

ALASKA LEGISLATURE

2331

HOUSE and SENATE FINANCE COMMITTEE FILES, 2001 - 2002

SITE: ANCHORAGE LIO

COMMITTEE:

Senate Finance

DATE: 3-19-2001

SUBJECT OF MEETING:

SCR 7-Health Care Cost Review Task Force

SB 4-Municipal Property Tax Exemption

SB 137-AK Human Resource Investment Council

SB 6-Mobile Home Park Eviction Notice

UPDATE #:



PLEASE SIGN IN

PLEASE PRINT:

NAME

ADDRESS (MAILING & ZIP)

REPRESENTING

**DO YOU WANT
TO TESTIFY?
Y or N**

NAME	ADDRESS (MAILING & ZIP)	REPRESENTING	DO YOU WANT TO TESTIFY? Y or N
Steve Van Sant		State Assessor	Ans ?s SB 4
Steve Van Sant			Ans ?s SB 4

SB

6

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

MAR 22 2001

SENATE FINANCE
COMMITTEE

DATE: 3/9/01

FURTHER:

DATE TURNED
IN TO OFFICE: 22 March 2001

Finance Committee considered

SENATE BILL NO. 6

MOBILE HOME PARK EVICTION NOTICE

"An Act relating to required notice of eviction to mobile home park dwellers and tenants before redevelopment of the park."
and recommends:

- be replaced with CS SB 6 (FIN)
- adopt previous CS CS forthcoming ()
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:
 same title
 new title
House Bill:
 same title
 technical title
 new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
Law	4/28/01		✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>		✓		
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>			✓	

SENATE FINANCE
COMMITTEE

Amendment Number: #1
Bill Number: SB 6
Sponsor: L. man Date: 3/20/01
Logged In By: Mindy

AMENDMENT

OFFERED IN THE SENATE
TO: CS SB 6 (L&C)

BY SENATOR LEMAN

Page 4, Line 2: following "provided in a valid lease."

INSERT:

If the change in land use requires relocating 10 or more mobile homes, the mobile home park owner or operator may contribute to a pooled relocation fund \$5,000 for each mobile home being relocated, and the relocation fund shall pay the actual disconnection, relocation, and reestablishment costs of each mobile home; however, the relocation fund may not be required to pay more than the total received from the owner or operator.

SENATE FINANCE COMMITTEE
2000 COMMITTEE ACTION

Bill Number	SB 6		
Amendment	# 1		
Motion			
<u>Motion by</u>			
<u>Objection by</u>			
Removed			
<u>Second Objection by</u>			
<u>Committee Member</u>	<u>Y</u>	<u>Vote</u>	<u>N</u>
Senator Olson			
Senator Ward			
Senator Wilken			
Senator Austerman			
Senator Green			
Senator Hoffman			
Senator Leman			
Co-Chair Donley			
Co-Chair Kelly			
<u>Tally</u>			
Yea			
Nay			
Absent			
MOTION	Adopted		

MAR 22 2001

SENATE FINANCE
COMMITTEE

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 6
(S) Publish Date: 3/9/01

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title "An Act relating to required notice of eviction BRU Civil Division
to the mobile home park dwellers and tenants . . ." Component Fair Business Practices
Sponsor Senator Ellis
Requester Senate Labor and Commerce Component No. 2206

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						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB 6 requires that when a mobile home is to be evicted from a mobile home park because the land is to be used for another purpose, the date to quit the park must be between April 1 and September 30. In addition, at least 365 days notice must be provided to the dwellers or tenant, unless the mobile home park operator finds a suitable place for the mobile home and pays certain specified costs for moving the home. In that case, 180 days notice is adequate, unless the lease provides for a longer notice period.

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone 465-5370
Division Attorney General's Office Date/Time 2/28/01 11:42 AM
Approved by: Kathryn Daughhettee for Bruce M Botelho, Attorney General Date 2/28/01
Agency Department of Law

For distribution information, call the Governor's Legislative Office

ALASKA STATE LEGISLATURE

Senate Rules Committee

Senate Judiciary Committee

Department of Law
Budget Subcommittee

While in Session
State Capitol, Rm. 9
Juneau, Alaska 99801
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Fax: (907) 465-2529

While in Anchorage
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Anchorage, Alaska 99501
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SENATE MINORITY LEADER

JOHNNY ELLIS

Sponsor Statement
Senate Bill 6

RECEIVED

MAR 09 2001

Senate Finance
Committee

In July 2000 an Anchorage rezoning decision evicted 220 lower-income mobile home owners and their families. This change created both a net loss of mobile home spaces as well as a decrease in available lower income housing. As communities have grown, areas once considered marginal for development have become more desirable which means more rezoning and evictions are expected.

As the specter of rezoning was raised in the spring of 2000, Archbishop Francis Hurley and United Way Director Dennis McMillian formed a task force to address how relocations of mobile home communities impact the larger community of Anchorage. The "Anchorage Response to Manufactured Housing Community Relocation" Task Force Report prepared a report for the Anchorage Assembly. This bill addresses the task force's legislative action recommendations.

What this bill does: It updates the Alaska Landlord Tenant Act to accommodate the needs of mobile home community members by changing the "notice to quit requirement" from 180 days to 360. Should the landlord not wish to give 360 days notice, they may still give 180 days notice with the requirement then to pay up to \$5000 in relocation fees of the tenant. The increase in notice is intended to allow the displaced residents to find a new space for their mobile home, or save up the deposit and other fees before moving into an apartment.

Who supports this bill: Catholic Social Services, the Archdiocese of Anchorage, the Salvation Army, and mobile home community residents.

This bill is important because it helps to form a strategy to alleviate the strain involved with the loss of affordable housing stock caused by displacement of residents in manufactured home communities as there is continuing rezoning and commercial redevelopment. By helping to soften the blow and smooth the transition in an eviction this bill would take a proactive stance in preventing the disenfranchisement of a potentially at risk segment of society.

I recommend support and swift passage of this important piece of legislation.

ALASKA STATE LEGISLATURE



Senate Rules Committee
•
Senate Judiciary Committee
•
Department of Law
Budget Subcommittee

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SENATE MINORITY LEADER JOHNNY ELLIS

Sectional Analysis Senate Bill 6

According to the Legislative Legal Department this bill requires that a mobile home park tenant being evicted due to a change in the use of land be given one year's notice, unless the park owner or operator pays the costs of relocating the mobile home. It also adds the provision that tenants evicted due to a change in land use may not be made to vacate during the winter.

Section 1. Changes the wording of the definition of unlawful holding by force. The change is to stay in uniform with the new notice provisions of section 3.

Section 2. Changes the subsection on reasons for evicting a mobile home park tenant to take into account the new notice provisions of section 3.

Section 3. Adds a new subsection requiring that a mobile home park tenant being evicted due to a land use change be given a quit date between April 1 and September 30 and at least 365 days notice of eviction, unless the mobile home park owner or operator pays the actual cost of moving the mobile home, not to exceed \$5,000 in which case only 180 days notice is required.

Section 4. This section adds the requirement that the quit date fall between April 1 and September 30 to the existing law which provides for one year's notice for a mobile home park tenant being evicted due to a change in land use. It is a change to correspond to the changes made in section 3.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 7, 2001

SUBJECT: Sectional Summary of Notice of Eviction to Mobile Home Park Dwellers (SB 6)

TO: Senator Johnny Ellis
Attn: Tyson Fick

FROM: Kathryn L. Kurtz *KK*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

This bill requires that a mobile home park tenant being evicted due to a change in the use of land be given one year's notice, unless the park owner or operator pays the costs of relocating the mobile home. It prohibits park owners and operators from requiring these tenants and mobile home park tenants whose parks are being converted to common interest communities to vacate during the winter.

Section 1. Changes the definition of unlawful holding by force in the landlord tenant act to take into account the new notice to quit provisions of section 3.

Section 2. Changes the subsection on reasons for evicting a mobile home park tenant to take into account the new notice to quit provisions of section 3.

Section 3. Adds a new subsection requiring that a mobile home park tenant being evicted due to a change in the use of the land on which the mobile home is located be given a quit date between April 1 and September 30 and at least 365 days notice of eviction, unless the mobile home park owner or operator pays the actual cost of moving the mobile home, not to exceed \$5,000, in which case only 180 days notice need be given.

Section 4. Existing law provides one year's notice for a trailer park tenant being evicted due to a conversion to a common interest community; this section adds a requirement that the quit date fall between April 1 and September 30, to correspond to the changes made in section 3.

KLK:glc
01-106.glc

ALASKA STATE LEGISLATURE

Senate Rules Committee

Senate Judiciary Committee

Department of Law
Budget Subcommittee

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SENATE MINORITY LEADER JOHNNY ELLIS

MEMORANDUM

March 8, 2001

To: Senate Finance Members

From: Senator Johnny Ellis 

RE: Senate Bill 6

RECEIVED

MAR 09 2001

Senate Finance
Committee

I am writing in response to Senator Torgerson's question about SB 6 during the March 8th Senate Labor and Commerce hearing. The question was regarding when the clock started relating to the 365 day notice requirement. According to language in the bill the clock starts "following service of written notice to quit." (Section 1, Page 2, lines 23 and 24) This means that the quit date is one year from when the owner and tenants are notified of eviction in written form.

Thank you for the question, I hope this makes clear the area of confusion.



The Salvation Army

Alaska Divisional Headquarters

Mailing Address: P.O. Box 101459
143 E. Ninth Avenue · Anchorage, Alaska 99510-1459
(907) 276-2515 · FAX (907) 276-1424

Founded in 1865
By William Booth
John Gowans
General
David Edwards
Territorial Commander
Terry W. Griffin
Divisional Commander

February 15, 2001

ALASKA STATE LEGISLATURE
Senator Johnny Ellis, Minority Leader
FAX #1-907-269-0172; Attention: Tyson Fick
Anchorage, Alaska

**RE: Sectional Summary of Notice of Eviction to Mobile Home Park Dwellers
Senate Bill 6**

Dear Senator Ellis:

On behalf of The Salvation Army Alaska Division and the Divisional Commander, Lt. Colonel Terry W. Griffin, I am writing this letter in support of Senate Bill 6 (which includes the amendments for tenants and landlords of mobile home parks).

This bill is important because it helps to develop strategy to alleviate the strain involved with the decrease of affordable housing caused by the displacement of residents of mobile home parks due to rezoning and commercial redevelopment in the Anchorage area.

Please add our names to the list of supporters for this Bill.

Thank you for your attention and assistance.

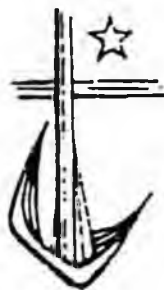
Sincerely,

C. Joe Murray, Major
DIVISIONAL SECRETARY

C/c: Lt. Colonel Terry W. Griffin, Alaska Divisional Commander
Dennis McMillian, Director, United Way of Anchorage

100
1898 - 1998

Into a Second Century of Service



ARCHDIOCESE OF ANCHORAGE

225 CORDOVA STREET • ANCHORAGE, ALASKA 99501
907/248-7898 • FAX: 907/279-3885

February 13, 2001

Senator Johnny Ellis
State Capitol, Room 9
Juneau, AK 99801-1182

Re: **SB 6 - An Act relating to required notice of eviction to mobile home park dwellers and tenants before redevelopment of the park.**

Dear Senator Ellis:

I am writing in support of SB6. As you know, the Anchorage community is faced with the possible rezoning of two manufactured home communities - Alaska Village Mobile Home Park and Plaza 36 Mobile Home Community. Several hundred residents will be displaced if the Municipality of Anchorage approves these rezoning petitions and the development goes forward.

During the past year, I had the privilege of serving on the Anchorage Manufactured Home Community (MHC) Task Force, formed specifically to address the potential suffering that might result from the displacement of hundreds of families. Those serving on the task force found that the issues were formidable:

- 1) there would result a loss of already scarce affordable housing due to the closure of manufactured home communities;
- 2) homes not code compliant, but having grandfather rights, would require costly code compliance when moved;
- 3) older manufactured homes are no longer moveable or may not be acceptable in existing manufactured home communities;
- 4) the cost of disconnecting and relocating a home is prohibitive to many MHC residents;
- 5) self-sufficient individuals and families may be forced into poverty due to the cost of a move or the loss of their manufactured home due to its age and lack of mobility.

SB 36 mirrors legislation that was recommended in the Task Force Report. It provides some incentive for the owner/developer to consider the needs of the tenants when changing the use of the property. By expanding the notice requirement to 365 days, it was the hope that tenants would have adequate time to make relocation plans and,

if necessary, seek the assistance of social service agencies. However, not to unduly burden the owner/developer, the proposed legislation allows the owner/developer to essentially "buy down" the time to 180 days, by compensating the tenants for the costs of their move.

It should be noted that the \$5,000 maximum compensation in the proposed legislation also appeared in the Task Force Report. This amount was not the result of any specific study of relocation costs on the part of the Task Force. In fact, the cost of disconnecting, relocating, and reestablishing a manufactured home might well exceed \$5,000.

While serving on the Task Force and working with the tenants of manufactured home communities, it became apparent to me that mass displacement places an undue burden on the tenants and the social services of the community. If a change of use is, indeed, in the best interest of the community, then efforts to alleviate suffering of displaced persons must be shared by the owner/developer and the community.

SB6 is one step toward protecting the interests of manufactured home owners in Alaska. It does not address the needs of those whose homes will be lost in any change of use of a manufactured home community, but it is a first step. Further efforts will, undoubtedly, be required at the local level.

I urge you to support SB6.

Respectfully,



Angela A. Liston
Director
Department of Justice and Peace

Catholic Social Services
Beyond Shelter Program
276 3046

Memorandum

To: Senator Bettye Davis
Senator Johnny Ellis
Cc: Representative Eric Croft
Representative Lisa Murkowski
From: Stephanie Wheeler
Date: 02/28/01
Re: Senate Bill 6

I am the Program Director for the Beyond Shelter and St. Francis House programs – programs of Catholic Social Services.

Thank you for the opportunity to provide input for Senate Bill 6. Currently the Beyond Shelter Program is assisting with the relocation planning of forty-two (42) Plaza 38 residents needing to relocate the Plaza 38 Mobile Home Community by May and July. The concerns/issues of relocating a mobile home community are many and Senate Bill 6 addresses two of these major concerns for residents needing to relocate: adequate notice of closure and financial compensation for relocation costs.

Adequate planning for Mobile Home Residents is crucial for residents who are impacted by the redevelopment of their community. A 365-day notice will help residents explore options and finalize a plan for relocation. Additionally, Senate Bill 6 addresses the issue of relocating during appropriate seasons, so residents are not being forced to move during the winter months.

In conjunction with adequate planning time, financial compensation will assist residents with some of the relocation costs so that residents are not forced to abandon or sell their homes but can successfully relocate their homes to another area.

Mobile Homes/parks help meet the housing needs and provide a source of low cost housing to many families living in Alaska. We encourage the legislature to begin addressing other issues such as code compliance (or neglect issues) and help to establish acceptance for resident-owned mobile home communities in the private market. The cost for inspections and upgrades can be overwhelming for many residents who need to bring their homes up to code.

As two Anchorage area mobile home communities currently face the challenge of relocation, the total impact will not be fully understood until residents actually relocate. It is our hope that residents currently facing relocation and those who may be facing relocation in the future are not left homeless by this process. Thank you!

Alaska State Legislature

February 26, 2001

House Representative Eric Croft
House Representative Lisa Murkowski
House Representative Sharon Cissna
House Representative Beth Kartulla
State Senator Johnny Ellis

RE: HB 11 An Act relating to required notice of eviction to mobile home park dwellers and tenants before redevelopment of the park.

Dear Legislators:

We totally support House Bill 11, and its companion Senate Bill 6. We wish to thank you for your sponsorship. On our behalf you have acted on the Mobile Home Task Force Report recommendations to provide us statutory protection.

The increase in the notice period and the calendar restrictions for moving are sorely needed and are excellent as written. But regarding the money, we are very concerned that it's not enough to prevent the loss of homes.

When the task force made their recommendations, we didn't have any actual moves to learn from. Now we do. We've located people who have moved their mobile homes, and the costs far exceed \$5,000.

We urgently request that further research into these costs be made and the money figure changed if necessary to protect our homes.

For further research, we provide you a list of the following people who have already moved:

Dean & Maria Boyle, 907-332-1986
Ron Okegawa, 907-333-6807
Allen Hood, 907-333-4370

Linnie Pacillo, 907-338-0268
Ken Kropidowski, 907-338-0533
Kim Baughman, 907-338-8650

We will continue to work at the Anchorage Assembly level to urge passage of local ordinances we need for our protection. At the state level, we appreciate all your efforts on our behalf - your bills are a giant first step to eventually provide an umbrella of protection to all mobile home tenants.

Sincerely,

The Alaska Manufactured Home Resident Advisory Council
Mobile Home Residents
Concerned Citizens

Newly from MURKIN 243.1558
Annette's Neighborhood House
337-7005

BILL BOBBIK 272-3050
Stephanie Wilson 276-3046

563-1625
Lim
2/3-0543

FATHERS BRIG 694-1575
BYRON STANLEY 929-3021
338-8296

SMENSES
276-3046
272-2791

4987
571-2526
572-2508

437-0139
563-2950

571-3046
MURKIN (276-6991)
572-2510
189

Anchorage Response To
Manufactured Housing Community
Relocations

Task Force Report

Overview

In the spring of 2000, Archbishop Francis Hurley contacted Dennis McMillian, Executive Director of United Way of Anchorage, concerning the inevitable relocation of residents of Alaskan Village Mobile Home Court. Archbishop Hurley was concerned that while many of the residents, though inconvenienced by the relocation, would be able to adapt to the change, some of the residents would not successfully move their home and adapt to new surroundings. There was legitimate concern that this relocation could, in effect, create a new group of high risk, potentially homeless, citizens.

In June of 2000, Dennis McMillian and Angela Liston representing the Archdiocese, met with members of the "Go Team", a grass-roots citizens group consisting of residents of Alaskan Village. At that meeting, it was determined that the emphasis of the Archdiocese and United Way effort would be to focus on researching how this relocation issue impacts the entire community and future neighborhood relocations, rather than focusing on the Alaskan Village move. However, it was also determined that if at all possible the effort would attempt to produce a report that could give guidance to the residents, the developer and the Municipality on the Alaskan Village relocation.

After that meeting, Dennis McMillian, Angela Liston, and Karleen Jackson, Executive Director of Catholic Social Services, (CSS), determined that United Way and CSS should convene a task force to review the issues and produce such a report. They met with members of the Assembly in mid-July to seek their approval and assistance in this effort and received their support.

On June 29, 2000, a group of forty citizens comprised of residents of manufactured home communities, professionals involved in the housing industry, government officials, bank officers, non-profit professionals, and planners met to discuss the issues and determine a course of action. This large group divided into four work groups with specific responsibilities. They were:

- Community Data - A group responsible for gathering the best available data on the number and location of manufactured home communities, the available spaces in those communities, and to the best of their ability, indicators of how such communities could identify their risk of re-development; and,
- Code Compliance - A group with the responsibility to look at existing building codes and code enforcement efforts regarding the manufactured housing industry in Anchorage and Alaska; and,
- Community Response - A group with responsibility to develop a comprehensive list of services available to assist individuals and/or their homes relocated by such re-development. They were also tasked to determine how this information could be made available to the public; and
- Community and Legal Support - This group was tasked with reviewing legislative actions taken in other states that could be useful in Alaska, and

determining what volunteer efforts in the community could lessen the impact on displaced residents.

The individual groups met during July and prepared a draft report for full group review on July 27. Final revisions were made and submitted by mid-September in preparation of this report.

The volunteers involved in this effort are to be commended for their long hours and hard work developing what we hope to be a non-biased report to the Anchorage Assembly and Mayor for review.

Team Members

<u>Name</u>	<u>Group Affiliation, if known</u>
MHC Task Force Facilitators:	
Dennis McMillian	United Way of Anchorage
Kelly Fehrman	Catholic Social Services
Karleen Jackson	Catholic Social Services
Community Data Team:	
Facilitator:	
Barbara Symmes	Providence
Members:	
Loretta DeBord	Alaska Village "Go" Team
Jewel Jones	MOA
Norman Kallander	CIHA
Kevin Waring	Anchorage Citizen
Bob Maier	Alaska Manufactured Homes Assn
Denise Henderson	Rep. Pete Kott
Sue Fison	MOA
Fred Jenkins	United Way
Sheila Howe	Northeast Community resident
Ronnie Stork	Muldoon Family Center
Pastor Ron Martinson	Alaska Lutheran Synod
Community Compliance Team:	
Facilitator:	
Tim Sullivan	Weed and Seed Project
Members	
Melinda Taylor	Anchorage Assembly
Paul Johnson	HUD
David Pree	Rep. Eldon Mulder
Jeri Walters	NBA
Will Theuer	Anchorage Citizen
Mac Carey	Carey Homes
Mackenna John	Alaska Village "Go" Team
Hazel Welch	Manufactured Home Resident

Team Members (continued)

<u>Name</u>	<u>Group Affiliation, if known</u>
Community Response Team:	
Facilitator:	
Gail West	HUD
Members	
Jan Jones	Consumer Credit Counseling Services
Norm Kallendar	Cook Inlet Housing Authority
Mary Jane Michael	Anchorage Neighborhood Housing Services
Pastor Wilbert Mickens	Good Shepherd Baptist Mission
Brenda Moore	Christian Health Associates
Rev. Ted Moore	Leake Temple
Teresa Nelson	Key Bank
Judith DeSpain	Alaska Housing Finance Corp.
Lynn Taylor	Municipality of Anchorage
Sam Meneses	Catholic Social Services
Barbara Baker	AHFC
Kris Duncan	AHFC
Community and Legal Support Team:	
Community Response Team:	
Facilitator:	
Liz Forrer	Alaska Humanities Forum
Members:	
Angela Liston	Archdiocese of Anchorage
Julie Bailey	Northrim Bank
Chris Main	
Mac Carey	Carey Homes
MacKenna Johns	Alaska Village "Go" Team
Rebecca Powell	
Individuals not listed in teams above who attended Task Force Meetings:	
Laura Robertson	
Judy Billington	Manufactured Home Resident
Clark Rukelderfer (sp?)	Manufactured Home Resident
Lorna Roberts	Alaska Village "Go" Team
Lanny Bennett	Alaska Village "Go" Team
Miriam Mastacusa	Anch Assembly - Ceryl Clementson

Community Data

This team's task was to do research and present facts and data as a basis for assumptions that it or other teams might present in the final report.

Abbreviation: MHC = Manufactured Home Communities (this terminology is used to denote groups/communities of mobile homes/manufactured homes)

Facts:

1. Team leaders secured a map of the Anchorage bowl from the MOA showing all existing individual manufactured homes and manufactured home communities (MHC's). Two-thirds of MHC's and MH spaces lie within the Renaissance Zone and within northeast Anchorage.
2. Commercial redevelopment of MHC's reduces the availability of scarce residential land in the Anchorage Bowl. In this regard, one of the strategies recommended in the Draft Anchorage 2020 plan (page 55) is: "Avoid the loss of new housing capacity from rezoning of residential land for other uses". The effect on housing supply of potential rezoning of Alaska Village and other MHCs, as well as vacant residential land, is the issue this strategy was meant to address.
3. Because of location and size of tracts, MHC's are at risk for closure for commercial redevelopment.
4. More than 50% of manufactured homes in MHC's were built in the 1970's (MOA Planning Dept). Current zoning, codes, MHC restrictions, and age/condition of MHC's present significant obstacles to relocation of older manufactured homes.
5. The median value of manufactured homes in Anchorage is \$11,400 (MOA Planning Dept).
6. The 2000-2002 MOA Housing & Community Development Consolidated Plan notes the shortage of affordable housing stock. Access to both rental and homeownership opportunities is constrained among Anchorage's low and moderate income households. The only neighborhood in which the median selling prices for homes is affordable to very low, low, or moderate income families is Mountain View at \$69,607 (Housing MLS data updated 6/30/99)
7. Many of the existing MHC's have water, sewage, and soil contamination problems.
8. Four Seasons is the only existing MHC in Anchorage that is redeveloping into a modern MHC.
9. Thirty-four of the sixty-six MHC's in Anchorage have less than 30 spaces. Of the total of 5,713 spaces in MHC's in Anchorage, 4545 (80%) are occupied. Neeser Construction is surveying MHC's in Anchorage to determine the number of available spaces.

Assumptions:

1. Displacement of residents will continue as MHC's undergo rezoning and commercial redevelopment.
2. There is a shortage of public strategies to alleviate the loss of affordable housing stock caused by displacement of residents in MHC's that are closed.

Code Compliance

The study group met numerous times to discuss current codes and zoning that affect Manufactured Housing Communities (MHC) and the residents of those neighborhoods. These meetings were prompted by the recent request for a change in zoning at Alaska Village.

First, we had to examine the codes that applied to the MHC and determine if there were any codes that were extraordinary regarding Manufactured Housing. We found none. In fact, we observed that the code dealt well with the life, health and safety issues codes are intended to address.

However, what became obvious after interviewing members of the Alaska Village Community and other manufactured home representatives was that the Municipality's ability to enforce code was hampered by the judicial system. The judiciary is reluctant to enforce to the letter of the law when it means families are being evicted from their homes. The question of private property rights is ever present regarding enforcement in the manufactured housing communities.

Those homes that are pre 1976 are grandfathered, insofar as code is concerned. However if and when the home moves it then falls under the current code. Required updates can be quite costly. For instance, a home could need new wiring, a new electrical box, a new water heater, a new furnace, and a new roof, all in addition to the cost of physically moving the home. In some cases the home might not be worth moving, because of structural problems and the aforementioned code issues. Title of the homes is an issue for owners who did not receive one at the time of sale and still do not have one. Delinquent personal property taxes will be an issue for some.

We have also recently been made aware of inconsistency with regard to inspections. When a home is ready to move there is a pre-inspection to let the home owner know approximately what items will need to be replaced or repaired when they arrive at their new neighborhood. However, it seems that a different inspector requires different compliance at the new community that costs the homeowner much more that they had originally anticipated. Improved coordination and internal communication by the MOA would benefit the homeowners.

Options offered by the Code and Zoning Study Group are:

- The MOA could review its inspection process so that the homeowners will be impacted minimally by the stress of voluntary or involuntary move.
- The Municipal Assembly could resurrect the Manufactured Housing Ordinance that has been languishing in MOA Legal since December of 1998. This ordinance would permit post-1976 manufactured homes to be treated the same as conventional site-built homes.
 - Any zoning of residential land to business or commercial needs to be done with the highest concern for affordable housing needs in Anchorage...perhaps a land swap to make a no net loss of residential land.

Community Response

Committee Discussion

The committee identified four groups of people who may need the resources identified by the committee for assistance during the closure of a manufactured home community.

Those four groups are:

- potential homebuyers
- potential renters
- potentially homeless
- people who are able and want to move their current manufactured homes to a new community

Within the four groups, two subgroups were also identified:

- the disabled
- seniors

To gather information on resources that may be helpful to the four groups and two subgroups, the committee created a survey to identify a wide variety of resources.

Committee Action

The committee surveyed potential resources and identified an existing, but little used, database of resources for the homeless and very low income.

- surveyed all agencies, organizations and businesses that received the Anchorage Consolidated Plan
- surveyed utilities that may have delayed-payment plans or options for families who are unable to pay the full deposit for a new hook-up
- identified

Responses to the survey have been compiled and are currently being merged into the existing database of resources. Completion of this project is tentatively schedule for mid-November 2000.

Once the final database is complete, it will be housed at the Municipality of Anchorage (through the Safe City program), and will be linked to: Alaska Housing Finance Corp., AKinfo, Cook Inlet Housing Authority and HUD Web pages.

Community and Legal Support

The first issue this group worked on was to understand the lifestyle of many residents of manufactured home communities. Many individuals strongly feel that living in manufactured housing, as compared to apartments or condominiums enhances their lives. They urge the Anchorage community to find ways and means to accommodate their choice to live in manufactured housing. Many feel that with current land use conditions, their lifestyle is in jeopardy.

This committee also determined that when a manufactured housing community is relocated, there should be formalized support from the larger community to help individuals adapt to the change. Although the comparison of persons displaced by a natural disaster did not ring true to all participants, all agreed that neighborhood relocation is a traumatic experience for those affected therefore support from others could help with the transition.

This committee recommends that some organization facilitate an event similar to A Day of Caring, to help residents successfully complete such relocations. The plan would be to call on volunteers and community groups to "adopt" individuals and/or families and assist them during their relocation. Work continues to determine the appropriate organization to head such an effort.

The other task of this group was to review legal options for the Municipality and State. The following pages describe some of these options.

Proposed Legal Protections of Mobile Home Communities

The recently proposed rezone of Alaskan Village Mobile Home Court has brought myriad issues to the fore, not the least of which is the inadequacy of current law in Alaska. The law provides only that the owner of a manufactured housing community who has chosen to redevelop the property for another use must give community residents a 180-day notice to vacate the property.¹

While the current law addresses only the issue of "notice", there are many related areas of financial and human impact which the landowner, developer, and MHC resident must resolve. Several problem areas could be addressed through state or municipal legislation.

The first issue is the human impact of any redevelopment of residential properties. At a recent Planning and Zoning Commission public hearing on Alaskan Village, several commissioners stated they could not address the displacement of manufactured housing community residents, causing immense frustration on the part of the residents. The Mobile Home Task Force recommends enactment of ordinance that requires a human impact statement whenever a MHC is considered for rezoning. For example:

The person or entity applying for a change of use of a MHC must submit a report to the Municipality on the impact of the conversion of use. Included in the report would be availability of adequate replacement housing, whether "real property" rental units or spaces in other MHC's parks, and the predicted actual relocation costs. The Municipal Assembly may require that, as a condition for the approval of the change of use, the person or entity applying for the change mitigate any adverse impact of the conversion.²

The Task Force suggests that a governmental organization/agency or some group other than the applicant for the land usage change should be the entity required to research, compile, and submit the impact statement.

A second and related issue is that many residents cannot afford to move their homes. The redevelopment of a MHC can force self-sufficient individuals and families into poverty and a position of requiring charity. The Task Force considered several legislative approaches to this problem including the following:

The owner of a manufactured housing community who has chosen to redevelop the land for another use must give community residents a 365-day notice to quit the property, with a quit date during the calendar year falling no earlier than April 1 and no later than September 30. An owner or developer can choose to give a 180-day notice contingent on:

- a) *the owner/developer finds suitable places for the residents to move their homes; and*

¹ AS 34.03.225

² See California Government Code 65863.7

- b) *the owner/developer pays the disconnection, relocation, and reestablishment costs (DRR)³ of the mobile home, or \$5,000, whichever is less.⁴*

Another approach to the financial difficulties that arise when a MHC is redeveloped and families are displaced is the development of a "relocation fund." The Task Force considered several possibilities for building and maintaining such a fund including the following:

The Municipality of Anchorage shall establish a "manufactured housing relocation fund" to be managed and invested by a director and a board. In case of a change of use, Mobile Home Community residents may apply to the fund for relocation expenses. The owner/developer will reimburse the fund a minimum of \$1000 per resident applying to the fund.⁵

The fund will be created through one or a combination of the following:

- a) *each manufactured home owner shall be assessed a personal property tax to be deposited into the "manufactured home relocation fund"; AND/OR*
- b) *the \$50 fee required at the time of the title transfer of a manufactured home will be deposited into the "manufactured home relocation fund"; AND/OR*
- c) *a portion of current personal property taxes of manufactured home owners shall be diverted to the "manufactured home relocation fund"; AND*
- d) *when the relocation fund reaches a specified dollar amount, the tax/fee will no longer be assessed.*

³ The disconnection, relocation, and reestablishment costs are defined as the cost of the actual physical move, including disconnecting and reconnecting utility hook-ups, obtaining the necessary permits, installing tie-downs, ground anchors and strapping, completing the blocking, leveling, insulating and skirting, and putting the exterior of the home in a MOA code compliant condition.

⁴ See Oregon Civil Code 90.630(6)(b)

⁵ See Arizona Code, Chapter 11, Section 33-1476 *et seq.*

Conclusions

This task force was formed to focus attention on a specific segment of our community. While the Comprehensive Plan does address affordable housing, it did not include much specific mention of manufactured housing options. It is obvious to this group that while many Anchorage citizens may not regret the demise of this housing option, others see manufactured housing communities as a valid, viable, affordable housing choice and do not want Anchorage to lose this option.

Manufactured housing community resident's fear is that if their issues are not on the table for discussion, their housing option will eventually disappear through neglect. The task force is suggesting that more discussion be held on the benefits and challenges produced by and related to this housing option.

The task force also suggests that during relocations of manufactured housing communities, that all segments of the community should be mobilized, as in a "natural" disaster, to insure residents are not negatively impacted by the relocation.

Through the efforts of the members of the task force and organizations involved, the individual committee reports have outlined how appropriate responses can be made by all sectors of the larger community. Addressing code issues and legislation also seem to be in order.

The Task Force had not endorsed any specific legislative actions, but has outlined a selection of the many options available that could minimize or alleviate the negative impact currently experienced by displaced residents.

**Municipality
of
Anchorage**



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4431
Fax: (907) 343-4499
<http://www.ci.anchorage.ak.us>

George P. Wuerch, Mayor

OFFICE OF THE MAYOR

March 19, 2001

Senator Johnny Ellis
Alaska State Legislature
State Capital (MS 3100)
Juneau, AK 99801-1182

Re: SB 6
Mobile Home Park Eviction Notice

Dear Senator Ellis,

Thank you for sponsoring SB 6, regarding Mobile Home Park Eviction Notices.

Mobile homes have provided an important affordable housing alternative for Anchorage residents. However, as developable land in the Anchorage area becomes more scarce, the land occupied by mobile home parks has become a target for other uses.

Senate Bill 6 extends the eviction notification period for tenants and mobile home owners and provides for reasonable relocation expense reimbursement in the event of a shorter notice period.

The Municipal Assembly, with the concurrence of Mayor Wuerch recently passed an assembly resolution (AR 2001-68) supporting such changes as proposed in SB6. We believe these changes are reasonable and prudent.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Rogers".

Tim Rogers
Legislative Program Coordinator

MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 269-2001

Meeting Date: March 13, 2001

1 From: Mayor

2
3 Subject: AR 2001-68; Supporting Legislation to Enlarge Time for Notice of Eviction
4 from Mobile Home Parks.
5

6 Alaska Statutes 34.03.225(a)(4) provides in pertinent part:
7

8 (a) A mobile home park operator may evict a mobile home or a mobile home park
9 dweller or tenant only for one of the following reasons:

10 * * *

* * *

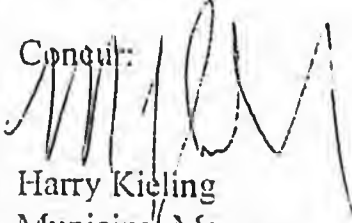
* * *

11 (4) a change in the use of the land comprising the mobile home park, or the
12 portion of it on which the mobile home to be evicted is located; however, all
13 dwellers or tenants so affected by a change in land use shall be given at least 180
14 days' notice, or longer if a longer notice period is provided in a valid lease.
15

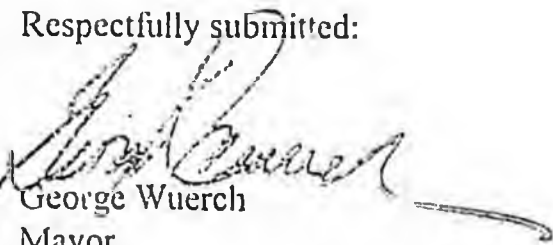
16 AR 2001-68 requests the Legislature to enlarge the 180 notice required by this statute for notice
17 of eviction set out above.
18

19 THE ADMINISTRATION CONCURS IN THE RECOMMENDATION OF THIS
20 RESOLUTION.

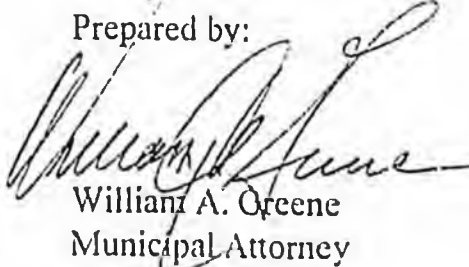
21
22 Concur:

23 
24
25 Harry Kielling
26 Municipal Manager
27

28
29 Respectfully submitted:

30
31 
32
33 George Wuerch
34 Mayor
35

Prepared by:

30
31 
32
33 William A. Greene
34 Municipal Attorney
35

Submitted by: Assemblymember TAYLOR
Prepared by: Assembly Office
For reading: FEBRUARY 27, 2001

ANCHORAGE, ALASKA
AR 2001 - 68

A RESOLUTION OF THE ANCHORAGE MUNICIPAL ASSEMBLY SUPPORTING
LEGISLATION PROPOSED TO THE ALASKA STATE LEGISLATURE TO
INSTITUTE CHANGES IN THE REQUIRED EVICTION NOTIFICATION TO MOBILE
AND MANUFACTURED HOME COMMUNITY DWELLERS AND TENANTS BEFORE
REDEVELOPMENT OF THAT COMMUNITY.

WHEREAS, commercial redevelopment of manufactured home communities reduces the
availability of scarce residential land in the Anchorage Bowl; and

WHEREAS, because of location and size of tracts, manufactured home communities are
at risk for closure for commercial redevelopment; and

WHEREAS, the 2000-2002 Municipality of Anchorage Housing and Community
Development Consolidated Plan notes the shortage of affordable housing stock; and

WHEREAS, current zoning, codes, manufactured home community restrictions, and
age/condition of manufactured home communities present significant obstacles to the relocation
of older manufactured homes; and

WHEREAS, the residents of manufactured home communities will continue to be
displaced as rezoning and commercial redevelopment continues; and

WHEREAS, there is a shortage of public strategies to alleviate the loss of affordable
housing stock caused by the displacement of mobile home community residents in commu...ities
that are closed.

NOW, THEREFORE, the Anchorage Municipal Assembly resolves:

That the Assembly urges the Alaska State Legislature to support legislation that would
lessen the impact on residents of manufactured home communities in the form of lengthening
the time for notice of eviction before redevelopment of the community.

PASSED AND APPROVED by the Anchorage Municipal Assembly on this 13 day of
March, 2001.

Fay Von Lemmergen
Chair

ATTEST:

Wicki Cantrell
Municipal Clerk
Deputy

**SENATE COMMITTEE REPORT
First Committee of Referral**

DATE: 1/8/01

FURTHER: Finance

Date of 5-Day Notice: 2-22-01
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: 3-8-01

Labor and Commerce Committee considered SENATE BILL NO. 6

"An Act relating to required notice of eviction to mobile home park dwellers and tenants before redevelopment of the park."

and recommends:

- be replaced with _____ CS SBL (L+C)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

- Senate Bill:**
 same title
 new title
House Bill:
 same title
 technical title
 new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DOLaw	2/26/01		0	1

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Bill E. Hill</i>	✓			
<i>Bethany Davis</i>	✓			
<i>Walter</i>	✓			
<i>Gregory</i>	✓			
<i>Plaza</i>			✓	
CHAIR:				

SENATE FINANCE COMMITTEE

SIGN-IN

SB 6-MOBILE HOME PARK EVICTION NOTICE

NAME: Tyson Fick Subject/Bill No: SB6
Co./Dept./Title: STAFF TO SENATOR ELLIS Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: SENATOR JOHNNY ELLIS Subject/Bill No: SB6
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

NAME: _____ Subject/Bill No: _____
Co./Dept./Title: _____ Phone: _____
Address: _____ Zip: _____
Do you wish to testify? Yes No Respond To Questions

SB

9

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: February 7, 2001

FURTHER REFERRALS:

Date of Committee Action: 2/20/01

The FINANCE Committee considered:

CSSB 9(L&C)

CS FOR SENATE BILL NO. 9(L&C)

BD OF ARCHITECTS, ENGINEERS, LAND SURV. ETC

"An Act extending the termination date of the State Board of Registration for Architects, Engineers, and Land Surveyors; relating to the temporary member of that board; and providing for an effective date."

Recommends it be replaced with CS () [] Same Title [] New Title
 For Senate Bills with new title: [] Technical Title [] New Title: HCR _____

- [] attach amendments
- [] add new referral to _____ Committee
- [✓] Letter of Intent FINANCE Committee

List of Abbrev. For Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LAA
 LAW
 LWF
 MYA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*For Chief Clerk's Office Use Only				
FN# *	List by Dept(s):	Fiscal	Indet.	Zero
1	HFC	✓		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN #	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Bunde	✓			
	Whitaker	✓			
	Croft	✓			
	Davies	X			
	Lancaster	X			
	Hudson	✓			
Chair:	Mulder			✓	
Chair:	Williams	✓			

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						
TOTAL OPERATING	3.0	317.0	317.0	317.0	317.0	0.0

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	
TOTAL	3.0	317.0	317.0	317.0	317.0	0.0

Estimate of any current year (FY01) cost: _____

POSITIONS

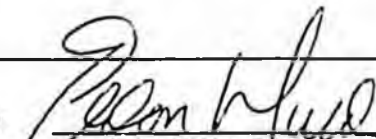
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

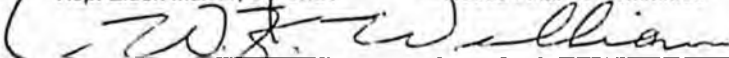
The bill extends the State Board of Registration for Architects, Engineers, and Land Surveyors to June 30, 2005. The Board meets four times each year and the increase for FY02 (3.0) shown on this fiscal note will fund travel for the landscape architect position when attending meetings and exams in Anchorage,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

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:

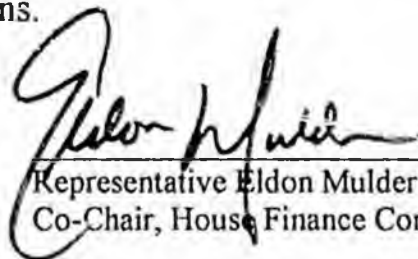
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- Licensure of architects by comity: The Board shall report if it intends to modify the current board practice of requiring all candidates for licensure to hold a certificate of qualification issued by the National Board of Architectural Registration 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).

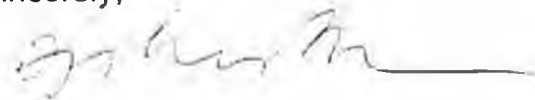
The AELS board supports extending the termination date of the AELS Board until June 30, 2005, which includes extending the temporary, non-voting Landscape Architect member until the next board sunset date of June 30, 2005, and to provide for the same travel reimbursement privileges as every other board 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						
TOTAL OPERATING	3.0	3.0	3.0	3.0		

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	3.0	3.0	3.0	3.0		
-------------------------------	------------	------------	------------	------------	--	--

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	3.0	3.0	3.0		
TOTAL	3.0	3.0	3.0	3.0		

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

FY 1999 Expenditures

FY 2000 Expenditures

Personal Services:

Direct 159,973.14
Indirect 133,565.85

174,878.69
135,294.18

Travel:

Direct 34,872.23
Indirect 1,886.77

36,454.57
1,287.12

Contractual Services:

Direct 99,152.53
Indirect 74,610.41

101,261.19
89,851.03

Supplies:

Direct 1,808.87
Indirect 9,432.86

1,280.46
7,675.87

Equipment

Direct 0.00
Indirect 6,735.89

0.00
3,387.79

TOTAL: 522,038.55

551,370.90

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 23rd, 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;">Member Societies</p> <p style="text-align: center;">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 (A/EMAA) - Consulting Engineers Council of Alaska (CECA) 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 Theriault
State Capitol
Juneau, AK 99801-1182

Dear Senator Theriault,

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 Hargeshmeier 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 (A/EMAA) - 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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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,¹ 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

¹In 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)² 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.³

² 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.

³The 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 (Exclusive of Renewals)	FY 98	FY 99	FY 00	Total	Current as of 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.

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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

SB

9

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT

FEB 02 2001

SENATE FINANCE
COMMITTEE

DATE: 1/24/01

FURTHER:

DATE TURNED
IN TO OFFICE: 02-02-2001

Finance Committee considered **SENATE BILL NO. 9**

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

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS SB 9 (LIC)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Zero	FN#
DCED	1/23/01	3.0		1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>Legislative Council</i>	✓			
<i>[Signature]</i>	X			
<i>[Signature]</i>	X			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>			✓	
COCHAIR: <i>[Signature]</i>	✓			

FISCAL NOTE

REPORTED OUT

FEB 02 2001

SENATE FINANCE
COMMITTEE

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						
TOTAL OPERATING	3.0	3.0	3.0	3.0		

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()	3.0	3.0	3.0	3.0		
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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		
TOTAL	3.0	3.0	3.0	3.0		

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

POSITIONS	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
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. Sedwick 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	3,387.79
TOTAL:	522,038.55	551,370.90
REVENUE:	131,325.92	1,095,757.18