carpenter for constructing form

work with exact dimension for conformance with the drawings prepared by a licensed professional. The primary difference between a shop drawing and a field drawing is that the shop drawings are generally a requirement of the contract documents and should be reviewed and approved by the licensed professional and this effort is not required for field drawings. These definitions are required to avoid the interpretations that contractors can design buildings.

CONCLUSIONS

A review of statutes and regulations governing contractors, mechanical contractors, electrical contractors, and specialty contractors with the results indicating that no provision authorizing these contractors to provide design and engineering of facilities. The AELS Board is a regulatory board for the purpose of ensuring that licensed professionals meet a minimum standard of practice in the various professions to protect the public health, safety, and welfare. To assume that the Board would relegate the responsibility of design and engineering to individuals not in conformance with the minimum education, experience, and examination requirements is beyond logic and violation of the obligations required of the AELS Board.

Statutes and Regulations governing the AELS Board specifically Sec. 08.48.11 charges the Board to “administer the provisions of Chapter 48”. Present interpretation of Sec. 08.48.331 prevents the Board from achieving this charge.

AS 08.48.341 Definitions

This issue is related and recommended amendments are necessary for coordination with and adding clarity for the support of the amendments and requirements of AS 08.48.331.

RECOMMEDATIONS

Revise Sec. 08.48.221 Seals in accordance with suggested statute amendments.

Revise Sec. 08.48.281 Prohibitive Practice in accordance with suggested statute amendments

Revise Sec.08.48.331 Exemptions as described and in accordance with suggested statute amendments.

- Exemptions 1 through 5 remain unchanged.
- The recommended amendments to Exemption (6), (C), (i) is a revision for conformance of Chapter 48 with State of Alaska, Division of Fire Prevention and local authorities having jurisdiction which require that appropriate design professionals prepare the construction documents and seal the drawings for multi-family residents containing more than three single family units in lieu of four.
- The recommended amendment for Exemption 7 would delete the words “or designing systems”. The preparation of shop drawings and field drawings would remain the responsibility of the specialty contractor.
- Exemptions 8, and 9 remain unchanged.

- The recommended amendments for Exemption 10 adds the disciplines of architecture, land surveying, and landscape architecture to the list of those exempt from the requirement of Chapter 48.
- Exemptions 11, 12, 13, and 14 clean up language for consistency with terminologies used in Chapter 48.

Revise Section 08.48.341 Definitions in accordance with suggested statute amendments.

Harley H. Hightower, FAIA

March 28, 2013

Representative Kurt Olson
Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99801-1182

Re: House Bill 167
An Act Relating to the Regulation of Architects, Engineers, Land Surveyors, and Landscape Architects

Dear Representative Olson,

I am writing in support of HB 167. As an eight year member of the State of Alaska Architects, Engineers, and Land Surveyors Board (AELS Board), I witnessed several instances where the statutes noted under HB 167 were manipulated to cut corners and put the general public at risk. Strengthening these statutes will improve public safety and guard against unscrupulous individuals in both the design and construction communities.

AS 08.48.221 Seals and AS08.48.281 Prohibited Practice:

Originally designed to allow multiple engineering disciplines to stamp a drawing and indicate which portions of the design they were each taking responsibility for, this section of the statute has now been exploited to allow designers to opt out of taking responsibility for large portions of a design. In essence, those parts of the design are being constructed with no liability. This is a fundamental part of professional licensure. You are certifying to the public that their end product (be it a building, road, bridge, etc) is safe. If it is not safe, the professional licensee has legal liability for that mistake. In my mind, the reasons why someone may not take responsibility for a portion of design is that they either a) disagree with the final design and don't want to take responsibility for it or b) do not have the proper education and experience to design that part of the system. In either case, this simply puts the public at risk. The appropriate design professional, who is knowledgeable about such systems, should be brought on the project and stamp that portion of the design. This is not done purely for cost only purposes.

AS 08.48.331 Exemptions

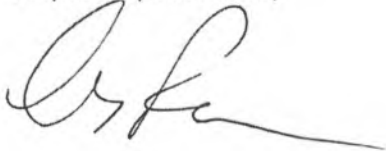
The specialty contractor provisions of this part of the statutes was inserted many years ago. I believe the original intent of including the verbiage "and design" under Exemption 7 was to recognize that there were other parts of the Alaska statutes that provide certifications/licenses to individuals, earned through formal education, testing, and experience, to design systems. It

was to ensure these individuals did not fall into violation of the provisions of AS 08.48 that says design work falls under the "Practice of Engineering". The primary example of this are the Fire Protection Contractors who are specifically licensed under 13 AAC 50.035 to provide design services without the need of an engineer. To obtain this license, the Fire Protection Contractors have to pass national training courses and accrue approved experience in their field of expertise to become licensed. A couple years ago, the AELS Board worked with the State Fire Marshal's office and the Fire Protection Contractors to better define this role and is now noted under a separate exemption (AS 08.48.331(a)(14)) in the statutes. Others who are now claiming to be "specialty contractors" do not have this rigor of education, testing, and experience to design systems. Nor do they have specific sections in the statutes granting them this authority in the State Statutes. This part of the statute is being exploited, and the general public would not know any better if they are receiving a safe design or not until it is too late.

There are other portions of HB 167, but they are mostly housekeeping items that I also agree with.

Thank you for your time and consideration.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'C. Fredeen', with a long horizontal flourish extending to the right.

Craig D. Fredeen, P.E.



6927 Old Seward Hwy, Suite 200 • Anchorage, AK 99518
Tel 907.349.9712 Fax 907.349.9713
www.eiceng.com

March 29, 2013

House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99801
Attn: Representative Kurt Olson, Chairman

Reference: House Bill 167

Dear Mr. Olson:

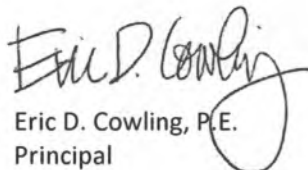
Please accept this letter of my support concerning House Bill 167, regarding the regulation of architects, engineers, land surveyors and landscape architects in the State of Alaska.

I, Eric Cowling, have been licensed and practiced as an electrical engineer within the State of Alaska for the past 16 years. Throughout my career, I have witnessed the improper use of seals, particularly in registrant's stamping documents outside their field of practice; as well as ambiguity regarding the level at which engineered drawings are required. Both of these acts have allowed for a minimum standard of design to be compromised. House Bill 167 addresses both of these issues and provides much needed clarity to the existing regulations.

The above mentioned happenings have resulted due to misinterpretations in the current regulations and statutes. Upon correction of these areas, through the passing of House Bill 167, licensed professionals would be better equipped to conform to the regulated standards set before them.

The clarification provided through House Bill 167 would require a higher level of accountability within the design and building trade community. The enforcement that the bill provides, by limiting professionals to work only within their areas of expertise, is much needed and would surely prove to provide and protect a higher level of public safety.

Sincerely,
EIC Engineers


Eric D. Cowling, P.E.
Principal

March 28, 2013

Jared F. Keyser, P.E.
3030 Seawind Drive
Anchorage, Alaska 99516

Representative Kurt Olson, Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99801

Dear Sir:

I am writing this letter to offer my support for HB 167 dealing with the proposed use of seals and prohibited practice by registered design professionals. As a registrant in three disciplines regulated by the State of Alaska AELS board, I am very aware of the issues that arise in overlapping or incidental practice situations between disciplines. I agree with the proposed regulation revisions and feel that they are necessary to specifically clarify the limits of practice. Implementation of these revisions will lead to consistent interpretation and practice throughout the State, which will in turn increase the protection of health, safety, and welfare of the public.

Thank you for considering this testimony of support for HB 167.

Sincerely,



Jared F. Keyser, P.E.
CE 9965, AR 13282, & SE 13425



March 28, 2013

Representative Kurt Olson
Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99801-1182

Subject: House Bill 167

Dear Representative Olson:

Having followed Harley Hightower, FAIA's work for many years, particularly his work in legislative affairs on behalf of practicing architects in Alaska, I am writing to support his petition for approval of House Bill 167.

When the revisions to the Architect and Engineers Licensing Law that introduced the exemptions referenced in this bill I was concerned about the potential for misuse of the regulation as a means to skirt the intent of the licensing law as it regulates the practice of architecture specifically, and of other professions. The revisions that this bill addresses were intended to cover minor structures and engineering related to larger projects that were already designed and engineered by licensed professionals, work that falls within the ordinary daily work of these subcontractors. That the law has been used to go beyond scope of exclusion intended, and as observed and documented by the AELS Enforcement and Advisory Board and experience of professionals in practice is indication of a need to modify and clarify the language.

The bill makes moderate and appropriate changes to the wording and language that make the intent more clear for the design and construction community and for the enforcement officials charged with its interpretation and implementation.

I urge the passage of this bill at this time.

Sincerely,

A handwritten signature in cursive script, appearing to read "John N. Crittenden".

John Crittenden AIA,
Vice President Architects Alaska
Former Director of AIA Alaska

Cc: Harley H. Hightower, FAIA



Engineering, Inc.

Designing in Alaska for Over 20 Years

Mechanical & Electrical Engineers

March 28, 2013

Representative Kurt Olson
Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, AK 99801

Dear Representative Olson:

REFERENCE: House Bill 167

As a professional engineer practicing in the State of Alaska, I offer my support for HB 167 dealing with proposed amendments to AS 08.48.221 Seals, AS 08.48.281 Prohibited Practice, AS 08.48.331 Exemptions, and AS 08.48.341 Definitions.

Buildings have gotten a good deal more sophisticated since the 1970's in Alaska. Professionalism in the design industry and the construction industry has generally increased greatly in support of the new ways to construct buildings. As the building design and construction industry gets more sophisticated, the regulations governing it must also reflect the level of responsibility required by all the players to construct safe and energy efficient buildings for the citizens of Alaska to use.

During our many years in Alaska, we at RSA Engineering, Inc. have come across many creative construction techniques from the past. Many of these things we find cost building owners many dollars in terms of energy use and some are dangerous to the building occupants. Many of these issues are a result of unpermitted construction or renovations. It's time for Alaska to close these loopholes and require safe construction by all contractors.

Thank you for the opportunity to submit this letter of support on this important issue.

Sincerely,

Mark R. Frischkorn, P.E.
Vice President

mrf/hhm
13-234/1.00

**ANCHORAGE
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www.rsa-ak.com



March 28, 2013

Representative Kurt Olson
Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99801-1182

Re: House Bill 167
An Act relating to the regulation of architects, engineers, land surveyors, and landscape architects

Dear Representative Olson:

I am writing in support of House Bill 167 regarding amendments to AS08.48.221 Seals, AS 048.281 Prohibited Practice, AS 08.48.331 Exemptions, and AS 08.48.341 Definitions.

These statute changes will offer clarity in the use of seals and requirements and responsibility for work under the registrant's seal. Additionally, the proposed statute changes will also serve to reduce life safety code issues in construction documents prepared by unqualified individuals.

I request your positive consideration in support of House Bill 167.

Sincerely,

Richard Rearick, AIA
Architect

RRR:rr



kpb architects

architecture planning interior design design-build

March 28, 2013

Representative Kurt Olson
Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99801-1182

RE: House Bill 167
An Act relating to regulation of architects, engineers,
land surveyors and landscape architects

Dear Representative Olson,

Please accept this letter in support of House Bill 167 dealing with the proposed amendments to AS 08.48.221 Seals, AS 08.48.281 Prohibited Practice, AS 08.48.331 Exceptions and AS 08.48.341 Definitions.

If additional information is required please contact me at (907) 274 7443 or by email jkoonce@kpbarchitects.com.

Sincerely
kpb architects

Jeffrey P. Koonce AIA



kpb architects

architecture planning interior design design-build

March 28, 2013

Representative Kurt Olson
Chairman
House Labor & Commerce Committee
Alaska State Capitol, Room 24
Juneau, Alaska 99801-1182

RE: House Bill 167
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If additional information is required please contact me at (907) 274 7443 or by email rreed@kpbarchitects.com.

Sincerely
kpb architects

Richard M. Reed AIA