

634

SC

FILE

NO.

9

-

FILE

NO.

10

634

engineering. A further investigation of the statute will identify that we register Professional Engineers, Professional Architects and Professional Land Surveyors, reference to Section 08.48.221. The identification of a specific expertise within the Professional Engineering registration, is specifically for the health protection and welfare of the public.

With reference to these three professions, the Board of Registration for Architects, Engineers and Land Surveyors does in fact have lay members on the board, as each separate profession is a lay member relative to the other two.

Of the fifty-five boards registering professionals throughout the nation, thirty-nine of these boards are made up of only architects, and represent only the architectural profession. Of the sixteen boards representing combined professions each of the boards was chaired by a registered professional architect prior to recent officer elections on these boards.

Of the fifty-five boards nationally thirty-eight of these boards have Executive Secretaries or Executive Directors. These individuals are not members of the board and do not represent a professional registration.

On some boards serving the combined professions all members are registered professional architects. I would call to the committees attention the fact that most projects to be constructed, which affect the health safety and welfare of the public, have a single prime professional responsibility to the client. For virtually all commercial construction projects involving buildings housing the public or serving the public, the architect is the prime consultant identified by contract. Mechanical, electrical, civil and other engineering services are subcontracted to the architect for coordination and management. This of course does not apply to pure engineering projects such as roadways, bridges and utility services. Perhaps representatives of the audit committee should review State contracts through the Department of Transportation and Public Facilities, to determine how many contracts are awarded to engineers and how many contracts are awarded to architects. It is specifically through this contractual relationship between consultant and owner that the prime responsibility for the protection of the public's health and welfare is established.

If representation is desired for each separate branch of the professional engineering registration and for additional branches recognized in the future, I would offer the suggestion that the State of Alaska consider separate boards of registration for architects and engineers, as thirty-nine other States and Districts have done in the past.

Such a separation of boards would respond to the review comment that the board is relatively large and the feasibility of a smaller membership should be considered.

Recommendation #2

No comment.

Recommendation #3

I concur with the suggestion that continued efforts should be made to make the statutes and regulations more relevant and workable. This is especially important in specific definitions relating to the differences between architecture and engineering. Until these differences are fully interpreted for the use by governmental agencies to determine improper professional practices and the public will continue to suffer from individuals who are not qualified to provide specific services, but whose work is accepted by the reviewing agencies issuing approvals and building permits.

Recommendation #4

I concur with the recommendation for continuing education requirements. If these requirements are required I believe it is the responsibility of the State of Alaska to fund such seminars and special education classes as required to establish the availability of services to meet the requirements.

Registered professionals who are principals of a firm or who practice as a sole proprietorship have the opportunity and finances generally to attend seminars and special education classes relating to the professions. Employees, however, may not be able to afford the hundreds of dollars required for a week of travel to other parts of the nation, to fulfill continuing education requirements. If this requirement is to truly serve the public we must have access to the educational services which were available to the bulk of the nation.

The committee might consider discussing the daily routines of the architect, engineer and land surveyor to establish the quality of continuing education which exists through the hundreds of items received and reviewed by the professional each month.

Organizations providing a continuous flow of new and revised material include the Sweets Catalog System, the Construction Specifications Institute, the American Institute of Architects, the Council for Educational Facility Planners International, Educational Facilities Lab, the Wood Institute, the Door and Hardware Institute, the National Fire Protection Association, the International Conference of Building Officials, and a multitude of professional and technical magazines and associations. The individual professionals representing the various

disciplines of architecture, land surveying and the branches of engineering, also provide a continuous flow of new technical information to professionals.

These are but a few sources of continuing education and apply primarily to my own professional registration, architecture. Within the field of architecture, the American Institute of Architects and the National Council of Architects Registration Boards is pursuing the concept of continuing education and preparing for this inevitable and logical requirement for registered professionals. I would suggest that the Committee consider seeking response from the various national professional associations represented by the architectural, engineering and land surveying registrants of this State.

I would call to the attention of the Committee that the board members seeking to better prepare themselves to serve the public through the board of registration should be attending regional and national workshops, seminars and conventions dealing specifically with Sunset Legislation and all of its ramifications. To date we are denied the necessary travel expenses to fully participate on a regional and national level.

Speaking from personal experience, I recently declined to participate on a regional committee of the National Council of Architectural Registration Boards, because the State of Alaska could not fund my attendance. This situation developed at a meeting in November 1978, in Portland, where I attended an WCARB Executive Committee meeting, to discuss, among other things, the Sunset Legislation, continuing education, national exams and the grading system for examining these. My attendance to that particular conference was paid for by the Western Council of Architectural Registration Boards, a region of NCARB.

Recommendation #5

I concur with the recommendations to develop reports and establish procedures and to enable the legislative and executive branches to evaluate the boards performance. During recent years, however, we have been advised that funding is limited and to limit expenditures where possible. This includes the additional days of meetings required to prepare budgets, develop goals and objectives and prepare reports.

We have been advised in the past that the preparation of budgets is not necessary as we are a portion of a larger budget and will receive a pre-established share of funding from the Department of Occupational Licensing, regardless of predefined goals and objectives or the amount of revenue generated by the professional registrants represented by collected.

Recommendation #6

The performance of services suggested will require additional staff services for our board. It is my personal opinion that if the Legislative Audit Committee desires a more indepth review and management

procedure from the Board of Registration for Architects, Engineers and Land Surveyors, serious consideration be given to the following possibilities.

1. Provide a full time executive director for the A/E & LS board.
2. Provide a second full time license examiner or administrative secretary to assist in the administrative management of board functions.
3. Provide a full time investigator to generate rapid responses to complaints and concerns of the public. If we are unable to respond in a timely manner, the public will not be served.
4. As an alternative to the growth of the board I suggest that the separation of Architects from the Engineers and Land Surveyors be considered, and that each of the boards be expanded by lay members. The work load is thus separated and the management difficulties of a large board are reduced.

Recommendation #7

The State does not provide a sufficient staff of investigators to serve the public interests. Thus, complaints are not reviewed in a timely manner and the professionals become reluctant to participate in the policing of the industry. In the past, when I have personally discussed this at meetings of the American Institute of Architects and at meetings of engineering societies, the most common response is "why should we file complaints on violations we know are happening when we also know that nothing will be done about these complaints by the division of occupational licensing or the attorney generals office."

It is my opinion that this attitude must be altered and that it can only be improved by greater support from the legislature, the attorney generals office, the governors office, the division of occupational licensing, the board of registration and especially by the state and municipal reviewing agencies who have the authority and responsibility to approve or reject projects for construction.

The reviews of documents for the issuance of building permits by municipal building officials and the review of State projects by the various State approving agencies do not always include a requirement for compliance with the States statutes as a part of the review process. This should become State and Municipal policy.

It is my opinion that the State of Alaska, through its waiver of requirements for registered personnel within the Department of Transportation and Public Facilities where job descriptions require registration, is misuse of governmental privilege. It is my opinion, that

Mr. Gerald Wilkerson

June 20, 1979

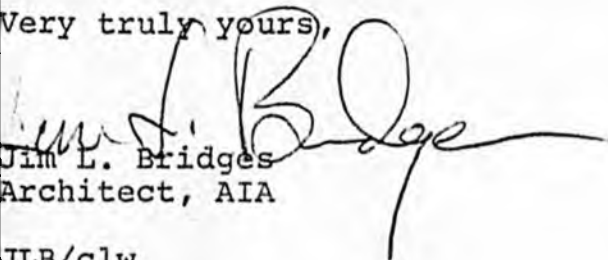
Page 6

those job descriptions requiring registered professionals are being changed, a process in the works at this time, the elimination of the States requirements for registered professionals in positions of authority dealing with professional services to the public is a misuse of government authority.

If the State denies its own obligation for registered professionals in State positions or avoids this by reducing the job description, how can the health, welfare and protection of the public be provided. It is my personal opinion that the Department of Transportation and Public Facilities, as the State agency in charge of the development of professional contracts for services involving the public, should be the leader in demanding compliance with the State statutes. It, in fact, is not and policies are being established to further reduce the requirement for registered professionals in positions of authority with the Department of Transportation and Public Facilities.

The comments presented are my personal opinions and are not intended to reflect official board policy. I would be pleased to meet with the Legislative Audit Committee or its representatives at any time to discuss my comments or provide additional information for the committee.

Very truly yours,



Jim L. Bridges
Architect, AIA

JLB/clw

SB

572

(HB 1005)

COMMITTEE REPORT

SENATE

FURTHER: None

4/22/80

Date: May 8, 1980

Mr. President:

The Committee on COMMERCE has had SB 572 continuing the existence of the State Board of Registration for Architects, Engineers and Land Surveyors

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 572 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Tim Kelly

Joseph Thomas

Brad Bradley

Dee ... A

Brad Bradley
CHAIRMAN



Official Business

Alaska State Legislature

Senate

Committee on Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: REPRESENTATIVE FRED BROWN
CHAIRMAN, HOUSE COMMERCE COMMITTEE
ATTENTION: BOB AARON
ADMINISTRATIVE ASSISTANT

FROM: CHRISTIAN BASLER
ADMINISTRATIVE ASSISTANT
SENATE COMMERCE COMMITTEE
SENATOR BRAD BRADLEY, CHAIRMAN

RE: STATE BOARD OF REGISTRATION OF ARCHITECTS,
ENGINEERS AND LAND SURVEYORS

DATE: MAY 6, 1980

SB 572 and HB 1005 are identical bills. At the last Senate Commerce Committee hearing it was felt that a CS for SB 572 should be introduced.

The only change is in Section 2, AS 08.48.091 (page 3, lines 20 and 21). Attached is a copy of CSSB 572 indicating the above-mentioned change.

BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS

MR. PRESIDENT, I MOVE THE ADOPTION OF THE CS FOR SB 572, WHICH IS IDENTICAL AT THIS POINT, TO THE HOUSE BILL FOR THE SAME BOARD. WE HAVE WORKED JOINTLY TO TRY TO PREVENT AN UNNECESSARY AND OFTEN TIME-CONSUMING FREE CONFERENCE COMMITTEE. NOT TOO MANY CHANGES WERE MADE TO THIS BOARD BECAUSE IT HAS BEEN OPERATING BETTER THAN MOST.

(Sec. 08.48.071)
P. 2, Ls. 5/25

SECTION 1, SUBSECTION (C) PERTAINING TO RECORDS AND REPORTS, IS AMENDED SO THAT THE REPORT WHICH THE BOARD IS REQUIRED TO SUBMIT TO THE GOVERNOR ANNUALLY WILL ALSO BE SUBMITTED TO THE LEGISLATURE. THIS REPORT MUST INCLUDE THE FOLLOWING ADDITIONAL ITEMS:

- (1) DATA AS TO THE ATTENDANCE OF MEMBERS OF THE BOARD AT MEETINGS;
- (2) A LIST OF REGULATIONS ADOPTED, AMENDED, OR REPEALED;
- (3) THE CURRENT PURPOSES AND GOALS OF THE BOARD;
- (4) AND SIGNIFICANT DEVELOPMENTS IN THE FIELD OF ARCHITECTURE, ENGINEERING, AND LAND SURVEYING OF CONCERN TO THE BOARD.

THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT IS REQUIRED TO PRESERVE RECORDS OF THE BOARD'S PROCEEDINGS FOR FIVE YEARS AND MUST ASSEMBLE STATISTICS RELATING TO THE PERFORMANCE OF ITS STAFF AND THAT OF THE BOARD INCLUDING

- (1) THE NUMBER OF ARCHITECTS, ENGINEERS AND LAND SURVEYORS REGISTERED OVER A FIVE-YEAR PERIOD.

- (2) THE RATE OF PASSAGE OF EXAMINATIONS.
- (3) THE NUMBER OF PERSONS APPLYING FOR REGISTRATION.
- (4) AN ACCOUNT OF REGISTRATION FEES COLLECTED, AND
- (5) A MEASURE OF THE CORRESPONDENCE WORKLOAD OF THE LICENSING EXAMINER.

(Sec. 08.48.091)
P. 3, Ls. 14/20

SECTION 2 IS AMENDED BY ALLOWING AN EXAMINATION TO BE GIVEN ONCE EACH YEAR, IF IT IS A NATIONAL EXAMINATION WHICH IS ONLY PREPARED ONCE EACH YEAR. THE WRITTEN EXAMINATION IS CURRENTLY HELD AT LEAST TWICE EACH YEAR. FURTHERMORE THE EXAMINATION FEE FOR APPLICANTS SHALL BE ESTABLISHED BY THE BOARD AND THE AMOUNT NOT ESTABLISHED BY LAW.

(Sec. 08.48.111)
P. 3, L. 23

SECTION 3 STATES THAT THE BOARD MAY NO LONGER TAKE DISCIPLINARY ACTION AGAINST A PERSON OR CORPORATION WHO IS FOUND GUILTY OF A CRIME INVOLVING MORAL TURPITUDE, SINCE THIS IS AN EXTREMELY VAGUE STANDARD.

(Sec. 08.48.171)
P. 4, L. 16

SECTION 4 LIMITS THE BOARD'S DISCRETION TO REQUIRE EVIDENCE OF MORE THAN EIGHT YEARS OF ANY COMBINATION OF EDUCATION, EXPERIENCE OR TRAINING FROM AN APPLICANT FOR REGISTRATION AS A LAND SURVEYOR.

PAGE 3

(SEC. 08.48.221) SECTION 5 REQUIRES THE BOARD TO ADOPT REGULATIONS
P. 4, L. 26 GOVERNING THE USE OF SEALS BY A REGISTRANT UNDER
THIS CHAPTER.

(SEC. 08.03.0L0(c)) SECTION 6 ESTABLISHES JUNE 30, 1984, AS THE
P. 5, L. 8 TERMINATION DATE FOR THE BOARD OF REGISTRATION FOR
ARCHITECTS, ENGINEERS AND LAND SURVEYORS.

(SEC. 08.03.010
(B)(6)) SECTION 7 REPEALS THE JUNE 30, 1980 SUNSET
P. 5, L. 11 PROVISIONS FOR THE BOARD.

P. 5, L. 12 SECTION 8 PROVIDES THAT THIS ACT TO TAKE EFFECT
JULY 1, 1980, ONE DAY AFTER THE BOARD IS SCHEDULED
TO TERMINATE UNDER EXISTING LAW.



Alaska State Legislature

Senate

Committee on Commerce

Official Business

March 13, 1980

Pouch V
State Capitol
Juneau, Alaska 99811

The Honorable Clem Tillion
President of the Senate
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. President:

Your Senate Commerce Committee has had under consideration for "Sunset" review the Board of Registration for Architects, Engineers and Land Surveyors pursuant to your referral under AS 44.66.050 and AS 08.03.010.

In accordance with the statutory requirements, a public hearing was held on the review of this board, at which written and oral testimony was received. Members of the board testified in person or by teleconference. The Committee considered the proposed budget of the board for FY 1981 and particularly examined the performance audit of the activities of the board prepared by the Legislative Audit Division.

Guided, in part, by the report prepared by the Legislative Audit Division the Committee took into consideration the factors required to be considered under AS 44.66.050(c).

Your Commerce Committee thereby makes the following findings: The Commerce Committee concurs in part in the findings made by the Division of Legislative Audit in considering the factors required for consideration under AS 44.66.050(c), as they appear on pages 9 through 14 of the Performance Review of the Board of Registration for Architects, Engineers and Land Surveyors prepared by the Division of Legislative Audit, dated May 11, 1979, which is hereby incorporated by reference as though fully set out herein.

In brief, we do not concur in recommendation number one that the board have lay representation. We feel the public is adequately represented by having three separate professions

on the board, although some adjustment of membership allocation may be necessary.

We concur in recommendation number two that the board should revise its procedures for the Alaska portion of the land surveying examination, and concur in recommendation number three that the board should continue its efforts to make the statutes and regulations more relevant and workable.

We do not concur in recommendation number four requiring continuing education for architects, engineers and land surveyors, although the board should take such action as it can to encourage voluntary continuing education. With so many different professions included under this board, it would be too unwieldy for the board to promulgate specific regulations as to continuing education for each profession, particularly considering the current workload of the board. The marketplace will also assure professionalism in this area: in these highly technical and ever-changing fields, ongoing education is necessary for the economic survival of the architect, engineer or land surveyor.

We concur in recommendation number five that the board should develop reports and procedures that will enable the legislative and executive branches to evaluate its performance.

We concur in recommendation number six that the Division of Occupational Licensing should collect, record and maintain for five-year periods files and statistics of licensing and testing applicants and related workload of the licensing examiner.

We concur in recommendation number seven that the Division of Occupational Licensing should handle investigations in a more comprehensive and timely manner. We feel very strongly about this and have received testimony that the lack of speedy investigations has hampered all of the boards which we have had under "Sunset" review.

Therefore, pursuant to AS 44.66.050(d) the Committee on Commerce of the Alaska State Senate offers the following summary and recommendations:

The Board of Registration for Architects, Engineers and

Land Surveyors addresses a real need in protecting public safety and property rights. The nature of the professions involved is highly advanced and complex, and members of the lay public cannot easily judge basic competence in these fields. Therefore, we do not think it appropriate to eliminate this board.

We have found that this board has engaged to some degree in "turf protecting," that is limiting the entrance of applicants into at least one of these fields. Specifically, we believe the experience (as an equivalent to formal education and experience) required to take the land surveyor's examination, set by the board at 12 years, is too long. We believe there should be a statutory requirement of eight years' experience with three years experience in charge of the work, and that other similar and related requirements should be addressed by statute, not regulation. We believe the net effect of limiting entry into the surveying field will increase costs and slow down the transfer of public lands into private ownership, at a time when the Legislature has specifically provided for transfer of land interests for various private uses.

We further find that the requirement for inclusion of a photograph with the application for licensure is unnecessary and could be used to discriminate against certain persons because of race, sex, etc. The board should remove this requirement.

Furthermore, it is the belief of this committee that a separate Alaska examination is not necessary for surveyors licensed in another state which has licensing requirements equivalent to those of the State of Alaska, and which has a "public lands" history similar to Alaska's. We feel these surveyors should be licensed by simple endorsement. In the engineering field, we believe that more specialties should be recognized. For instance, Alaska has a particular interest in the licensing of competent and professional petroleum engineers.

Statutory changes are needed to provide for licensing by endorsement for those engineering specialties for which the State of Alaska has no exams.

Therefore, the Committee feels that it has adequately addressed the recommendations and categories required under

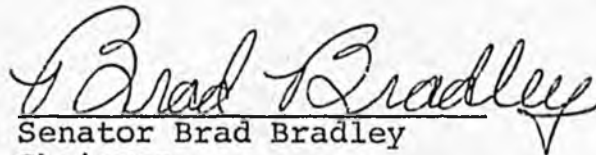
The Honorable Clem Tillion
March 13, 1980
Page 4

AS 44.66.050(d), and offers several further recommendations.

The Commerce Committee recommends that with the changes stated in this report the Board of Registration for Architects, Engineers and Land Surveyors continue for another four years, that is, that the repealer with regard to the activities of that board be amended to read 1984.

A bill will be introduced by the Commerce Committee facilitating the changes and recommendations in this report.

Respectfully submitted,

A handwritten signature in cursive script that reads "Brad Bradley". The signature is written in dark ink and is positioned above the printed name.

Senator Brad Bradley
Chairman
Senate Commerce Committee

BB:jss

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 30, 1980

SUBJECT: Section-by-section analysis of HB 1005
continuing the Board of Registration
for Architects, Engineers, and Surveyors.
(Work Order Number 8533)

TO: Senator Brad Bradley
Chairman, Senate Commerce Committee

FROM: Tamara Brandt Cook
Legislative Counsel *TBC*

You have requested a section-by-section analysis of Senate Bill 572 entitled: "An Act continuing the existence of the State Board of Registration for Architects, Engineers and Land Surveyors and amending the statutes relating to its powers and responsibilities; and providing for an effective date."

Section 1. Subsection (c) is amended so that the report which the board is required to submit to the governor annually will also be submitted to the legislature. This report must include the following additional items: data as to the attendance of members of the board at meetings; a list of regulations adopted, amended, or repealed; the current purposes and goals of the board; and significant developments in the field of architecture, engineering, and land surveying. The Department of Commerce and Economic Development is required to preserve records of the board's proceedings for five years and must assemble statistics relating to the performance of its staff and that of the board covering such things as the number of architects, engineers and land surveyors registered over a five year period, the rate of passage of examinations, the number of persons applying for registration, an account of fees collected and data concerning the correspondence work load of the licensing examiner.

Section 2. The existing law provides that the examination shall be given twice a year. The amendment allows an examination to be given once each year, if it is a national examination which is only prepared once each year.

Section 3. This section deals with the power of the board to take disciplinary action in certain circumstances. It is amended so that the board may no longer take disciplinary action against a person or corporation who is found guilty of a crime involving moral turpitude, since this is an extremely vague standard.

Section 4. The existing law requires an applicant to be of good character and reputation, and submit evidence of education, training and experience. The amendment limits the board's discretion to require evidence of more than 8 years of any combination of education, experience or training from an applicant for registration as a land surveyor.

Section 5. The board is required to adopt regulations governing the use of seals by a person registered under this chapter. Existing law provides that final drawings, specifications, surveys, plats, plates, reports and similar documents must be stamped with a seal.

Section 6. June 30, 1984 is the new termination date for the State Board of Registration for Architects, Engineers, and Land Surveyors.

Section 7. The provision which terminates the board as of June 30, 1980 is repealed.

Section 8. The effective date of this act is July 1, 1980, one day after the board is scheduled to terminate under existing law.

If you have any further questions, please contact me.

TBC:ljb

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907.465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 30, 1980

SUBJECT: Section-by-section analysis of SB 572
continuing the Board of Registration
for Architects, Engineers, and Surveyors.
(Work Order Number 8533)

TO: Senator Brad Bradley
Chairman, Senate Commerce Committee

FROM: Tamara Brandt Cook *TBC*
Legislative Counsel

You have requested a section-by-section analysis of Senate Bill 572 entitled: "An Act continuing the existence of the State Board of Registration for Architects, Engineers and Land Surveyors and amending the statutes relating to its powers and responsibilities; and providing for an effective date."

Section 1. Subsection (c) is amended so that the report which the board is required to submit to the governor annually will also be submitted to the legislature. This report must include the following additional items: data as to the attendance of members of the board at meetings; a list of regulations adopted, amended, or repealed; the current purposes and goals of the board; and significant developments in the field of architecture, engineering, and land surveying. The Department of Commerce and Economic Development is required to preserve records of the board's proceedings for five years and must assemble statistics relating to the performance of its staff and that of the board covering such things as the number of architects, engineers and land surveyors registered over a five year period, the rate of passage of examinations, the number of persons applying for registration, an account of fees collected and data concerning the correspondence work load of the licensing examiner.

Section 2. The existing law provides that the examination shall be given twice a year. The amendment allows an examination to be given once each year, if it is a national examination which is only prepared once each year.

Section 3. This section deals with the power of the board to take disciplinary action in certain circumstances. It is amended so that the board may no longer take disciplinary action against a person or corporation who is found guilty of a crime involving moral turpitude, since this is an extremely vague standard.

Section 4. The existing law requires an applicant to be of good character and reputation, and submit evidence of education, training and experience. The amendment limits the board's discretion to require evidence of more than 8 years of any combination of education, experience or training from an applicant for registration as a land surveyor.

Section 5. The board is required to adopt regulations governing the use of seals by a person registered under this chapter. Existing law provides that final drawings, specifications, surveys, plats, plates, reports and similar documents must be stamped with a seal.

Section 6. June 30, 1984 is the new termination date for the State Board of Registration for Architects, Engineers, and Land Surveyors.

Section 7. The provision which terminates the board as of June 30, 1980 is repealed.

Section 8. The effective date of this act is July 1, 1980, one day after the board is scheduled to terminate under existing law.

If you have any further questions, please contact me.

TBC:ljb

Alaska Society of Professional Land Surveyors



P.O. BOX 2106
ANCHORAGE, ALASKA 99501

March 19, 1980

Brad Bradley, Chairman
Senate Commerce Committee
Pouch V
Juneau, Alaska 99811

Dear Mr. Bradley:

The purpose of this letter is to inform you of the wishes and desires of the Alaska Society of Professional Land Surveyors as they relate to professional registration being sought by the Alaskan Chapter of the American Society of Landscape Architects. In order that this letter might, in fact, reflect a consensus of those individuals currently registered as professional land surveyors, within the State of Alaska, a poll was undertaken. The results of this poll, to be further herein enumerated, overwhelmingly indicate a desire that landscape architects not be granted professional status by inclusion as an additional discipline within the registration act governing architects, engineers, and land surveyors.

Four hundred sixty copies of the polling questionnaire were sent to professional land surveyors registered to practice within the State of Alaska and seventy-four responses were received, indicating a response of 16.1%. Following are those questions contained in the questionnaire and the responses elicited:

- 1) Have you read the proposed registration act for landscape architects, herewith, enclosed?

Yes, 98.6% No, 1.4%

- 2) Do you feel registration of landscape architects would compliment your endeavors?

Yes, 7.1% No, 88.6% Undecided, 4.3%

Indicating that those with a definite opinion were:

Yes, 7.5% No, 92.5%

- 3) Do you feel registration of landscape architects would compromise your endeavors?

Yes, 57.1% No, 32.9% Undecided, 10.0%

Indicating that those with a definite opinion stated:

Yes, 63.5% No, 36.5%

- 4) Would you favor registration of landscape architects if a "grandfather" clause was included pertaining to land surveyors acquiring registration as landscape architects, at least as pertains to subdivision design?

Yes, 17.1% No, 75.7% Undecided, 7.2%

Indicating that those with a definite opinion were:

Yes, 18.5% No, 81.5%

- 5) If landscape architects do acquire registration, do you favor their representation on the Board of Registration for architects, engineers, and land surveyors?

Yes, 32.9% No, 65.7% Undecided, 1.4%

Indicating that those with a definite opinion were:

Yes, 33.3% No, 66.7%

- 6) Would you favor landscape architects registration if any work done by them on subdivision design were required to be done in concert with a land surveyor?

Yes, 14.3% No, 80.0% Undecided, 5.7%

Indicating that those with a definite opinion were:

Yes, 15.2% No, 84.8%

- 7) Do you feel the responsibility therein should be established by the affixing of their seal to the subsequent subdivision plat?

Yes, 22.9% No, 68.6% Undecided, 8.5%

Indicating that those with a definite opinion were:

Yes, 25.0% No, 75.0%

8) Do you now favor registration of landscape architects?

Yes, 10.0% No, 84.3% Undecided, 5.7%

Indicating that those with a definite opinion were:

Yes, 10.6% No, 89.4%

9) Are you adamantly opposed to the registration of landscape architects?

Yes, 71.4% No, 25.7% Undecided, 2.9%

Indicating that those with a definite opinion were:

Yes, 73.5% No, 26.5%

10) Would you favor registration of landscape architects if same could be accomplished without compromising your present position as a land surveyor, particularly as relates to the design of subdivisions?

Yes, 27.1% No, 65.7% Undecided, 7.2%

Indicating that those with a definite opinion were:

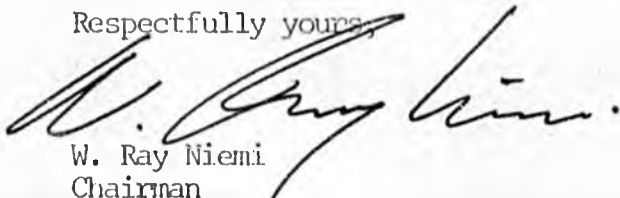
Yes, 29.2% No, 70.8%

In addition, the questionnaire contained question number eleven; Under what conditions or changes in the registration act would you favor registration of landscape architects? The overwhelming response to this particular question was, "none", indicating that no changes would be desirable nor would registration of landscape architects be desirable.

In addition, question number twelve asked; If the foregoing questions do not clearly describe your feelings on this subject, please respond in essay following. The overwhelming consensus of those responding in essay indicated that present statutes cover those areas in which landscape architects purport to be concerned, further, that registration of landscape architects would result in further cross discipline jurisdictional disputes, and would result in unnecessary additional expense to the general public and may, in fact, create a situation wherein the public welfare might be compromised rather than reinforced.

In summation, it is the feeling of the Alaska Society of Professional Land Surveyors that registration of landscape architects is neither necessary nor desirable.

Respectfully yours,



W. Ray Niemi
Chairman
ASPLS Committee on
Landscape Architects
Registration

ackley jensen architects inc.

October 23, 1979

Senator W. E. Bradley, Chairman
Senate Commerce Committee
1016 West Sixth Avenue, Suite 201
Anchorage, Alaska 99501

Dear Senator Bradley:

Thank you for the opportunity to testify on behalf of the Board of Registration for Architects, Engineers and Land Surveyors. I feel that it is very important that this Board be continued, as the regulation of the professions under the purview of this Board helps to protect the people of the state of Alaska in two primary ways. First, it protects the consumers of services rendered by architects, engineers and land surveyors to insure that they are not victimized by incompetent or dishonest professionals. Secondly, regulation protects the public at large. The primary responsibility of architects, engineers and land surveyors is to design facilities or projects that are safe, durable and meet reasonable environmental standards. In other words, the results of faulty design may be injurious not only to the person who engages the professional, but also to third parties. Specifically, regulation of these professions helps protect life, health, safety, and economic well being of the residents and visitors of the state.

In Alaska, applicants for registration must demonstrate not only an understanding of the fundamentals of the profession, but must demonstrate a minimum understanding of specific Alaska conditions, such as arctic and sub-arctic construction and seismic forces.

A recommendation of the legislative auditors was to reconsider the Board composition and size. They felt that the total number of members, the current professional representation and the absence of public members should be investigated. I would like to point out that this Board is actually three boards regulating three separate professions, combined into one entity for greater efficiency. I see no reason to separate the Board into three individual agencies since I do not feel that this type of move would result in either improved efficiency or effectiveness.

p.o. box 310, Juneau, Alaska 99802 (907) 586-1070

Senator W. E. Bradley
Page 2
October 23, 1979

In the audit report a comparison was drawn to create a statistical relationship between the number of registrants in each profession and the number of Board members from each profession. I think that this relationship is meaningless and what should be considered instead is the number of professions regulated and the minimum number of Board members required to act on matters relating to each profession. Consideration must also be given to the similarities and differences in regulating the various branches of each profession. In particular, with the profession of architecture, the education, examination and training requirements are completely different from engineers or land surveyors. Whereas among various branches of engineering, many of these criteria are identical or very similar. My point is that for the regulations of architecture to be undertaken democratically, a minimum of three members from the profession must serve on the Board.

The auditors also recommend that public members be added to the Board; I have no objection to this recommendation. I am, however, concerned that the addition of public members not result in the decrease in the number of professionals on the Board for the same reasons I previously stated. I believe public members could be very effective in formulating policy and in the enforcement function of the Board, but that they would be less effective and often unqualified in reviewing applications, arctic and sub-arctic treatises, or examinations. In summary, I would like to see one public member added to the Board, but I feel that it is very important that this public member not be an advocate for special interests or have an inherent conflict of interest due to his profession or avocation, for instance a building contractor or supplier.

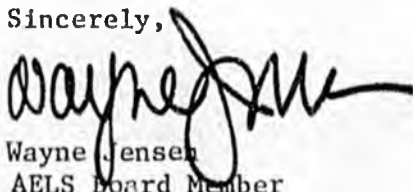
Since these professions are traditionally involved in interstate commerce and since members of the profession tend to move from state to state, it is very important that regulation of these professions be consistent with other states' regulations. Speaking primarily for the profession of architecture, in the past individual states had reciprocity agreements to allow architects registered in one state to be able to be registered in other states. With the increasing number of jurisdictions and the impossible task of each state board having to review the requirements and examinations of every other state, this process became unwieldy and impractical. Today the Alaska Board is a member of the National Council of Architectural Registration Boards (NCARB) which is a national clearing house for registration activities. The member boards, as a group working through the NCARB, study and recommend standards for training, education, and examination, which when adopted by the member boards individually, become the standards for registration. All states use the national examinations developed by NCARB and all states recognize the NCARB

Senator W. E. Bradley
Page 3
October 23, 1979

certificate as evidence of an applicant's qualifications to practice. This process makes comity registration much more equitable. As you can see, with this Board's relationship to the national organization, we cannot operate on a strictly statewide basis. Approximately 60% of all architects who are holding current registration in the state, reside in other states, and all of the professionals received their formal education in institutions outside the state. Therefore, in order for Alaska to have any appreciable input into the standards governing registration, education, examination and training, we must participate actively in the national organizations at committee meetings, regional conferences and national meetings. Our ability to do this in recent years has been severely curtailed by lack of funding support to enable Board members to attend these important events. According to the legislative audit report, the AELS Board is one of the few boards operating in the "black." We therefore do not feel that increasing our budget only slightly to cover these travel expenses is an unreasonable request. The Board has always sought to relieve the state of any financial burdens for regulating these professions by keeping fees in line with operating expenses. We think that a closer relationship between the Board's budget and Board's revenue would help to provide better regulation of these professions. Again, I feel that it is imperative that the Alaska Board continue to be involved with the national registration organizations since our Board has adopted these national standards and is a member of these organizations. If I can make an analogy, restricting this Board's participation by not allowing direct participation at the regional and national level is similar to a legislator being elected to represent his district, but not being allowed to attend the legislative session in the Capitol.

Again, I appreciate this opportunity and look upon the sunset review process as a means of improving our Board's effectiveness.

Sincerely,



Wayne Jensen
AELS Board Member
WJ:do

October 22, 1979

Honorable Brad Bradley, Chairman
Senate Commerce Committee

Dear Senator Bradley:

I have previously replied to the Division of Legislative Audit performance review of the Board of Registration for Architects, Engineers and Land Surveyors and have found that there is a question concerning the Board's reply to the audit report recommendation No. 1. I wish at this time to make it clear that the Board absolutely does not wish to form three boards from the three discipline boards we now have. The reference to three boards in my reply to the audit report was to suggest an alternative solution to the equitable board representation of all licensed branches. This alternative is not an economical solution and therefore would not be satisfactory to any of the Board members. The Board has found that the present board make-up works very well and has drawn no complaints from the public sector or from the professional sector whom we register. The present board is made up of nine members: because of dual registration four of these members represent land surveyors, three of these four also represent civil engineers and one represents mining engineers, the other five members with single registration consist of one mechanical engineer, one electrical engineer and three architects. The Board has found that this arrangement performs very satisfactorily and also provides us with members who would be lay persons to the other two professions on the Board.

I appreciate the opportunity to participate in the Senate Commerce Committee sunset hearing and will answer any questions that I can concerning the Board's activity.

Very truly yours,



W. I. DeBoff
President
Board of Architects,
Engineers and Land Surveyors

ALASKA PROFESSIONAL DESIGN COUNCIL, INC.

POST OFFICE BOX 3115 D.T.
ANCHORAGE, ALASKA 99510
907-276-2834

October 23, 1979

Senator W. E. Bradley, Chairman
Senate Commerce Committee
1016 West 6th Avenue, Suite 201
Anchorage, Alaska 99501

Subj: Sunset Review of Board of Registration for Architects,
Engineers and Land Surveyors

Dear Mr. Bradley:

The following is a recap of the presentation given by Michael E. Plunkett, AIA, President of the Alaska Professional Design Council:

The APDC represents six Professional Design Societies consisting of: Architects, Engineers, Land Surveyors, 1/3 are in private practice, 1/3 work in government, and 1/3 work in construction and other related fields.

The membership comprises some 1,200 individuals. This represents a vast majority of the 1,531 registered Alaska resident architects, engineers and land surveyors.

Each society received a copy of the Performance Review of May 11, 1979, and was asked to respond to the important points which more or less follow the key recommendations made in the report.

The APDC recommends continuance of the Board.

Regarding the recommendations, the APDC has the following comments:

- Recommendation 1:
- A. There was no objection to one additional lay member on the Board.
 - B. Five of the six societies feel the present composition of the Board regarding architects, engineers and land surveyors should not change.

REPRESENTING:

ALASKA CHAPTER, THE AMERICAN INSTITUTE OF ARCHITECTS (AIA), ALASKA CHAPTER, PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE (PEPP), ALASKA SECTION, AMERICAN SOCIETY OF CIVIL ENGINEERS (ASCE), ALASKA SOCIETY OF PROFESSIONAL ENGINEERS (ASPE), ALASKA SOCIETY OF PROFESSIONAL LAND SURVEYORS (ASPLS), THE INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERS (IEEE).

- C. The sixth society wanted a slight change, that being that the Land Surveyer position would not be a dual registrant.
- D. Definitely not a smaller board because there are three different professions being regulated.

Recommendation 2: Agree as written.

Recommendation 3: Agree as written.

Recommendation 4: Continuing education as a requirement.

There was a unanimous agreement that statutory requirement for continuing education should not be introduced. The importance of continuing education is well known and recognized. It is felt the professional societies present ongoing continuing education programs at National, Regional, and the Alaskan levels to provide an adequate dissemination of professional knowledge to all registered and intern professionals.

Pragmatically, until complaints of existing requirements are properly investigated and resolved, it seems pointless to add another echelon of regulations which at present would be unenforcable.

Practitioners have a better understanding of changes taking place in professions.

Recommendation discussed public trust versus public health and welfare. Questioned whether continuing education is necessary for the public health and welfare to maintain an acceptable level of professional competence. It is, however, certainly very important to public interest. The need for an additional law is questioned.

Recommendation 5: Regarding reports and procedures, no objection was raised. APDC is unanimous in supporting increase in AELS Budget to more or less be equal to income received from registrants. There is presently quite a disparity between income received and the amount budgeted to AELS.

Such an increase (and fee increase if necessary) would allow for a part-time or full-time executive director who could fulfill the reporting requirements of this recommendation.

Recommendation 6: No objection to this recommendation. The executive director could assist with this record maintenance.

Recommendation 7: Investigations should be accomplished in a more comprehensive and timely manner. Unanimous agreement that this process must be accelerated and revamped.

The executive director suggested above could handle a great deal of preliminary investigative work on complaints and allegations and could probably dispose of a great many of the complaints. They could then be handled with dispatch.

Page four.

The present Ombudsmen's organization is one example of a workable and exigent method of dealing with complaints.

Finally, the fifth point solicited concerns a current practice that may be allowed by Statute but for which certain Statutory revisions may be required.

Current Statute allows State agencies' personnel holding professional positions not to require registration unless job description specifically requires registration. Waivers are possible.

State DOTPF is currently changing job descriptions to eliminate requirement for registration.

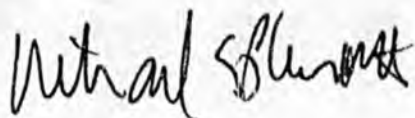
As a result, design accomplished by State agencies are not stamped by disciplines as required by professionals in private or Municipal sector.

One example is the new Juneau Douglas Bridge which according to our understanding has no professional seals attached. Were this structure designed by a consulting team, at least five different seals would appear on the documents and as many as seven might appear depending on the elements included as a part of the design.

In short, State agencies should be required to have professional registration and stamped documents just as others.

This concludes the APDC's testimony.

Sincerely,



Michael E. Plunkett, AIA
President

Alaska Society of Professional Land Surveyors



P.O. BOX 2106
ANCHORAGE, ALASKA 99501

October 22, 1979

Members of the Senate Commerce Committee
University of Alaska Consortium Library
3211 Providence Drive
Anchorage, Alaska

Subject: Performance Review of the Board of Registration
for Architects, Engineers and Land Surveyors

Gentlemen:

The Alaska Society of Professional Land Surveyors has reviewed the report of the Division of Legislative Audit entitled "A PERFORMANCE REVIEW OF THE BOARD OF REGISTRATION FOR ARCHITECTS ENGINEERS AND LAND SURVEYORS" dated May 11, 1979. We have the following comments concerning the auditor's findings and recommendations as set forth in the report:

A. Recommendation No. 1

A.S.P.L.S. supports the auditor's recommendations concerning the makeup of the Board of Registration for Architects, Engineers and Land Surveyors subject to the following provisions:

1. No additional professions will be included within the Board's jurisdiction.
2. The present number of licensed Board members will not be reduced.
3. At least one licensed land surveyor who does not hold dual registration will be included on the Board.
4. Not more than two lay members may be added to the Board.

5. Functions of lay members of the Board shall be restricted to matters of policy. They shall not participate as voting members in technical activities.

B. Recommendation No. 2

A.S.P.L.S. supports the auditor's recommendation concerning revision of the land surveying examination procedures. Further, the society is willing to provide a committee to develop examination questions, to assist in grading and to otherwise support the Board with respect to the land surveying examination.

Recommendation No. 3

A.S.P.L.S. supports the auditor's recommendation concerning efforts to make the statutes and regulations more relevant and workable.

D. Recommendation No. 4

A.S.P.L.S. supports the concept of continuing education to be carried out under existing regulatory authority but objects to introduction of legislation establishing statutory requirements.

E. Recommendation No. 5

A.S.P.L.S. does not oppose the auditor's recommendations concerning development of reports and procedures for evaluation of the Board's performance.

F. Recommendation No. 6

A.S.P.L.S. does not oppose the auditor's recommendations concerning retention of records of the Board.

G. Recommendation No. 7

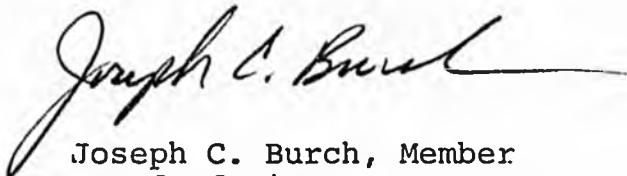
A.S.P.L.S. supports the auditor's recommendations concerning the handling of investigations by the Division of Occupational Licensing.

Senate Commerce Committee
October 22, 1979
Page 3

The Alaska Society of Professional Land Surveyors believes that the Board of Registration for Architects, Engineers and Land Surveyors performs a very essential service in protecting the health, welfare and safety of the public and in regulating the professions. We further believe that the Board should be strengthened through authorization, by statute, of an Executive Director to assist in day-to-day Board activities as well as to make it more effective in the enforcement of the licensing statute and regulations. We commend the Board for its past activities and strongly urge the Legislature to assure its continuing existence.

Very truly yours,

Alaska Society of Professional
Land Surveyors

A handwritten signature in cursive script, reading "Joseph C. Burch". The signature is written in dark ink and is positioned above the typed name and title.

Joseph C. Burch, Member
Board of Directors

6611 E. 12th Street
Anchorage, Alaska
February 12, 1980

Senator Brad Bradley
Pouch V
Juneau, Alaska

Dear Senator Bradley:

I would like to thank you for your support on the current issue concerning Alaska's Board of Examiners for Architects, Engineers and Land Surveyors.

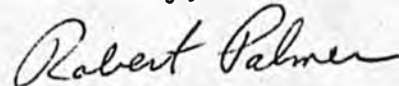
As the House Commerce Committee reviews the actions of the professional boards, the delegated authority of this particular board must be closely examined.

As you are aware, the requirements set forth by the Board necessary to engage in the practice of Land Surveying are overly stringent and unjustified. All but three states in the U.S. define the Professional Examination requirements in their State Statutes, rather than delegating the power to the Board to arbitrarily regulate as they see fit.

The recent changes in experience requirements, coupled with necessary scholastic achievements, have affected many Alaskans who are or should be in a position to apply for professional status.

We have brought to light our concerns via recent tele-conferences, letters and personal representation in Juneau and feel your endorsement in our behalf will play a vital role in correcting the misuse of authority reflected in these proceedings.

Yours truly,



Robert Palmer

Land Surveyors

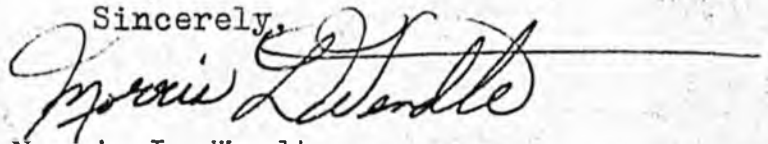
Feb. 28, 1980

The Honorable W.E. "Brad" Bradley
Chairman, House Commerce Committee
Pouch V
Juneau, Ak. 99811

Dear Senator Bradley,

I would urge you to support the Bill coming out of the House Commerce Committee limiting the power of the Board of Architects, Engineers and Land Surveyors to set minimum educational and experience requirements; and to revise the experience only qualifications from twelve years to six years which is close to the national average.

Sincerely,



Morris L. Wendte
3500 E.42nd Ave.
Anchorage, Ak. 99504

Mike Colletta
Joyce Munson
Fred Brown

AMENDMENT

Mr. Press I move the adoption of the ~~floor~~ ^{amendment} ~~the substitute.~~

OFFERED IN THE SENATE:

By: Senate Commerce

To: _____ SENATE BILL No. _____

HOUSE BILL No. 1005

PAGE: 3

LINE: 20 and 21

Delete the words after board, "in an amount not to exceed
\$50"

REASON: This was a drafting error. It was not
intended that the board would ^(be required) ^(the promotion) limit fees to
\$50.

MIKE: This amendment and bill
is identical to the ^(Senate) ~~one~~

~~the House passed this bill~~
~~the House passed this bill~~
~~the House passed this bill~~
~~the House passed this bill~~
~~the House passed this bill~~

Architects

AMENDMENT

#1

OFFERED IN THE SENATE:

BY: Senate Commerce

To: _____ SENATE BILL No. _____

HOUSE BILL No. 1005

PAGE: 3

LINE: 20 and 21

Delete the words after board, "in an amount not to exceed \$50"

BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS

MR. PRESIDENT, I MOVE THE ADOPTION OF THE ~~AMENDMENT~~ ^{AMENDMENT} ~~AT THIS POINT, TO THE HOUSE BILL FOR THE SAME BOARD. HE HAVE TURNED~~
~~JOINTLY TO TRY TO PREVENT AN UNNECESSARY AND OFTEN TIME-CONSUMING FREE~~
~~CONFERENCE COMMITTEE.~~ NOT TOO MANY CHANGES WERE MADE TO THIS BOARD BECAUSE

IT HAS BEEN OPERATING BETTER THAN MOST. ~~DO NOT RECOMMEND~~

~~NOT RECOMMENDED BY COMMITTEE TO BE TERMINATED~~
OF SECTION 1

(Sec. 08.48.071)
P. 2, Ls. 5/25

SECTION 1, SUBSECTION (C) ^{changed} PERTAINING TO RECORDS AND
REPORTS, IS ~~AMENDED~~ ^{AMENDED} SO THAT THE REPORT WHICH THE
BOARD IS REQUIRED TO SUBMIT TO THE GOVERNOR ANNUALLY
WILL ALSO BE SUBMITTED TO THE LEGISLATURE, ~~THIS~~ ^{and that}

the REPORT MUST INCLUDE THE FOLLOWING ADDITIONAL ITEMS:

- (1) DATA AS TO THE ATTENDANCE OF MEMBERS OF THE BOARD AT MEETINGS;
- (2) A LIST OF REGULATIONS ADOPTED, AMENDED, OR REPEALED;
- (3) THE CURRENT PURPOSES AND GOALS OF THE BOARD ^{and}
- (4) ~~AND~~ SIGNIFICANT DEVELOPMENTS IN THE FIELD OF ARCHITECTURE, ENGINEERING, AND LAND SURVEYING OF CONCERN TO THE BOARD.

THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT
IS REQUIRED TO PRESERVE RECORDS OF THE BOARD'S
PROCEEDINGS FOR FIVE YEARS AND MUST ASSEMBLE
STATISTICS RELATING TO THE PERFORMANCE OF ITS
STAFF AND THAT OF THE BOARD INCLUDING

- (1) THE NUMBER OF ARCHITECTS, ENGINEERS AND LAND SURVEYORS REGISTERED OVER A FIVE-YEAR PERIOD.

(2) THE RATE OF PASSAGE OF EXAMINATIONS.

(3) THE NUMBER OF PERSONS APPLYING FOR REGISTRATION.

(4) AN ACCOUNT OF REGISTRATION FEES COLLECTED, AND

(5) A MEASURE OF THE CORRESPONDENCE WORK-LOAD OF THE LICENSING EXAMINER.

(Sec. 08.48.091)
P. 3, Ls. 14/20

SECTION 2 IS AMENDED BY ALLOWING AN EXAMINATION TO BE GIVEN ONCE EACH YEAR, IF IT IS A NATIONAL EXAMINATION WHICH IS ONLY PREPARED ONCE EACH YEAR. THE WRITTEN EXAMINATION IS CURRENTLY HELD AT LEAST TWICE EACH YEAR. FURTHERMORE, THE EXAMINATION FEE FOR APPLICANTS SHALL BE ESTABLISHED BY THE BOARD AND THE AMOUNT NOT ESTABLISHED BY LAW. *(This is a result of the CS.)*

Recurrent State

(Sec. 08.48.111)
P. 3, L. 23

SECTION 3 STATES THAT THE BOARD MAY NO LONGER TAKE DISCIPLINARY ACTION AGAINST A PERSON OR CORPORATION WHO IS FOUND GUILTY OF A CRIME INVOLVING MORAL TURPITUDE, SINCE THIS IS AN EXTREMELY VAGUE STANDARD. *(The Board Code of Ethics covers moral character well enough).*

(Sec. 08.48.171)
P. 4, L. 16

SECTION 4 LIMITS THE BOARD'S DISCRETION TO REQUIRE EVIDENCE OF MORE THAN EIGHT YEARS OF ANY COMBINATION OF EDUCATION, EXPERIENCE OR TRAINING FROM AN APPLICANT FOR REGISTRATION AS A LAND SURVEYOR.

PAGE 3

(SEC. 08.48.221)

P. 4, L. 26

SECTION 5 REQUIRES THE BOARD TO ADOPT REGULATIONS GOVERNING THE USE OF SEALS BY A REGISTRANT UNDER THIS CHAPTER.

(SEC. 08.03.010(c))

P. 5, L. 8

SECTION 6 ESTABLISHES JUNE 30, 1984, AS THE TERMINATION DATE FOR THE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS.

(SEC. 08.03.010

(B)(6))

P. 5, L. 11

SECTION 7 REPEALS THE JUNE 30, 1980 SUNSET PROVISIONS FOR THE BOARD.

P. 5, L. 12

SECTION 8 PROVIDES THAT THIS ACT TO TAKE EFFECT JULY 1, 1980, ONE DAY AFTER THE BOARD IS SCHEDULED TO TERMINATE UNDER EXISTING LAW.

Mr. Pres., I urge the passage of this bill.

Bradley

STATE OF ALASKA



BOARD OF ARCHITECTS, ENGINEERS AND LAND SURVEYORS

CENTRALIZED LICENSING STATUTE AS 08.01

ARCHITECTS, ENGINEERS AND LAND SURVEYORS STATUTE AS 08.48

ARCHITECTS, ENGINEERS AND LAND SURVEYORS REGULATIONS 12 AAC 36

Printed: November 1978

STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

JAY S. HAMMOND, Governor

POUCH D
JUNEAU, ALASKA 99811

BOARD OF ARCHITECTS, ENGINEERS & LAND SURVEYORS

August 24, 1978

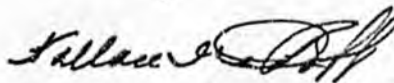
Mr. L. E. Breeding
1343 H Street
Anchorage, Alaska 99501

Dear Mr. Breeding:

Your letter of July 12, 1978 to Mr. Douglas Ackley was given to me since Mr. Ackley is no longer a member of the Board of Architects, Engineers and Land Surveyors.

Your complaint against Mr. Charles E. Overton was turned over to the investigator and I'm sorry to say we are as much in the dark as you are. We have requested a status review of your complaint from the investigation and you will be informed as soon as we hear from them.

Sincerely,



Wallace DeBoff
President

WB/kkk4/7

Recd. Oct. 4, 1978.

*The Alaska Society of
Professional Engineers*



Address Reply To:

September 29, 1978

H. Phillip Hubbard, Commissioner
Department of Commerce and
Economic Development
State of Alaska
Pouch D
Juneau, Alaska 99811

Dear Commissioner Hubbard:

Further reference is made to a complaint by Mr. James P. Sheldon to the Division of Occupational Licensing against Mr. Charles Overton. The Alaska Society of Professional Engineers has been requested by one of its members to inquire as to the status of action on Mr. Sheldon's complaint against Mr. Overton. Enclosed for your further reference is the following:

1. Copy of the complaint, undated.
2. Copy of a letter from Mr. L.E. Breeding dating December 27, 1977 to the Board of Architects, Engineers and Land Surveyors.
3. A copy of a letter from Mr. L.E. Breeding dated July 12, 1978 to the Board of Architects, Engineers and Land Surveyors.
4. A copy of a letter from Mr. Wallace Debaugh, President, Board of Architects, Engineers and Land Surveyors, dated August 24, 1978 to Mr. L.E. Breeding.

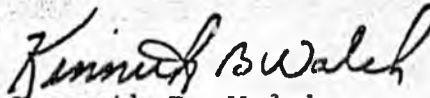
Feeling little satisfaction from his previous efforts, Mr. Breeding has requested the ASPE to lend its assistance in determining what action is being taken on this complaint. ASPE feels obligated to both professional engineers practicing in the State of Alaska and to the general public to provide assistance in legitimate complaints regarding the practice of engineering. It is to this end I am writing this letter.

The Alaska Society of
Professional Engineers
Commissioner Hubbard
September 29, 1978
Page Two

Mr. Breeding has been unable to determine if any action is being taken to resolve this complaint. I advised the Board of Architects, Engineers and Land Surveyors of ASPE's concern in this matter at their meeting in Anchorage on September 21st. I was advised by the board of the large number of complaints in the Attorney General's Office submitted by several of the Boards within Occupational Licensing some of which, I understand, have been pending for quite some time. The board was unable to shed any additional light on the disposition of this particular complaint.

Because we feel that it is so vitally important that the design profession take an active concern in such matters I would very much appreciate any information you can provide me regarding this complaint. I appreciate your interest and concern in this matter.

Very truly yours,



Kenneth B. Walch
President, ASPE

KBW/bjw

cc: Mr. Wallace Debaugh, President
Board of Architects, Engineers and Land Surveyors.
Mr. L.E. Breeding

Enclosures

VERNON AKIN AND ASSOCIATES

CONSULTING ENGINEERS

P. O. BOX 1081

JUNEAU, ALASKA 99802

PHONE (907) 580-8022

October 18, 1979

To: Sunset Laws Hearing Committees

The Sunset Law legislation appears to be an attempt to take a step in the right direction to cut expenses in governmental bureaucracy. The thought is commendable. But the mechanism instigated in this legislation can wreak havoc on the welfare of the general public if good judgment is not used by the legislature in evaluating the benefits of the existence of these boards of registration. These boards came into existence originally in an attempt to protect the general public. Some method was required to prevent the unqualified person from misrepresenting his abilities and thus "ripping off" the general public. The State set up certain requirements and tests that attempted to ascertain that the individual that fulfilled these requirements set down by the State was, in the eyes of the State, qualified to sell their services in the particular field of endeavor. It also put a responsibility on the licensed individual to perform his services satisfactorily or be subject to the withdrawal of his license to practice. This responsibility and duty placed upon the licensee is the factor that attempts to guarantee the welfare of the general public.

To best illustrate the benefits of the existence of boards of registration, let us take the negative approach and assume that all boards were abolished. What would be the results? Think of a society in which no registration was required for medical doctors, and anyone who wished could practice as a doctor or a surgeon, with no guarantee of any required qualifications. Think of the effect of this on the welfare of the general public and the havoc that would result. If the pseudo doctor made a mistake, he could bury it, and go on practicing on other patients. This example with the medical profession is probably the most extreme example of proficiency required, and all of us would agree that the medical profession should require licensing. But all of the various boards in the professional fields perform some benefits in protecting the welfare of the general public. Otherwise it is doubtful that they would have been organized originally. If they furnish any benefit to protecting the public against fraud and misrepresentation, then they are beneficial and should be retained. Most of the boards support themselves with fees from licensing. In fact, there should be more boards or licensing required of trades and professions to try to guarantee that the general public will not get exploited by unqualified personnel misrepresenting their proficiency. It would be a happy day if the public could with confidence hire a trade or profession and know that the work would be satisfactory and first quality. The threat of

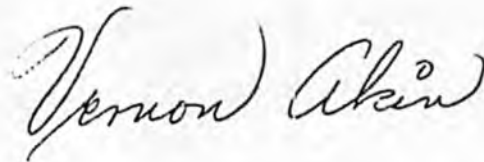
the possibility of loss of licensing and thus the loss of the right to practice the profession does much to insure that satisfactory work will be done.

My particular field is engineering. It is unthinkable to me to imagine what would be the results if the board of Architects, Engineers, and Land Surveyors were abolished. Anyone could then design a public building, with no qualifications required. If the building fell down or burned down or was detrimental to the occupants health because of inadequate design, where would the responsibility lie? How many banks or lending agencies would loan monies for construction on a design done by unqualified personnel? What would the insurance companies charge for premiums when there was question as to the adequacy of the design? Right! They would back off. The stamp on the construction documents is a guarantee of a level of proficiency, and this level is accepted by lending agencies, insurance companies, and plan review agencies. The owners and the occupants of the buildings would be the losers if registration were not a requirement for design of public buildings.

Better enforcement of the existing laws and regulations is required. Infractions of the existing regulations go unpunished because of lack of adequate enforcement personnel. Therefore the benefits to the general public exhibited by this board are not as great as they should be. They could be much better with better enforcement. The codes and laws were made and enacted by the State of Alaska for all to follow. Enforcement agencies have been set up by the State to see that all work is done according to the current codes, such as the building code, fire code, plumbing code, electrical code, mechanical code, etc. Yet the State of Alaska agencies are one of the worst offenders of their own codes. Excuses such as "not enough monies available" or "not enough time" are not accepted by the State for the private sector, but are used by the State in their own construction forces. So the work is installed not in compliance with current codes which the public sector must follow. This is double standards, and should be stopped. The State of Alaska should be the example of compliance with their own codes. The present laws require that all design for public structures and buildings be done by a person registered in the State and qualified in the particular field, and that the drawings bear his stamp and be signed by him. Yet the State of Alaska does design work, done by some unregistered personnel, and it does not bear the registration stamp. A typical example is the new Juneau-Douglas bridge design done by the State of Alaska. Again this is an example of double standards. This board needs some method of getting better enforcement of our existing statutes. Without adequate enforcement, the statutes are worthless. We have been hampered for many years with this lack, and cannot perform our function to the general public as we should. If the State cannot furnish adequate enforcement, then give us the power to do our own enforcement. Many complaints of infractions of the statutes have been entered for this board in the past, but they die of old age in someone's HOLD basket.

In summary, if there is any doubt as to the benefit of a board of registration to the general public welfare, leave it. The boards usually pay their own way from fees from licensing, so they are no large drain on the budget. If they do not pay their own way, then the licensing could be increased. Secondly, increase the enforcement of the existing statutes. Public confidence is destroyed by exhibits of double standards and partial enforcement. Let the individual board do its own enforcement. They are the experts in that field, and know what is required.

Cordially,

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

Vernon Akin, PE



PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE

- Alaska Chapter -

October 23, 1979

Senator Bradley, Chairman
and Members
Senate Commerce Committee

Re: Sunset Hearing - Board of Registration for
Architects, Engineers and Land Surveyors

Gentlemen:

The points and opinions being offered in this testimony are from PEPP, Professional Engineers in Private Practice, and are supported and endorsed by the members of the Alaska Section. At its last regular meeting, October 10, 1979, a motion was passed endorsing the testimony stated herein via committee concurrence as representative of the general view of the members.

I believe it is essential to state at the outset that a Board of Registration for Architects, Engineers and Land Surveyors must not only be maintained, but strengthened. It is timely that the committee sit and consider the relevancy of this board at a time when its importance to the public welfare could not have greater impact.

The professionals this board has regulated in the past and must continue to monitor in the future have all been charged with the responsibility to protect the safety, health, property and welfare of the public in the discharge of their professional duties. This responsibility correlates directly with existing Board regulations.

As we all are aware, times are forever changing and technology has advanced to the degree that the lay person, the public in this case, is being overwhelmed by the technological changes around him. In the hands of the proper professional, the public's well being will be considered, enhanced and preserved. On the contrary, a misapplication of this technology by those not fully understanding the tools in their hands, would leave an unsuspecting and vulnerable public at the mercy of the incompetent. Alaska shares many potential problems with the South '48, but has many more of its own due to the uniqueness of this State and its environment.



Coupled with our own set of problems that require specific understanding and experience, we add energy shortages, increased awareness of life safety and a multitude of changing regulations, codes, statutes and agencies. The net result is that our basic life styles are being complicated by advances and change.

The changes require the competent to handle, understand and safely apply; the professional who now, and more so in the future will have to call on his training, experience and judgment to deal with those items that affect the public's safety, health, property and welfare. It will be the Board's responsibility to monitor the professional during these increasingly difficult periods. To do so, the Board will need greater strength and operational flexibility than it has had in the past.

There has been a tendency to dilute the power of the Board in the past few years while the need has actually been the opposite. Certainly the public welfare demands a Board that is operationally strong, filled with competent members.

In our perspective, the future Board of Registration Law should be patterned after the general objectives of the present one with some strengthening to keep in tune with the future problems it will have to face. We recommend the following items be considered:

1. The authorization by statute of an Executive Director to assist in the day-to-day Board activities and to make it more effective in the enforcement of the licensing statute and regulations.
2. The budget of the Board should be markedly increased, both to accommodate (1) above and to provide funds for enforcement and prosecution.
3. That the Attorney General of the State may be consulted as a legal advisor; but that the Board be authorized to retain other counsel in lieu of the Attorney General in the pursuit of Board policies and objectives.
4. The present Law in Sec. 08.48.261 makes certain statements about the head of each principal department of the State with positions necessitating the use of registered personnel. Due to the increased demands on professionalism in the future, it is incumbent that the statute be retained or strengthened. The State departments must adhere to this regulation. It is contradictory to the times and needs to relax the qualifications of State employees. Persons of equal responsibility and presumed professionalism, both inside and outside government agencies or departments must comply with the same standard of qualifications.

Senate Commerce Committee

October 23, 1979

Page 3

The items above are key points for consideration. There are many others. However, if the major objectives are met, the key supporting phrases and regulations will become obvious in most instances.

In summary, we must emphasize the necessity for a Board of Registration for Architects, Engineers and Land Surveyors and then the importance of strengthening the Board so that it has the means to deal with the harsh problems of the future.

Just about everything of material substance that surrounds us, this building, the roads we drive on, the airport we land at, the hotel we stay in, the pipelines that carry our oil, gas and fuel, have been designed in whole or part by the persons this Board must regulate. We cannot relax the necessity for professional competency; we, therefore, must have a strong Board of Registration.

Thank you for your consideration.

Sincerely,

PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE (PEPP)



Walter E. Steige, P.E.,
Chairman

WES:tms

REVIEW OF BOARD OF ENGINEERS, ARCHITECTS, AND LAND SURVEYORS BOARD OF REGISTRATION

OUTLINE OF TESTIMONY

I. Introduction

John Horan, Land Surveyor (not registered) from Wasilla. Representing myself specifically, and several hundred potential registered land surveyors in effect.

II. Purpose and Scope of Testimony

- A. To bring to the attention of the committee issues relevant generally to the "public interest" question of the Board's functioning
- b. To bring to the attention of the committee possible legal questions as to the Boards' statutory authority and abuse thereof, and the possible improper delegation of authority to the Board by the legislature
- C. To propose revisions in the statutory authority of the Board
- d.. To propose realistic and fair regulations based on the national standard

III. Public Interest

A. In 1978 the Board held public hearings, etc., and approved a revision of AS 12AAC36. I would suggest that the committee review the public testimony in the following areas:

- 1. Board answers to reason for regulatory change, Attorney General's request for clarification of vagueness, ambiguities, etc.
- 2. Negative testimony (majority) to the regulations generally and to 12 years specifically
- 3. Consumer pressure to increase the "professional standard" when in fact absolutely nothing was done to that effect, the converse is more true.
 - a. APIRG testimony to that effect
 - b. "Turf protection" not in consumer interest
 - c. 12 year effect of limiting number of land surveyors
 - d. Legislative Audit's recommendations of continuing education to "upgrade professional standards".

Discussion: If the board sincerely wishes to upgrade professional services why haven't they:

- 1. Eliminated the incompetents, reference Legislative Audit
- 2. Provided for re-examination and or upgrading education
- 3. Required errors and omission insurance or bonding
- 4. Required tougher examinations

Prospective registered land surveyors are required to take an extremely difficult 16 hour set of exams, have 3 years responsible charge and be recommended by 3 registered land surveyors therefore, what is the purpose of the remaining 9 years except to create a monopolistic self serving system.

I submit that the Board has been guilty of a gross misuse of their delegated authority, has not acted in the public interest but only for those in their special interest group.

IV. Legal Questions (Request that committee obtain opinion of legislative legal staff on these questions).

1. Abuse of statutory authority to set specific time limits without legislative approval. In most states the legislature sets minimum time standards and does not delegate that power.

2. Legal question of 12 years being excessive, oppressive, discriminatory, and arbitrary.

- a. 6 year national average, 5.93 public land domain states
- b. Educational situation where accepted standard everywhere (all states are maximum 1 year education for 1 year experience). Under current regulations it ranges from 1 year education for 2 or 3 years experience

3. Further Alaskans access to vocational training of the type required is the poorest in the nation, giving rise to the situation that the state with the greatest emphasis on educational requirements has the least available is a further restriction unfairly imposed.

V. Proposals

1. The Legislature, in its bill providing for continuation of the Board:

- a. Require compliance with legislative audit recommendations
- b. in addition withdraw the power to set minimum standards
- c. set minimum standards as follows;

experience only	6 yrs. (3 yrs. responsible charge)
education and experience	6 yrs.
survey education, yr. for yr., up to 4 yrs.	(2 yrs. responsible charge)
applied or theoretical sciences	up to 3 yrs. (3 yrs. responsible charge)

Please forward favorable comments to:

Representative Fred Brown
Chairman, Sunset Review Committee
Pouch V
Juneau, AK 99811

Senator Brad Bradley
Chairman, Sunset Review Committee
Pouch V
Juneau, AK 99811