

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8410 SENATE LABOR & COMMERCE

FISCAL ESTIMATE WORKSHEET
Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R11/90)

1993 Session

ORIGINAL
 CORRECTED
 UPDATE
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Amendment No.
LRB 0443

Subject
Regulation of Landscape Architects

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
\$6,000 in one-time start-up costs.

II. Annualized Costs:		Annualized Fiscal Impact on State funds from:	
		Increased Costs	Decreased Costs
A. State Costs by Category			
State Operations - Salaries and Fringes	\$	16,200	\$ -
(FTE Position Changes)	(0.50 FTE)	(- FTE)
State Operations - Other Costs		12,600	-
Local Assistance			-
Aids to Individuals or Organizations			-
TOTAL State Costs by Category	\$	28,800	\$ -
B. State Costs by Source of Funds			
GPR	\$		\$ -
FED			-
PRO/PRS		28,800	-
SEG/SEG-S			-
III. State Revenues-		Increased Rev.	Decreased Rev.
Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)			
GPR Taxes	\$		\$ -
GPR Earned		400	-
FED			-
PRO/PRS		4,700	-
SEG/SEG-S			-
TOTAL State Revenues	\$	5,100	\$ -

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 28,800	\$
NET CHANGE IN REVENUES	\$ 5,100	\$

Agency/Prepared by: (Name & Phone No.)
Department of Regulation & Licensing
Patricia C. McCormack (267-2435)

Authorized Signature/Telephone No.
Patricia C. McCormack
267-2435

Date
2/4/93

State of South Dakota

SIXTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 1990

SENATE	S. J. Page	Am	Rep
Assigned to Committee on:			
Senate _____			
Committee Report:			
_____ Do Pass _____ Amend _____ Table			
Legislative Action on Amendment:			
_____ Adopted _____ Not Adopted			
Second Reading and Final Passage:			
_____ Pass _____ Fail			
HOUSE	H. J. Page	Am	Rep
Assigned to Committee on:			
House _____			
Committee Report:			
_____ Do Pass _____ Amend _____ Table			
Legislative Action on Amendment:			
_____ Adopted _____ Not Adopted			
Second Reading and Final Passage:			
_____ Pass _____ Fail			

195R296

SENATE BILL NO. 251

Introduced by: Senator Michael Diedrich and Representative Hollenbeck

1 FOR AN ACT ENTITLED, An Act to regulate the practice of landscape ar-
2 chitecture, to license landscape architects ~~and to provide immunity~~
3 ~~from certain civil liability.~~

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 36-18 be amended by adding thereto a new
6 section to read as follows:

7 Terms used in this Act mean:

- 8 (1) "Landscape architecture," the application of artistic and sci-
9 entific principles to the research, planning, design and man-
10 agement of both natural and built environments. Practitioners
11 of this profession apply creative and technical skills and sci-
12 entific, cultural and political knowledge in the planned ar-
13 rangement of natural and constructed elements on the land with
14 a concern for the stewardship and conservation of natural, con-
15 structed and human resources. The resulting environments shall
16 serve useful, aesthetic, safe and enjoyable purposes;
- 17 (2) "Landscape architect," any person technically qualified and le-
18 gally authorized under this Act to practice landscape architec-

Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

- 1 ture;
- 2 (3) "Landscape architectural firm," any organization, such as an
3 individual proprietorship, partnership, or a corporation, that
4 is under the responsible charge of a landscape architect legal-
5 ly authorized under this Act to practice landscape architec-
6 ture;
- 7 (4) "Unlawful practice of landscape architecture," any individual
8 or firm who practices or offers to practice landscape architec-
9 ture in this state; or anyone who in connection with his name
10 uses any title or description conveying the impression that he
11 is a landscape architect unless such person is qualified by
12 registration under this Act;
- 13 (5) "Landscape architect of record," the landscape architect whose
14 seal appears on the plans and specifications for land planning
15 or site design work;
- 16 (6) "Responsible charge," the landscape architect who is account-
17 able for the work that appears on his plans and specifications
18 and the land planning or site design work implemented from
19 those documents;
- 20 (7) "Land planning or site design," the application of artistic and
21 technical knowledge, experience and skill performed by a land-
22 scape architect;
- 23 (8) "Practice," the performance of a landscape architect or a land-
24 scape architectural firm in the application of land planning or
25 site design skills;
- 26 (9) "Commission," the commission of engineering and architectural
27 examiners, as created in S 36-18-9;
- 28 (10) "Council," the council of landscape architectural registration

1 boards;

2 (11) "Examination," the uniform national examination of landscape
3 architecture prepared by the council of landscape architecture
4 registration boards;

5 (12) "Council record," a detailed, authenticated personal record of
6 the activities and accomplishments in the landscape architec-
7 ture profession compiled by the council of landscape architec-
8 ture registration boards. A council record is a prerequisite to
9 obtaining a council certificate;

10 (13) "Council certificate," indicates that the applicant has com-
11 plied with the council standards for admission to an examina-
12 tion; that the applicant has successfully passed an examination
13 which conformed to the council standards which were in effect
14 at the time the examination was given; and that the applicant
15 is a qualified landscape architect and recommended to all reg-
16 istration authorities for registration or license as a land-
17 scape architect without further written examination;

18 (14) "Accreditation board," the landscape architectural accredita-
19 tion board, responsible for evaluating and accrediting educa-
20 tional programs in landscape architecture.

21 Section 2. That chapter 36-18 be amended by adding thereto a new
22 section to read as follows:

23 Any application for registration shall be on forms prescribed and
24 furnished by the commission and shall contain statements made under
25 oath showing the applicant's qualifications. Any application for reg-
26 istration shall be accompanied by an application fee established by
27 the commission by rules promulgated pursuant to chapter 1-26. Each ap-
28 plication shall be considered individually by the commission. A per-

1 sonal appearance before the commission, if required, shall be at the
2 time and place designated by the commission. Failure to supply addi-
3 tional evidence or information within thirty days from the date of the
4 written request from the commission, or failure to appear before the
5 commission, if an appearance is requested, may be considered cause for
6 disapproval of the application.

7 Section 3. That chapter 36-18 be amended by adding thereto a new
8 section to read as follows:

9 The commission shall accept the council certificate as conclusive
10 evidence of a landscape architect's eligibility for reciprocal regis-
11 tration and license.

12 Section 4. That chapter 36-18 be amended by adding thereto a new
13 section to read as follows:

14 Landscape architecture registration in South Dakota may also be ac-
15 complished if the candidate can satisfy the following requirements:

- 16 (1) Submit evidence verified by oath and satisfactory to the com-
17 mission that he is a resident of the state at the time of ap-
18 plication;
- 19 (2) Have satisfied all landscape architectural education and expe-
20 rience as required by this Act; and
- 21 (3) Have successfully completed all parts of the examination.

22 Section 5. That chapter 36-18 be amended by adding thereto a new
23 section to read as follows:

24 The commission shall admit to examination any candidate who pays a
25 uniform fee established by the commission by rule promulgated pursuant
26 to chapter 1-26, and satisfies the education and experience require-
27 ments as specified by this Act. Examination for registration shall be
28 conducted by the commission at such time and place within the state in

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1 each year as the commission shall determine. The commission may allow
 2 the proctoring of examinations at out-of-state sites by examination
 3 administrators of other council member boards. The commission shall
 4 review the results, approve those entitled to registration, and notify
 5 each candidate of the results. If a candidate fails on his first ex-
 6 amination, subsequent examinations may be granted upon payment of a
 7 fee established by the commission by rule promulgated pursuant to
 8 chapter 1-26.

9 Section 6. That chapter 36-18 be amended by adding thereto a new
 10 section to read as follows:

11 Education and experience required by landscape architectural candi-
 12 dates shall include:

13 (1) Graduation from an accredited school of landscape architecture
 14 of a college or university appearing on the list of accredited
 15 schools of landscape architecture current at the time of his
 16 graduation as published by the accreditation board;

17 (2) Completion of two years or more of diversified experience under
 18 the supervision of a registered landscape architect;

19 (3) In admitting a candidate to examination pursuant to this Act
 20 the commission shall consider the following requirements of ed-
 21 ucation and experience for landscape architects. Qualifying ex-
 22 perience may be substitute for education in whole or in part as
 23 follows:

24	Landscape	/	Years Max	/	Years Min	/	Total Years
25	Architects	/	Education	/	Experience	/	Education &
26	Classification	/	Credit	/	Credit	/	Experience

27

28 (1) Accredited

1	masters degree	5	1	6
2	(2) Accredited first			
3	professional degree	4	2	6
4	(3) Nonaccredited			
5	professional degree	3	5	8
6	(4) Nonrelated			
7	college degree	2	8	10
8	(5) Nonschool			
9	trained applicant	0	12	12

10 Section 7. That chapter 36-18 be amended by adding thereto a new
 11 section to read as follows:

12 Any applicant shall be notified by the commission of his eligibili-
 13 ty or ineligibility. Upon payment of the registration fee, the commis-
 14 sion shall issue the certificate of registration to an eligible land-
 15 scape architect. The certificate shall indicate the registration num-
 16 ber of the landscape architect which shall appear on the seal and on
 17 all works signed by the landscape architect. Only one certificate of
 18 registration may be issued to a landscape architect. The certificate
 19 shall be displayed in a conspicuous location at the place of employ-
 20 ment.

21 Section 8. That chapter 36-18 be amended by adding thereto a new
 22 section to read as follows:

23 Any person who is currently practicing as a landscape architect in
 24 the state of South Dakota and who has successfully completed the exam-
 25 ination prior to or up to two years after the effective date of this
 26 Act may apply for registration. All applications pursuant to this sec-
 27 tion shall be submitted to the commission within three months after
 28 the effective date of this Act. The provisions of this section apply

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1 only to residents of South Dakota.

2 Section 9. That chapter 36-18 be amended by adding thereto a new
3 section to read as follows:

4 As a condition for renewal of a certificate of registration, a cer-
5 tificate holder shall successfully complete professional development
6 requirements as established and approved by the commission by rules
7 promulgated pursuant to chapter 1-26 within the two previous calendar
8 years. The commission may not renew the certificate of registration of
9 any certificate holder who has failed to meet the professional devel-
10 opment requirements unless he can show good cause why he was unable to
11 comply with such requirements. If the commission determines that good
12 cause was shown, the commission shall permit the registered landscape
13 architect to make up all outstanding hours of professional develop-
14 ment.

15 Section 10. That chapter 36-18 be amended by adding thereto a new
16 section to read as follows:

17 The recipient of a certificate of registration issued under this
18 Act may practice landscape architecture and use the title "landscape
19 architect," according to the certificate granted. He may use the title
20 either with or without prefixing the word "registered." He may not
21 practice landscape architecture or use the title "landscape archi-
22 tect," with or without the prefix "registered," unless specifically
23 permitted to do so by the certificate. An unrevoked and unexpired cer-
24 tificate issued as provided in this Act is presumptive evidence that
25 the person named is legally registered.

26 Section 11. That chapter 36-18 be amended by adding thereto a new
27 section to read as follows:

28 Any landscape architect may engage in the practice of discip

1 of architecture and professional engineering but only to the extent
2 that such practice is incidental to a project or service being legally
3 performed.

4 Section 12. That chapter 36-18 be amended by adding thereto a new
5 section to read as follows:

6 The provisions of this Act do not apply to:

7 (1) Any person who is an employee of a registered landscape archi-
8 tect and who performs landscape architectural work under the
9 direction and supervision of a registered landscape architect,
10 but such work may not include responsible charge of land plan-
11 ning or site design or administration of construction con-
12 tracts;

13 (2) Any registered professional architect or engineer. However, an
14 architect or engineer may not use the title landscape architect
15 unless such person is registered pursuant to this Act; or

16 (3) Any person from preparing planting plans for plant materials in
17 connection with the sale of nursery stock or plant maintenance
18 materials, tools and equipment.

19 Section 13. That chapter 36-18 be amended by adding thereto a new
20 section to read as follows:

21 Landscape architecture may, for the purpose of landscape preserva-
22 tion, development and enhancement, include: investigation; selection,
23 and allocation of land and water resources for appropriate use; feasi-
24 bility studies; formulation of graphic and written criteria to govern
25 the planning and design of land construction programs; preparation,
26 review, and analysis of master plans for land use and development;
27 production of overall site plans, landscape grading and landscape
28 drainage plans, irrigation plans, planting plans and construction de-

1 tails; specifications; cost estimates and reports for land develop-
2 ment; collaboration in the design of roads, bridges and structures
3 with respect to the functional and aesthetic requirements of the areas
4 on which they are to be placed; negotiation and arrangement for execu-
5 tion of land area projects; field observation and inspection of land
6 area construction, restoration and maintenance.

7 Section 14. That chapter 36-18 be amended by adding thereto a new
8 section to read as follows:

9 The provisions of this Act concerning the issuance, expiration, re-
10 newal and reissuance of a certificate of registration of individuals
11 apply to certificates of authorization issued to partnerships and cor-
12 porations under the provisions of this Act. Each partnership or corpo-
13 ration shall be subject to disciplinary proceedings and penalties, and
14 certificates of authorization shall be subject to suspension or revo-
15 cation for cause, in the same manner and to the same extent as is pro-
16 vided with respect to individual persons and their certificates of
17 registration in this Act.

18 Section 15. That chapter 36-18 be amended by adding thereto a new
19 section to read as follows:

20 The practice of, or offer to practice, landscape architecture ei-
21 ther through or as an officer, employee or agent of a partnership or
22 corporation or by a partnership or a corporation through individual
23 landscape architects is permitted in this state. All officers, employ-
24 ees and agents within this state of a partnership or corporation in
25 responsible charge of or who will perform the practice of landscape
26 architecture within this state for such partnership or corporation
27 shall be registered. A partnership or corporation shall be issued a
28 certificate of authorization by the commission and each partnership or

1 corporation is responsible with and for the conduct or acts of the
2 agents, employees or officers in respect to any landscape architectur-
3 al services performed or to be executed in this state. No individual
4 practicing landscape architecture is relieved of the responsibility
5 for his conduct or acts performed by reason of his employment by or
6 relationship with such partnership or corporation.

7 Section 16. That chapter 36-18 be amended by adding thereto a new
8 section to read as follows:

9 A partnership or corporation desiring a certificate of authoriza-
10 tion or the renewal thereof shall file a written application with the
11 commission setting forth the names and addresses of all partners of
12 such partnerships or officers and directors of such corporation.

13 Section 17. That chapter 36-18 be amended by adding thereto a new
14 section to read as follows:

15 Upon receipt of an application pursuant to section 14 of this Act
16 and of a fee as set by the commission by rules promulgated pursuant to
17 chapter 1-26, for the initial certificate or renewal thereof, unless
18 the commission finds an error in such application or that any facts
19 exist which would entitle the commission to suspend or revoke such
20 certificate if issued to the applicant, the commission shall issue to
21 such partnership or corporation a certificate of authorization of a
22 renewal thereof, which certificate of authorization is not transfer-
23 able.

24 Section 18. That chapter 36-18 be amended by adding thereto a new
25 section to read as follows:

26 If, during the term of any certificate of authorization issued,
27 there is a change in any of the information submitted on the applica-
28 tion, the partnership or corporation shall file with the commission a

1 written report with respect thereto within thirty days after the ef-
2 fective date of such change.

3 Section 19. That chapter 36-18 be amended by adding thereto a new
4 section to read as follows:

5 Every holder of a certificate of registration as a landscape archi-
6 tect shall procure and use an individual embossed seal or rubber
7 stamp, the imprint or impression of which shall contain the
8 registrant's name and registration number, "South Dakota," and the
9 following words: "Registered Landscape Architect" in a design approved
10 by the commission. All landscape architecture documents shall be dated
11 and bear the legible seal and the signature of the registrant who is
12 responsible for the document.

13 Section 20. That chapter 36-18 be amended by adding thereto a new
14 section to read as follows:

15 Any certificate issued to a successful applicant shall contain the
16 following information: full name of the registrant, certificate number
17 assigned to the registrant, date of issuance, statement that it is is-
18 sued for the practice of landscape architecture and the seal of the
19 commission. The certificate may contain other information at the dis-
20 cretion of the commission. Each registrant shall also be issued a re-
21 ceipt indicating current registration. Every holder of a certificate
22 of registration as a registered landscape architect shall display it
23 in a conspicuous place in registrant's principal office, place of
24 business or place of employment.

25 Section 21. That chapter 36-18 be amended by adding thereto a new
26 section to read as follows:

27 All final drawings, plans, specifications, reports, documents, pa-
28 pers or diagrams involved in the practice of landscape architecture

1 prepared for the use of others by any corporation for delivery by it
 2 to any person to be made a part of any public record within the state
 3 shall be dated and bear the signature, stamp or seal of landscape ar-
 4 chitect who was in responsible charge of the preparation thereof.

5 Section 22. That chapter 36-18 be amended by adding thereto a new
 6 section to read as follows:

7 Every landscape architect registered under this Act who desires to
 8 continue the practice of his profession shall biennially pay to the
 9 executive director of the commission the fee established by the com-
 10 mission by rules promulgated pursuant to chapter 1-26, for which a fee
 11 renewal certificate of registration for the current years shall be is-
 12 sued. Certificates of registration shall expire on the last day of
 13 the month of December two years following their issuance or renewal
 14 and shall become invalid on that date unless renewed on that date.

15 Section 23. That chapter 36-18 be amended by adding thereto a new
 16 section to read as follows:

17 The executive director of the commission shall notify by mail every
 18 person registered under this Act of the date of expiration of his cer-
 19 tificate and the amount of the fee required for its renewal for two
 20 years. The notice shall be mailed to the last known address at least
 21 one month in advance of the date of expiration of the certificate.

22 Section 24. That chapter 36-18 be amended by adding thereto a new
 23 section to read as follows:

24 The failure on the part of any registrant to renew does not deprive
 25 such person of the right of renewal thereafter, but the fee to be paid
 26 for the renewal of the certificate after the month of December two
 27 years following issuance or renewal shall be increased by a uniform
 28 percent or amount to be determined by the commission by rules promul-

1 gated pursuant to chapter 1-26.

2 Section 25. That chapter 36-18 be amended by adding thereto a new
3 section to read as follows:

4 The commission may by a majority vote of the entire commission, re-
5 voke a certificate of any landscape architect registered under this
6 Act found guilty of recklessness or incompetence in his practice or
7 guilty of any fraud and deceit in obtaining his certificate. The com-
8 mission shall consider the following acts or omission to be grounds to
9 revoke or suspend a certificate of registration or to impose other
10 discipline upon a registrant:

11 (1) Fraud in procuring a certificate of registration;

12 (2) Professional incompetency;

13 (3) Knowingly making misleading, deceptive, untrue or fraudulent
14 representations in the practice of landscape architecture or
15 engaging in unethical conduct or practice harmful or detrimen-
16 tal to the public. Proof of actual injury need not be estab-
17 lished;

18 (4) Habitual intoxication or addiction to the use of drugs;

19 (5) Conviction of a felony related to the profession of the
20 registrant's ability to practice professional landscape archi-
21 tecture. A copy of the record of conviction or plea of guilty
22 shall be conclusive evidence;

23 (6) Fraud in representation as to skill or ability;

24 (7) Use of untruthful or improbable statements in advertisements;
25 or

26 (8) Failure of a registrant to complete professional development
27 requirements in accordance with this Act.

28 Section 26. That chapter 36-18 be amended by adding thereto a new

1 section to read as follows:

2 Any violation of any of the provisions of this Act by a corporation
3 is not grounds for the revocation or suspension of, or for refusal to
4 renew a certificate of registration of an individual employee of such
5 corporation unless the commission finds that such employee was a party
6 to the violation.

7 Section 27. That chapter 36-18 be amended by adding thereto a new
8 section to read as follows:

9 The commission may, after a period of six months by a majority vote
10 of the entire membership reissue, revoke a suspension not revoked by
11 its terms, issue or renew a certificate of registration to any person
12 affected by this Act. The findings and action of the commission in the
13 matter of revocation, suspension, refusing to issue or granting of a
14 certificate shall be subject to appeal.

15 Section 28. That chapter 36-18 be amended by adding thereto a new
16 section to read as follows:

17 The members of the commission or any committee thereof and the ex-
18 ecutive director of the commission in granting, withholding, revoking
19 or reissuing a certificate of registration shall be deemed to be act-
20 ing as officers of the state and the attorney general shall represent
21 and appear for them or any of them in any action or proceeding brought
22 by or against them or any of them because of such act.

23 Section 29. That chapter 36-18 be amended by adding thereto a new
24 section to read as follows:

25 Any person who violates any of the following is guilty of a Class 2
26 misdemeanor:

27 (1) Practices or offers to practice the profession of landscape ar-
28 chitecture in this state without proper certificate of regis-

1 tration or exemption in accordance with the provisions of this
2 Act;

3 (2) Uses the title "landscape architect" as indicating a landscape
4 architectural service with or without qualifying adjectives;

5 (3) Uses of any other words, letters or figures indicating or in-
6 tending to imply that the person using the same is a landscape
7 architect, without being registered or exempted in accordance
8 with the provisions of this Act;

9 (4) Pretends or attempts to use as his own the certificate of reg-
10 istration or the seal or stamp of another, or the affixing of a
11 registered landscape architect's seal on any plans, specifica-
12 tions, drawings or reports which have not been prepared by him
13 or under his personal supervision;

14 (5) Gives false or forged evidence of any kind to the commission or
15 to any member thereof, in obtaining a certificate of registra-
16 tion;

17 (6) Falsely impersonates any other registrant of like or different
18 name;

19 (7) Attempts to use an expired or revoked certificate of registra-
20 tion; or

21 (8) Being registered under the provisions of this Act, knowingly
22 allows his name or seal or stamp to be used upon plans or work
23 not actually performed by him, or under his responsible super-
24 vision or under his responsible charge.

25 Section 30. That chapter 36-18 be amended by adding thereto a new
26 section to read as follows:

27 The commission shall inquire into the identity of any person al-
28 leged to be engaging in the unlawful practice of landscape architec-

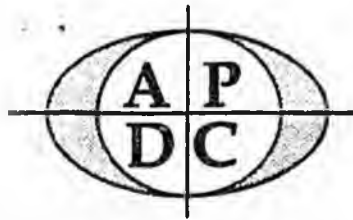
1 ture. The commission shall investigate every alleged violation of the
 2 provisions of this Act and report to the proper state's attorney any
 3 person or case that, in the judgment of the commission, warrants pros-
 4 ecution. The attorney general and the several state's attorneys shall
 5 prosecute violations of this Act, in the name of and on behalf of the
 6 commission.

7 Section 31. That chapter 36-18 be amended by adding thereto a new
 8 section to read as follows:

9 The commission may proceed by injunction to restrain violations of
 10 the provisions of this Act as an alternate to criminal proceedings.

11 ~~Section 32. That chapter 36-18 be amended by adding thereto a new~~
 12 ~~section to read as follows:~~

13 ~~A landscape architect is not liable for the safety of persons or~~
 14 ~~property on or about a construction project site, or for the construc-~~
 15 ~~tion techniques, procedures, sequences and schedules, or for the con-~~
 16 ~~duct, action, errors or omissions of any construction contractor, sub-~~
 17 ~~contractor or material supplier, their agents or employees, unless he~~
 18 ~~assumes responsibility of that for by contract or by his actual con-~~
 19 ~~duct. This section does not relieve a landscape architect from lia-~~
 20 ~~bility for his negligence, whether in his land planning or site design~~
 21 ~~work or otherwise.~~



Alaska Designs

Volume 16, No. 11, December 1993

The Official Newsletter of the Alaska Professional Design Council

Landscape Architects seek Professional Registration

by Dwayne Adams

Landscape architects have been an important partner in the planning and design field for 25 years in Alaska. Landscape architects have been instrumental in dramatic changes throughout the state, illustrated through urban improvements in our cities, park and playground designs from Barrow to Ketchikan, and the management of Alaska's national and state parks and wildlife refuges. The work performed by landscape architects entails an understanding of arctic engineering, accessibility design, natural resource planning, and Consumer Product Safety Council guidelines for playground design. The contribution of this profession to the health, safety and welfare of Alaskans warrants registration of the practice. Forty four of the 50 states currently recognize this need.

The State Board of Registration has raised three questions that should be discussed: 1) What should be the definition of landscape architecture? 2) Will there be a mandate for the use of landscape architects in specific circumstances, and 3) Are landscape architects in Alaska precluded from doing work that they are qualified to do? Each question deserves consideration:

First, the definition of landscape architecture (included in suggested draft changes within this newsletter) is specific with regard to those areas

in which landscape architects traditionally practice. It also parallels the definitions of our sister professions. Landscape architects do planning work, but do not seek authorization to do platting anymore than architects seek such authority as is allowed within the definition of architecture. They seek the authority to design minor site structures such as seating, information kiosks, and trails, but do not request authority to design overpasses or other significant structures any more than architects are allowed by definition to do: "...structural design of minor importance." Landscape architects wish to provide design of site rehabilitation through site contouring and revegetation but do not seek allowance to design remediation systems for environmental pollutants.

The question then is how to provide for the areas of traditional practice while being concise. The existing definitions of the other professions allow the practices to be "...by regulation of the board." Landscape architects suggest that the definition of landscape architecture be parallel to the definitions of the other areas of practice. To define "planning", "minor site structures" or "rehabilitation of disturbed lands"

See LANDSCAPE, page 2

AELS Board to Consider Licensure for Environmental Professionals

by Carl H. Harmon, Chair
Alaska Association of
Environmental Professionals

It is the position of the Alaska Association of Environmental Professionals (AAEP) and the National Association of Environmental Professionals (NAEP) that the public health, safety, welfare and the environmental resources of the State of Alaska can be better protected if Environmental Professionals/Environmental Engineers are licensed.

The AAEP and NAEP believe that the environmental field is a specific and identifiable area of professional practice. To practice as an Environmental Professional requires the professional application of specialized education, knowledge, experience and training in the physical or natural sciences. It is the position of

See ENVIRONMENTAL, page 2

The Alaska Professional Design Council is establishing a "Specialty Registrations Committee" to formulate a position on the application of Landscape Architects and Environmental Engineers for registration. If you would like to be on the committee or if you have an opinion on the merits of specialty registration please contact your APDC Board Member.

• LANDSCAPE

Continued from page 1

within the statute would be voluminous and out of character with the other definitions. The board is in place to address these issues and the landscape architects suggest that the board would effectively deal with these issues.

The second concern has to do with whether there are circumstances in which landscape architectural services would be required by statute. Landscape architects do not request any such allowance or restriction. They request that they be allowed to work in those areas in which they traditionally practice. In many circumstances it is not appropriate to require landscape architectural design. Landscape architects do not seek to restrict architects or civil engineers from performing minor planting design if that meets the desires of a client. However, if a client would prefer that a landscape architect perform trail design, planting design or site grading, then the client should have that option.

The third concern has to do with whether Alaskan landscape architects are deprived of work that should be done in state. Currently, more landscape architecture work is performed by out of state landscape architectural offices than is performed by in-state offices. These out-of-state landscape architects have little or no training in arctic engineering, seldom have knowledge of local maintenance practices, and have little knowledge of local plant materials. The Alaskan landscape architects feel that the public's interest is best protected when these professionals have knowledge of Alaskan engineering practices, Alaskan maintenance practices and Alaskan plant materials.

In summary the landscape architects request only that they be allowed to practice within their traditional areas of practice and

within the limits of their professional education and training. They do not ask that other professionals be excluded from practicing in those areas in which they work, but do ask that clients be given the option of using a landscape architect. Lastly, they ask that landscape architectural work that is performed within the state of Alaska be done by persons trained and experienced with design for Alaska. It is in the public's best interest and the interest of all of the planning and design professions that the practice of landscape architecture be regulated in the state of Alaska.

A summary of the proposed changes to Alaska Statutes and Alaska Administrative Code to allow licensing for landscape architects is on page 5, including a definition of landscape architecture as proposed by the Alaska Chapter of the American Society of Landscape Architects.

• ENVIRONMENTAL

Continued from page 1

the AAEP and NAEP that the skills necessary for the practice of Environmental Professionals can be determined through the administration of an exam, given to those individuals possessing the prerequisite qualifications of education and experience. The practice by Environmental Professionals should be restricted to those individuals who have qualified for licensure through examination or endorsement from an equivalent process from another state.

While other professions may practice in fields which are similar or may overlap to some extent with the practice by Environmental Professionals, it is the position of the AAEP and NAEP that licensure of Environmental Professionals will not result in the restriction of any area of practice of any currently licensed profession, including engi-

neers, geologists, surveyors or landscape architects. The licensure of Environmental Professionals will assure that the individuals responsible for the practice of professional environmental management are directly liable and responsible for the consequences of their efforts.

Ethical standards are essential for the responsible practice by Environmental Professionals. It is the position of the AAEP and NAEP that a Code of Ethics for Environmental Professionals must be a component of the regulation of the practice of professional environmental management. Identification of the fundamental canons, rules of practice and professional obligations of Environmental Professionals will provide assurance that appropriate ethical standards have been established and are being met.

There are professional organizations which review and certify the credentials of Environmental Professionals performing work in certain disciplines of environmental management. It is the position of the AAEP and NAEP that the licensing of Environmental Professionals will neither eliminate the need for, nor diminish the importance of, these certifications. Licensure and certification can provide the complementary assurance of repeated practice and peer recognition of qualifications.

The AAEP and NAEP believe that they are not alone among the organizations of Environmental Professionals in recognizing the necessity of licensure of Environmental Professionals. It is the position of the AAEP and NAEP that licensure can only be accomplished with the unified cooperation and support of the existing organizations whose members are Environmental Professionals. The AAEP and NAEP urge all groups with an interest in this issue to join together to achieve the goal of licensure of Environmental Professionals.

• AELS

Continued from page 5

- Are cable utilities included?
- Are telephone utilities included?
- Can standard details be used for repetitive projects, such as line extensions or service drops, without special site specific plans?
- Can the Board legally pick an enforcement date later than statute requirements?

ML&P plans to comply as soon as possible, but they must go through an extensive class specification change, including negotiations with the International Brotherhood of Electrical Workers (IBEW), before this can be implemented. Contact Dick Armstrong, 276-0521, with questions or comments.

15. *1994 Meeting Dates.* The AELS Board preliminary meeting dates are 1/27/94-1/28/94 in Juneau; 5/19/94-5/20/94 in Anchorage; 8/18/94-8/19/94 in Fairbanks and 11/17/94-11/18/94 in Anchorage.

Proposed Changes for Landscape Architect Licensing

The Alaska Chapter of the American Society of Landscape Architects has drafted proposed statutes and regulations to allow registration of landscape architects. Changes to Alaska Statutes Chapter 48 include:

- Add the words "Landscape Architect" in Chapter title, list of professions to be registered and throughout applicable sections.
- Add two members to the Board to allow for a Landscape Architect member and another public member (to prevent tie votes).
- Allow registration by comity for

landscape architects holding certificates of registration elsewhere. Allow registration of persons holding a certificate of qualification issued by the Council of Landscape Architectural Registration Board.

- Add definitions; "landscape architect" means a professional Landscape Architect and "practice of landscape architecture" means professional service or creative work in the planning of land, the design of grading, drainage, irrigation, planting layout, minor site structures, and rehabilitation of disturbed lands, the evaluation of scenic values, the teaching of advanced landscape architectural courses in institutions of higher learning, consultation, investigation, evaluation, planning, design and professional inspection and contract administration of construction of public or private sitework, and landscape architectural review of drawings and specifications by regulatory agencies.

Alaska Administrative Code Chapter 36 would be amended as proposed below:

- Add a section defining eligibility for landscape architect registration to include successful completion of all educational requirements to obtain an undergraduate degree in a landscape architecture curriculum accredited by ASLA, as documented by the applicant's educational institution; or satisfactory evidence of equivalent education and experience.
- Add the words "Landscape Architect" throughout applicable sections.
- Require, for registration by comity, a CLARB record, completed application, verification of registration in another jurisdiction and proof of completion of Arctic Engineering.

Directory of Sustaining Members

Golder Associates, Inc.
Geotechnical & Environmental Engineers
8740 Hartzell Suite 200, Anchorage, AK 99507
Phone (907) 344-6001 Fax (907) 344-6011

Harding Lawson Associates
Engineering and Environmental Services
601 East 57th Place
Anchorage, AK 99518
Phone (907) 563-6102 Fax (907) 561-4574

Hart Crowder Inc.
Earth and Environmental Technologies
2550 Denali Street, Suite 705
Anchorage, AK 99503 (907) 276-7475

James M. Montgomery
Consulting Engineers Inc.
Environmental and Civil Engineering
4000 Credit Union Dr. Suite 600
Anchorage, Alaska 99503 (907) 561-5829

Kumin Associates, Inc. — Architects
Phone 563-8877 Fax 561-0378

Lake & Borwall
Consulting Electrical Engineers, Inc.
543 Third Avenue, Suite 208
Fairbanks, AK 99701 (907) 452-1441

Loftus & Dalley, Inc.
Structural Engineering-Engineering Management
341 West Tudor Road, Anchorage AK 99503
1028 Aurora Drive, Fairbanks, AK 99701

Lounsbury & Associates, Inc.
Surveyors • Engineers • Planners
723 West Sixth Avenue
Anchorage, AK 99501 (907) 272-5451

A.W. Murfitt Company
Engineering and Testing
Phone (907) 345-2737 Fax (907) 345-3264

Peratrovich, Nottingham & Drage, Inc.
Engineering Consultants
1506 West 36th Avenue
Anchorage, AK 99503 (907) 561-1011
Offices in Anchorage, Juneau and Seattle

RSA Engineering, Inc.
Mechanical • Electrical
2522 Arctic Boulevard, Suite 200
Anchorage, AK 99503-2516 (907) 276-0521

Technology Plus
AutoCAD, ArcCAD, PC ARC/INFO
LandCADD, Archibus, ArcView
Phone & Fax (907) 780-6211

Tryck Nyman Hayes, Inc.
Engineers • Surveyors • Landscape Architects
Transportation and Community Planning
911 West 8th Avenue
Anchorage, Alaska 99501
Phone (907) 279-0543 Fax (907) 276-7679

**INTRODUCTION TO NEED FOR LICENSURE OF LANDSCAPE ARCHITECTS
NOVEMBER 18, 1993**

The licensure of landscape architects is necessary to put them on an equal footing with professionals already licensed in this state to perform tasks traditionally performed by landscape architects.

LANDSCAPE ARCHITECTURE INCLUDES THESE AREAS OF EXPERTISE:

Planning, design and management of the land with an eye towards ecosystem integrity, protecting the natural systems and habitat that provide for the health of communities and the planet.

Mitigation of damage to wetlands by creating or restoring ecological functions

Reclaiming degraded landscapes, such as strip mines

Site planning for public and private land

Conserving historic landscapes

Conducting research in urban design, environmental planning and other areas related to the profession

Planning course work teaching and evaluating curricula for landscape architecture students

Preserving the quality of the natural environment and analyzing ecosystems and resources

LANDSCAPE ARCHITECTS CREATE SAFE AND ENVIRONMENTALLY CONSCIOUS DESIGN FOR:

Northern landscapes

Resource management

Temperature, noise, dust and wind control

View preservation and screening

Flooding and erosion control

Seismic land planning

Elderly and disabled citizens

Security systems

Fire, pollution and vandal resistance

PROFESSIONAL QUALIFICATIONS:

Professional degree from one of over 40 accredited college or university programs

Specialized training

Licensure in 44 out of 50 states

HEALTH, SAFETY AND WELFARE

"Clear and direct" relationships between protection of the public and the practice of Landscape Architecture may be seen in the following examples:

- A. Inadequate design of outdoor structures such as those used in parks and other recreational facilities could result in injury should those structures fail. Such structures can include small shelters, footbridges, gazebos, kiosks, decks, walls, rest facilities, among others.
- B. Specification of unsafe playground equipment, inadequate fall zones or safety surfacing could result in injury and consequent liabilities.
- C. Inadequate provision for drainage can result in flooding of foundations, basements, walkways, highway rights of way, recreation areas, and other kinds of facilities used by the public. This could present particularly serious hazards under the freezing conditions of Alaska.
- D. Improper specifications for grading and filling can result in soil slippage and washing or even massive erosion.
- E. Improperly specified relationships between water supplies, such as to artificial ponds, fountains, etc. and water drainage facilities could result in contamination of a water supply system of an entire community.
- G. Lack of adequate knowledge of plant materials and their functional characteristics and interrelationships with various kinds of soils and other environmental elements can present at least these kinds of hazards:
 - 1. Trees placed in soils whose structural characteristics do not provide its root system adequate physical support under stress of certain wind conditions.
 - 2. Root systems placed too near foundations of structures will ultimately weaken the structure.
 - 3. Certain toxic or otherwise harmful species could harm children in a variety of ways.
 - 4. Specification of hardwood trees on highway medians or otherwise too close to rights-of-way present a serious hazard to motorists and their passengers.
 - 5. Specification of plant materials on incompatible soils can result in deadwood that provides fire hazards.

Licensing - rules and regulations by the State of Alaska

The following are changes to Alaska Statutes, Chapter 48. Architects, Engineers, and Land Surveyors. The purpose of these amendments is to obtain licensing for landscape architects within the State of Alaska using existing laws and procedures to the extent possible. The definition uses examples from other states, however it is similar to the definition provided for other professions in the regulations.

Alaska Statutes Chapter 48.

Architects, Engineers, Landscape Architects and Land Surveyors.

Article 1. Board of Registration

Section 08.48.011.

- (a) add "Landscape Architects" to list of those professions to be registered.
- (b) create eleven member board instead of the current nine member board, by adding one landscape architect and increasing public member to two. (By adding two members a tie situation is not created.)

Change the following sections in Article 1 with regard to operations related to the increased number of board members, or with administrative needs. The sections below are identified as sections that need only minor changes, in many cases just the addition of the word "landscape architect".

Section 08.48.051. Organization and Meetings

Section 08.48.061. Finances. (c)

Section 08.48.071. Records and reports. (f)(1), (3)

Section 08.48.111. Power to revoke, suspend or reissue certificate.

Article 2. Registration and Practice.

Section 08.48.191. Registration by comity or endorsement.

add (d): A person holding a certificate of registration authorizing the practice of landscape architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, which, 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. A person holding a certificate of qualification issued by the Council of Landscape Architectural Registration Board may upon application be registered in accordance with the regulations of the board.

Change the following sections in Article 2. The sections below are identified as sections that need only minor changes, in many cases just the addition of the word "landscape architect".

Section 08.48.171. General requirements and qualifications for registration.

Section 08.48.181. Registration upon examination.

Section 08.48.201. Application for registration.

Section 08.48.221. Seals.

Section 08.48.241. Corporations.

Section 08.48.251. Partnerships.

Article 3. Unlawful Acts.

Change the following sections in Article 3. The sections below are identified as sections that need only minor changes, in many cases just the addition of the word "landscape architect".

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/14/94

FURTHER: Finance

Date of 5-Day Notice: 3/24/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4-11-94

L&C Committee considered SB 305

"An Act relating to licensure of landscape architects."

and recommends:

replace with _____ CS SB 305 (L&C)

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
<u>SB</u> <u>CS SB DCEA</u>	<u>4/6/94</u>		<input checked="" type="checkbox"/>

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Henry R. - No Recommendation
Paul H. - R.
George - NR

Tim Kelly - Do Pass
Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 305

Revision Date: 3/17/94
 Title: An Act relating to licensure of
landscape architects
 Sponsor: Senator Little
 Requestor: Senator Little

Department: Commerce and Economic Dev.
 BRU: Occupational Licensing
 Component: Operations
 COMPONENT SERIAL NO. 1844

Expenditures/Revenues		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0	
TRAVEL	13.8	13.8	13.8	13.8	13.8	13.8	
CONTRACTUAL	5.9	5.1	5.1	5.1	5.1	5.1	
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0	
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0	
LAND & STRUCTURES							
GRANTS, CLAIMS							
MISCELLANEOUS							
TOTAL OPERATING	20.7	19.9	19.9	19.9	19.9	19.9	

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	40.6	0.0	39.8	0.0	39.8	0.0
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FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 General Fund							
1005 GF/Program Receipts	20.7	19.9	19.9	19.9	19.9	19.9	
1006 GFMHTIA							
Other							
TOTAL	20.7	19.9	19.9	19.9	19.9	19.9	

Estimate of any current year (FY 94) cost: \$ None

POSITIONS		FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME		0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME		0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY		0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)
 SB 305 expands the Board of Registration for Architects, Engineers, and Land Surveyors to include landscape architects. The expansion requires adding two new members to the board and adding a new category of examination and registration. The expansion also requires the board to adopt regulations relating to the examination, registration, and practice of landscape architects. Preliminary information indicates there are approximately 50 individuals who may be registered in the state as landscape architects. (Continued on attached page.)

Prepared by: JoAnne Cummings, Regulations Specialist
 Division: Occupational Licensing
 Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

Phone: 465-2537
 Date: 3/17/94
 Date: 3-17-94

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FISCAL NOTE

CONTINUATION of FISCAL NOTE ANALYSIS FOR BILL/RESOLUTION NO. SB 305

No increase is requested for investigative costs. However, if the number of complaints is higher than anticipated, an increase for investigative costs will be required in the future.

The Board of Registration for Architects, Engineers and Land Surveyors is presently understaffed. The increased duties for examination and registration of landscape architects will be absorbed by a position that already exists in the division. However, additional staff travel will be required for board meetings and examinations.

The division is anticipating that the charge for the national examination for landscape architect registration can be paid by an applicant directly to the examination agency. If the examination agency will not allow direct payment, additional funding of \$20.5 will be required for examining 50 applicants.

TRAVEL

TRAVEL TO BOARD MEETINGS FOR STAFF AND BOARD MEMBERS \$ 8.6

The board meets four times each year. The travel costs are based on the airfare and per diem for two new members and one additional staff person to travel to each of these meetings

STAFF TRAVEL TO ADMINISTER EXAMINATIONS \$ 1.5

The national organization for landscape architect registration offers two examinations each year. The staff travel costs are based on the airfare and per diem for one staff person to travel from Juneau to Anchorage for one three-day examination and one two-day examination each year to proctor the examination and provide examination security.

REGIONAL AND NATIONAL MEETINGS \$ 3.7

The national organization for landscape architect registration holds a national and a regional meeting each year. The expenditures for this travel are based on one board member traveling to each of these meetings each year.

CONTRACTUAL SERVICES

\$ 5.9

Contractual services cover printing, postage, communications, advertising costs, room rental for examination administration, and membership fees to belong to the national organization for landscape architect registration. It is estimated that there will be higher costs in the initial year for regulations projects and examinations. In the following years it is estimated that the expenditures for contractual services may be reduced to \$5.1 due to decreased costs to develop regulations and lower room rental costs to examine fewer numbers of applicants.

SUPPLIES

\$ 1.0

TOTAL:

\$ 20.7

FUND SOURCE: Funding is expected to be provided from General Fund/Program Receipts. Registration fees are collected biennially. In order for this program to pay its own costs, each landscape architect registrant must pay approximately \$870 biennially. This fee is calculated by taking the amount of the operating expenses shown in this fiscal note for the first two years, less two years' examination costs, plus 10% of the personal services costs of a licensing examiner for two years, divided by the estimated number of registrants, plus a share of the division's indirect costs for two years. The estimated examination fee is \$115. This estimate of fees is based on 50 registrants. The fees may be reduced if the number of registrants is higher than expected.

* rewrite journal
note board
* keep at 9

48.171

where does it
say landscape architects
must have degree?

* Check page
12

SENATE BILL NO. 305

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR LITTLE

Introduced: 2/14/94
Referred: L&C, FIN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensure of landscape architects."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 08.01.010(2) is amended to read:

4 (2) State Board of Registration for Architects, Engineers, Landscape
5 Architects, and Land Surveyors (AS 08.48.011);

6 * Sec. 2. AS 08.03.010(c)(3) is amended to read:

7 (3) State Board of Registration for Architects, Engineers, Landscape
8 Architects, and Land Surveyors (AS 08.48.011) - June 30, 1997;

9 * Sec. 3. AS 08.48.011 is amended to read:

10 Sec. 08.48.011. BOARD CREATED. (a) There is created the State Board of
11 Registration for Architects, Engineers, Landscape Architects, and Land Surveyors.
12 The board shall administer the provisions of this chapter and comply with AS 44.62
13 ([THE] Administrative Procedure Act [(AS 44.62)]).

14 (b) The board consists of 11 [NINE] members appointed by the governor

1 having the qualifications as set out in AS 08.48.031. The board consists of two civil
2 engineers, one land surveyor, one mining engineer, two engineers from other branches
3 of the profession of engineering, one landscape architect, two architects, and two
4 [ONE] public members [MEMBER].

5 * Sec. 4. AS 08.48.061(c) is amended to read:

6 (c) The board may make expenditures from appropriated funds for any purpose
7 that is reasonably necessary for the proper performance of its duties under this chapter.
8 This may include the expenses of the board delegates to meetings of councils of
9 architect examiners, engineering examiners, landscape architect examiners, or land
10 surveyor examiners, or any of their subdivisions. The total amount of warrants issued
11 in payment of the expenses incurred under this chapter may not exceed the amount of
12 money appropriated by the legislature.

13 * Sec. 5. AS 08.48.071(f) is amended to read:

14 (f) The Department of Commerce and Economic Development shall assemble
15 statistics relating to the performance of its staff and the performance of the board,
16 including but not limited to,

17 (1) the number of architects, engineers, landscape architects, and land
18 surveyors registered over a five-year period;

19 (2) the rate of passage of examinations administered by the board;

20 (3) the number of persons making application for registration as a
21 professional architect, engineer, landscape architect, or land surveyor over a five-year
22 period;

23 (4) an account of registration fees collected under AS 08.01.065;

24 (5) a measure of the correspondence workload of any licensing
25 examiner employed by the department to carry out this chapter.

26 * Sec. 6. AS 08.48.111 is amended to read:

27 Sec. 08.48.111. POWER TO REVOKE, SUSPEND, OR REISSUE
28 CERTIFICATE. The board may suspend, refuse to renew, or revoke the certificate of
29 or reprimand a registrant or corporation who is found guilty of (1) fraud or deceit in
30 obtaining a certificate; (2) gross negligence, incompetence, or misconduct in the
31 practice of architecture, engineering, landscape architecture, or land surveying; or (3)

1 a violation of this chapter, a regulation adopted under this chapter, or the code of
2 ethics or professional conduct as adopted by the board. The code of ethics or
3 professional conduct shall be distributed in writing to every registrant and applicant
4 for registration under this chapter. This publication and distribution of the code of
5 ethics or professional conduct constitutes due notice to all registrants. The board may
6 revise and amend its code and, upon doing so, shall immediately notify each registrant
7 in writing of the revisions or amendments. The board may, upon petition of the
8 registrant or corporation, reissue a certificate if a majority of the members of the board
9 vote in favor of the reissuance.

10 * Sec. 7. AS 08.48.171 is amended to read:

11 Sec. 08.48.171. GENERAL REQUIREMENTS AND QUALIFICATIONS FOR
12 REGISTRATION. An applicant for registration as an architect, engineer, landscape
13 architect, or land surveyor must be of good character and reputation and shall submit
14 evidence satisfactory to the board of the applicant's education, training, and
15 experience. However, an applicant for registration as a land surveyor may not be
16 required to submit evidence of more than eight years of any combination of education,
17 experience, or training.

18 * Sec. 8. AS 08.48.181 is amended to read:

19 Sec. 08.48.181. REGISTRATION UPON EXAMINATION. Except
20 provided in AS 08.48.191, for registration as a professional architect, professional
21 engineer, professional landscape architect, or professional land surveyor, a person
22 shall be examined in this state in accordance with the regulations of procedure and
23 standards adopted by the board under AS 44.62 ([THE] Administrative Procedure Act
24 [(AS 44.62)]). The procedure and standards shall at least meet the requirements
25 adopted by recognized national examining councils for these professions.

26 * Sec. 9. AS 08.48.191 is amended by adding a new subsection to read:

27 (d) A person holding a certificate of registration authorizing the person to
28 practice landscape architecture in a state, territory, or possession of the United States,
29 the District of Columbia, or a foreign country, that in the opinion of the board meets
30 the requirements of this chapter, based on verified evidence, may upon application, be
31 registered under the regulations of the board. A person holding a certificate of

1 qualification issued by the Council of Landscape Architectural Registration Boards
2 may upon application be registered under regulations of the board.

3 * Sec. 10. AS 08.48.201(a) is amended to read:

4 (a) Application for registration as a professional architect, a professional
5 engineer, a professional landscape architect, or a professional land surveyor shall

6 (1) be on a form prescribed and furnished by the board;

7 (2) contain statements made under oath, showing the applicant's
8 education and a detailed summary of the applicant's technical experience; and

9 (3) contain five references, three of whom must be architects for
10 architectural registration, engineers for engineering registration, landscape architects
11 for landscape architectural registration, and land surveyors for land surveying
12 registration, having personal knowledge of the applicant's architectural, engineering,
13 landscape architectural, or land surveying education, training or experience.

14 * Sec. 11. AS 08.48.211 is amended to read:

15 Sec. 08.48.211. CERTIFICATE OF REGISTRATION. (a) An applicant who
16 fulfills the requirements set out by the board shall be awarded a certificate of
17 registration as a professional architect, engineer, landscape architect, or land surveyor,
18 authorizing the holder to offer or perform architectural, engineering, landscape
19 architectural, or land surveying services or work for the public, or to certify or sign
20 architectural, engineering, landscape architectural, or land surveying documents.
21 Certificates of registration issued under this section shall be inscribed on their face in
22 a manner determined by the board.

23 (b) The certificate of registration sealed by the board is prima facie evidence
24 that the person named in it is entitled to all rights and privileges of a professional
25 architect, professional engineer, professional landscape architect, or professional land
26 surveyor while the certificate remains unrevoked or unexpired.

27 * Sec. 12. AS 08.48.221 is amended to read:

28 Sec. 08.48.221. SEALS. Each registrant may obtain a seal of the design
29 authorized by the board, bearing the registrant's name, registration number, and the
30 legend, "Registered Professional Architect," "Registered Professional Engineer,"
31 "Registered Professional Landscape Architect," or "Registered Professional Land

1 Surveyor," as appropriate. Final drawings, specifications, surveys, plats, plates, reports,
2 and other similar documents shall, when issued, be signed and stamped with the seal.
3 The board shall adopt regulations governing the use of seals by the registrant. An
4 architect, engineer, landscape architect, or land surveyor may not affix or permit a
5 seal and signature to be affixed to an instrument after the expiration of a certificate or
6 for the purpose of aiding or abetting another person to evade or attempt to evade a
7 provision of this chapter. The registrant, by affixing the registrant's seal to final
8 drawings, specifications, surveys, plats, plates, reports, and other similar documents,
9 and signing them, certifies that these documents were prepared by or under the
10 registrant's direct supervision, unless the registrant certifies on the face of the
11 document to the extent of the registrant's responsibility.

12 * Sec. 13. AS 08.48.241(a) is amended to read:

13 (a) This chapter does not prevent a corporation from offering architectural,
14 engineering, landscape architectural, or land surveying services; however, the
15 corporation shall file with the board

16 (1) an application for a certificate of authorization upon a form to be
17 prescribed by the board and containing information required to enable the board to
18 determine whether the corporation is qualified in accordance with the provisions of this
19 chapter to offer to practice architecture, engineering, landscape architectural, or land
20 surveying in this state;

21 (2) a certified copy of a resolution of the board of directors of the
22 corporation designating persons holding certificates of registration under this chapter
23 as responsible for the practice of architecture, engineering, landscape architecture,
24 or land surveying by the corporation in this state and providing that full authority to
25 make all final architectural, engineering, landscape architectural, or land surveying
26 decisions on behalf of the corporation with respect to work performed by the
27 corporation in this state is granted by the board of directors to the persons designated
28 in the resolution; however, the filing of this resolution does not relieve the corporation
29 of any responsibility or liability imposed upon it by law or by contract;

30 (3) a designation in writing setting out the name of one or more
31 persons holding certificates of registration under this chapter who are in responsible

1 charge of each major branch of the architectural, engineering, landscape architectural,
2 or land surveying activities in which the corporation specializes in this state; if a
3 change is made in the person in responsible charge of a major branch of the
4 architectural, engineering, landscape architectural, or land surveying activities the
5 change shall be designated in writing and filed with the board within 30 days after the
6 effective date of the change.

7 * Sec. 14. AS 08.48.241(b) is amended to read:

8 (b) Upon filing with the board the application for certificate of authorization,
9 certified copy of resolution, affidavit, and designation of persons specified in this
10 section, the board shall, subject to (c) of this section, issue to the corporation a
11 certificate of authorization to practice architecture, engineering, landscape
12 architecture, or land surveying in this state upon a determination by the board that

13 (1) the bylaws of the corporation contain provisions that all
14 architectural, engineering, landscape architectural, or land surveying decisions
15 pertaining to architectural, engineering, landscape architectural, or land surveying
16 activities in this state will be made by the specified architect, engineer, landscape
17 architect, or land surveyor in responsible charge, or other registered architects,
18 engineers, landscape architects, or land surveyors under the direction or supervision
19 of the architect, engineer, landscape architect, or land surveyor in responsible charge;

20 (2) the application for certificate of authorization states the type of
21 architecture, engineering, landscape architecture, or land surveying practiced or to
22 be practiced by the corporation;

23 (3) the applicant corporation has the ability to provide architectural,
24 engineering, landscape architectural, or land surveying services;

25 (4) the application for certificate of authorization states the professional
26 records of the designated person who is in responsible charge of each major branch of
27 architectural, engineering, landscape architectural, or land surveying activities in
28 which the corporation specializes;

29 (5) the application for certificate of authorization states the experience
30 of the corporation, if any, in furnishing architectural, engineering, landscape
31 architectural, or land surveying services during the preceding five-year period;

1 (6) the applicant corporation meets other requirements related to
2 professional competence in the furnishing of architectural, engineering, landscape
3 architectural, or land surveying services as may be adopted by the board in
4 furtherance of the objectives and provisions of this chapter.

5 * Sec. 15. AS 08.48.241(d) is amended to read:

6 (d) The certificate of authorization shall specify the major branches of
7 architecture, engineering, landscape architectural, or land surveying of which the
8 corporation has designated a person in responsible charge as provided in this section.
9 The certificate of authorization shall be conspicuously displayed in the place of
10 business of the corporation, together with the names of persons designated as being in
11 responsible charge of the professional activities.

12 * Sec. 16. AS 08.48.241(e) is amended to read:

13 (e) If a corporation, organized solely by either a group of architects, a group
14 of engineers, a group of landscape architects, or a group of land surveyors, each
15 holding a certificate of registration under this chapter, applies for a certificate of
16 authorization, the board may, in its discretion, grant a certificate of authorization to the
17 corporation based on a review of the professional records of the incorporators, in place
18 of the required qualifications set out in this section. If the ownership of the
19 corporation is altered, the corporation shall apply for a revised certificate of
20 authorization, based upon the professional records of the owners, if exclusively
21 architects, engineers, landscape architects, or land surveyors, or otherwise under the
22 qualifications required by (b)(1) - (4) of this section.

23 * Sec. 17. AS 08.48.241(f) is amended to read:

24 (f) A corporation authorized to offer architectural, engineering, landscape
25 architectural, or land surveying services under this chapter, together with its directors
26 and officers for their own individual acts, is responsible to the same degree as the
27 designated individual registered architect, engineer, landscape architect, or land
28 surveyor, and shall conduct its business without misconduct or malpractice in the
29 practice of architecture, engineering, landscape architecture, or land surveying as
30 defined in this chapter.

31 * Sec. 18. AS 08.48.241(g) is amended to read:

1 (g) If the board, after a proper hearing, finds that a corporation holding a
2 certificate of authorization has committed misconduct or malpractice, the board shall
3 suspend or revoke the certificate of authorization. The board shall also suspend or
4 revoke the certificate of registration of any registered individual architect, engineer,
5 landscape architect, or land surveyor who, after a proper hearing, is found by the
6 board to have participated in committing the misconduct or malpractice.

7 * Sec. 19. AS 08.48.251 is amended to read:

8 Sec. 08.48.251. PARTNERSHIPS. This chapter does not prevent the practice
9 of architecture, engineering, landscape architecture, or land surveying by partnership
10 if all of the members of the partnership are architects, engineers, landscape architects,
11 or land surveyors legally registered under this chapter.

12 * Sec. 20. AS 08.48.281 is amended to read:

13 Sec. 08.48.281. PROHIBITED PRACTICE. A person may not practice or
14 offer to practice the profession of architecture, engineering, landscape architecture,
15 or land surveying in the state, or use in connection with the person's name or
16 otherwise assume or advertise a title or description tending to convey the impression
17 that the person is a registered architect, engineer, landscape architect, or land
18 surveyor unless the person has been registered under the provisions of this chapter or
19 is a person to whom these provisions do not apply, or, in the case of a corporation,
20 unless it has been authorized under this chapter.

21 * Sec. 21. AS 08.48.291 is amended to read:

22 Sec. 08.48.291. VIOLATIONS AND PENALTIES. A person who practices
23 or offers to practice architecture, engineering, landscape architecture, or land
24 surveying in the state without being registered or authorized to practice in accordance
25 with the provisions of this chapter, or a person presenting or attempting to use the
26 certificate or the seal of another, or a person who gives false or forged evidence of any
27 kind to the board or to a member of the board in obtaining or attempting to obtain a
28 certificate, or a person who impersonates a registrant, or a person who uses or attempts
29 to use an expired or revoked or nonexistent certificate, knowing of the certificate's
30 status, or a person who falsely claims to be registered and authorized to practice under
31 this chapter, or a person who violates any of the provisions of this chapter, is guilty

1 of a misdemeanor and upon conviction is punishable by a fine of not more than
2 \$10,000, or by imprisonment for not more than one year, or by both.

3 * Sec. 22. AS 08.48.311 is amended to read:

4 Sec. 08.48.311. RIGHTS NOT TRANSFERABLE. The right to engage in the
5 practice of architecture, engineering, landscape architecture, or land surveying is
6 considered a personal and individual right, based on the qualifications of the individual
7 as evidenced by the individual's certificate of registration, which is not transferable.

8 * Sec. 23. AS 08.48.321 is amended to read:

9 Sec. 08.48.321. EVIDENCE OF PRACTICE. A person practices or offers to
10 practice architecture, engineering, landscape architecture, or land surveying who

11 (1) practices a branch of the profession of architecture, engineering,
12 landscape architecture, or land surveying as defined in AS 08.48.341;

13 (2) by verbal claim, sign, advertisement, letterhead, card, or other
14 means represents to be an architect, engineer, landscape architect, or land surveyor,
15 or through the use of some other title implies that the person is an architect, engineer,
16 landscape architect, or land surveyor;

17 (3) holds out as able to perform or who does perform an architectural,
18 engineering, landscape architectural, or land surveying service recognized by the
19 professions covered by this chapter, and specified in regulations of the board, as
20 architectural, engineering, landscape architectural, or land surveying.

21 * Sec. 24. AS 08.48.331 is amended to read:

22 Sec. 08.48.331. EXEMPTIONS. This chapter does not apply to

23 (1) a contractor performing work designed by a professional architect,
24 landscape architect, or engineer or the supervision of the construction of the work as
25 a supervisor or superintendent for a contractor;

26 (2) workers in building trades crafts, superintendents, supervisors, or
27 inspectors in the performance of their customary duties;

28 (3) an officer or employee of the United States government practicing
29 architecture, engineering, landscape architecture, or land surveying as required by the
30 person's official capacity;

31 (4) an employee or a subordinate of a person registered under this

1 chapter if the work or service is done under the direct supervision of a person
2 registered under this chapter;

3 (5) associates, consultants, or specialists retained by a registered
4 individual, a partnership of registered individuals, or a corporation authorized to
5 practice architecture, engineering, landscape architecture, or land surveying under this
6 chapter, in the performance of professional services if responsible charge of the work
7 remains with the individual, the partnership, or a designated representative of the
8 corporation;

9 (6) a person preparing drawings or specifications for

10 (A) a building for the person's own use and occupancy as a
11 single family residence and related site work for that building;

12 (B) farm or ranch buildings, unless the public health, safety, or
13 welfare is involved;

14 (C) a building that is intended to be used only as a residence
15 by not more than four families and that is not more than two stories high;

16 (D) a garage, workshop, or similar building that contains less
17 than 2,000 square feet of floor space to be used for a private noncommercial
18 purpose;

19 (7) a specialty contractor licensed under AS 08.18 while engaged in the
20 business of construction contracting or designing systems for work within the specialty
21 to be performed or supervised by the specialty contractor, or a contractor preparing
22 shop or field drawings for work that the specialty contractor has contracted to perform;

23 (8) a person furnishing drawings, specifications, instruments of service,
24 or other data for alterations or repairs to a building that do not change or affect the
25 structural system or the safety of the building, or that do not affect the public health,
26 safety, or welfare;

27 (9) a person who is employed by a postsecondary educational
28 institution to teach engineering, architectural, landscape architectural, or land
29 surveying courses; in this paragraph, "postsecondary educational institution" has the
30 meaning given in AS 14.48.210.

31 * Sec. 25. AS 08.48.341(2) is amended to read:

1 (2) "board" means the State Board of Registration for Architects,
2 Engineers, Landscape Architects, and Land Surveyors;

3 * Sec. 26. AS 08.48.341(4) is amended to read:

4 (4) "certificate of authorization" means a certificate issued by the board
5 authorizing a corporation to provide professional services in architecture, engineering,
6 landscape architecture, or land surveying through individuals legally registered by
7 the board;

8 * Sec. 27. AS 08.48.341 is amended by adding new paragraphs to read:

9 (16) "landscape architect" means a professional landscape architect;

10 (17) "practice of landscape architecture" means professional service or
11 creative work in the planning of land, the design of grading, drainage, irrigation,
12 planting layout, minor site structures, and rehabilitation of disturbed land, the
13 evaluation of scenic values, the teaching of advanced landscape architectural courses
14 in institutions of higher learning, consultation, investigation, evaluation, planning,
15 design, and professional inspection and contract administration of construction of
16 public or private sitework, and landscape architectural review of drawings and
17 specifications by regulatory agencies;

18 (18) "professional landscape architect" means a person registered as a
19 professional landscape architect by the board.

20 * Sec. 28. AS 08.48.351 is amended to read:

21 Sec. 08.48.351. SHORT TITLE. This chapter may be cited as the Architects,
22 Engineers, Landscape Architects, and Land Surveyors Registration Act.

23 * Sec. 29. AS 14.43.310(b) is amended to read:

24 (b) To assist the administering authority in selecting eligible applicants for
25 award of each of the memorial scholarship loans under AS 14.43.250 - 14.43.325 and
26 in reviewing the memorial scholarship loan program, the following advisory
27 committees are established:

28 (1) three Alaska state troopers, each one to be selected from and to
29 represent a state trooper region of the state by the regional commander to serve for
30 three years, for the Michael Murphy memorial scholarship;

31 (2) three members of the Governor's Commission on the

1 Administration of Justice selected annually by the commission from among its
2 membership, for the Carroll L. "Butch" Swartz memorial scholarship;

3 (3) three members of the state Board of Registration for Architects,
4 Engineers, Landscape Architects, and Land Surveyors selected annually by the board
5 from among its engineer members, for the Harvey Golub memorial scholarship; and

6 (4) three members of the state Board of Education, or of the staff of
7 the Department of Education, or any combination of these, selected annually by the
8 board, for the Robert L. Thomas memorial scholarship.

9 * Sec. 30. AS 34.08.340(c) is amended to read:

10 (c) Before the transfer of control from the declarant to the association, an
11 inspection of the common areas and limited common areas subject to the association's
12 control shall be completed by

13 (1) an independent registered engineer, architect, landscape architect,
14 or land surveyor;

15 (2) an appraiser with the designation of senior residential appraiser,
16 senior real property appraiser, or senior real estate analyst of the Society of Real Estate
17 Appraisers;

18 (3) a residential member, or member of the appraisal institute, of the
19 American Institute of Real Estate Appraisers; or

20 (4) an individual with a designation established by regulation of the
21 Alaska Housing Finance Corporation for fee appraisers who certify the completion of
22 construction.

23 * Sec. 31. AS 34.08.700 is amended to read:

24 Sec. 34.08.700. SUBSTANTIAL COMPLETION OF UNITS. In the sale of
25 a unit for which delivery of a public offering statement is required, a contract of sale
26 may be executed, but an interest in the unit may not be conveyed until the declaration
27 is recorded, a plat or plan that accompanies the declaration is filed and recorded, and
28 the unit is substantially completed as evidenced by issuance of a certificate of
29 occupancy authorized by law or by a recorded certificate of substantial completion
30 executed by

31 (1) an independent registered engineer, architect, landscape architect,

*is this broken
up in phases?
can day reg off
completed on certificate of
substantial completion*

1 or land surveyor;

2 (2) an appraiser with the designation of senior residential appraiser,
3 senior real property appraiser, or senior real estate analyst of the Society of Real Estate
4 Appraisers;

5 (3) a residential member, or member of the appraisal institute, of the
6 American Institute of Real Estate Appraisers; or

7 (4) an individual with a designation established by regulation of the
8 Alaska Housing Finance Corporation for fee appraisers who certify the completion of
9 construction.

10 * Sec. 32. AS 44.62.330(a)(4) is amended to read:

11 (4) State Board of Registration for Architects, Engineers, Landscape
12 Architects, and Land Surveyors;

13 * Sec. 33. TERMS OF NEW MEMBERS. Notwithstanding AS 08.01.035, the initial terms
14 of the two new members appointed under AS 08.48.011(b), as amended by sec. 3 of this Act,
15 are one year.

16 * Sec. 34. TRANSITION. (a) Notwithstanding this Act, a person may practice landscape
17 architecture without a certificate of registration issued under AS 08.48 until 60 days after the
18 first examination for landscape architects under AS 08.48.181, as amended by this Act, has
19 been graded.

20 (b) Notwithstanding AS 08.48.011(b), as amended by this Act, the first landscape
21 architect appointed to the State Board of Architects, Engineers, Landscape Architects, and
22 Land Surveyors need not be registered as a landscape architect under AS 08.48. The person
23 appointed under this subsection may not be reappointed without being registered under
24 AS 08.48 as a landscape architect.

A M E N D M E N T

OFFERED IN THE SENATE
TO: SB 305

BY SENATOR LITTLE

Page 8, after line 20:

Insert a new bill section to read:

"* Sec. 21. AS 08.48.281 is amended by adding a new subsection to read:

(b) Notwithstanding (a) of this section, this chapter does not prohibit the practice of landscape architecture by a person who is not registered to practice landscape architecture if the services being performed by the person are within the scope of practice authorized by another license that is held by the person."

Renumber the following bill sections accordingly.

Page 11, lines 10 - 17:

Delete all material and insert:

"(17) "practice of landscape architecture" means consultative, investigative, reconnaissance, research, planning, design, and preparation services relating to drawings and construction documents, observation of construction, and location, arrangement, and design of tangible objects and features for the purpose of

(A) preservation and enhancement of land uses and natural land features;

(B) location and construction of aesthetically pleasing and functional approaches for structures, roadways, and walkways;

(C) establishing or maintaining trails, plantings, landscape irrigation, landscape lighting, and landscape grading; and

(D) generalized planning of the development of land areas in a manner that is sensitive to the area's natural and cultural resources;"

SB

313

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

FEB 16 1994

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 16, 1994

SUBJECT: Sectional Summary of SB 313

TO: Senator Jay Kerttula

FROM: Michael F. Ford *M.F.*
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.

Section 1. Provides that health maintenance organizations and managed care arrangements are required to be members in the Comprehensive Health Insurance Association, as a condition of doing business in the state.

Section 2. Allows the association to make insurance available to residents through a health maintenance organization or a managed care arrangement.

Section 3. Technical amendment.

Section 4. Allows the association to offer other forms of deductible, copayment, or applicable maximums than specified under AS 21.55.120(c).

Section 5. Allows the association to base premium rates on factors other than age or geographic location, if approved by the director.

Section 6. Establishes eligibility requirements for enrollment in a state insurance plan.

Section 7. Requires payment of the first premium, before a person can enroll in the state insurance plan.

SECTIONAL ANALYSIS

Section 8. Repeals the requirement that the association forward billing information to an enrollee.

Section 9. Provides that the director of the division of insurance may formulate general policy and adopt regulations necessary to administer AS 21.55.

Section 10. Provides a member of the board of the association immunity from civil or criminal liability, for an act or omission in good faith and within the scope of the director's duties.

Section 11. Amends the definition of "residents who are high risks" to include residents who meet other requirements adopted by regulation consistent with AS 21.55 and that indicate the person is unable to obtain insurance as would a person considered a standard risk.

Section 12. Effective date.

MFF:lmb:mi
94-060.lmb

SENATE COMMITTEE REPORT

DATE: 3/22/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 4/12/94

L&C Committee considered SENATE BILL NO. 313

"An Act relating to the Comprehensive Health Insurance Association and to health insurance provided to residents of the state who are high risks; and providing for an effective date."

and recommends:

- replace with _____ CS _____ ()
 - or adopt previous _____ CS _____ ()
 - attaches amendment(s)
- same title
 - new title
 - technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
DCED	3/22/94	✓	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

Steve Thi
Bob A. Chang

OTHER RECOMMENDATIONS:

Judith P. Sato No Rec
_____ PR

T. Kelly Doban
 Chair: Signature and Recommendation



Official Business

Alaska State Legislature

SENATE

State Capitol
Juneau, AK 99801-1182

SB 313 HIGH RISK HEALTH INSURANCE SENATOR JAY KERTTULA

The amendments to current statute as set out in this bill are intended to address problem areas identified by the Comprehensive Health Insurance Association after two years of experience.

First, the Association requests that the law be extended to cover health maintenance organizations or other managed care arrangements on the approval of the director and provides that these entities become members of the Association. Membership is a condition of doing business in the state. This amendment would ensure equity among business by providing an even playing field.

If health maintenance organizations and managed care arrangements are brought into the Association, then the Association may provide insurance to residents through these organizations.

Section 3 and 4 of the bill provide additional forms of deductibles, copayments and maximums. This amendment does not change the requirement to offer a policy with the original limitations, but does respond to requests by residents seeking only catastrophic insurance with high deductibles. This change enables the director to respond to this type of request.

Section 5 broadens the ability of the Association to offer policies to groups that maintain healthy life styles without changing the basic requirement that premium rates be based on age and geographic location. This amendment will enable the Association to offer nonsmokers, for example, a lower premium rate.

Section 6 further defines eligibility for the state plan. This section would disqualify those residents who were eligible to be covered by a plan subject to the Small Employer Health Reinsurance Association and states that when a resident moves out of state, they

cannot renew or purchase insurance from this Association. However, their current insurance is allowed to lapsed at the regular date.

Section 7 and 8 require payment of the premium with the request for insurance instead of being billed by the Association. This is an administrative convenience and will save the Association from sending out the initial bill. Presently, the Association sends the billing information when the application is accepted.

Section 9 explicitly gives the Association director the ability to formulate policy and adopt regulations.

Section 10 provides a member of the board of the association with immunity from civil or criminal liability for an act or omission in good faith and within the scope of the director's duties. This is especially important to the public members of the board to protect them from lawsuits when they have acted in good faith in fulfilling their duties on the board.

Section 11 essentially allows the director to accept an application for coverage in cases where two denials of coverage seem to be superfluous. Presently, an applicant is required to be rejected by two insurance organizations before they can apply to the Association. With this amendment, the director, under certain circumstances, can accept an application without the two rejections.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 313

Revision Date: _____
Title: Health Insurance for High Risk Residents

Department Affected: Commerce and Economic Development
BRU: Insurance
Component: Operations

Sponsor: Senator Kerttula
Requestor: _____

COMPONENT SERIAL NO. 354

Expenditures/Revenues:

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of current year (FY 94) cost: \$ 0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact.

Prepared by: Joan Brown, Administrative Officer
Division: Insurance

Phone: 465-2597
Date: 2/15/94

Approved by Commissioner: Paul Fuhs
Agency: Commerce and Economic Development

Date: 2-15-94

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

SB

320

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING
BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS AND LAND SURVEYORS

P.O. BOX 110806
JUNEAU, ALASKA 99811-0806
PHONE: (907) 465-2534

February 18, 1994

VIA FACSIMILE
(907) 258-1261

MAR 1 1994

The Honorable Loren Leman
Alaska State Senator
716 W. 4th Street
Anchorage, AK 99501-2133

Dear Senator Leman:

During the February 14-15, 1994 board meeting a new definition for land surveying was adopted by the board. The definition in Senate Bill No. 320 will need to be changed to the following to reflect this new definition:

"practice of land surveying" means the teaching of land surveying courses at an institution of higher learning, or any service or work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to (of) the act of measuring and locating land, lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the platting and planning of land and subdivisions of land, including the topography, alignment and grades for streets, and for the preparation and perpetuation of map, record plats, field note records and property descriptions that represent these surveys.

These changes were made at the request of the Alaska Society of Professional Land Surveyors and agreed upon by the board.

The Board of registration for Architects, Engineers and Land Surveyors respectfully requests that you consider the changes set out above for inclusion in SB 320. The board appreciates your hard work on their behalf.

Sincerely,

Mary Hymer
for
George Davidson
Chairman

SENATOR LOREN LEMAN

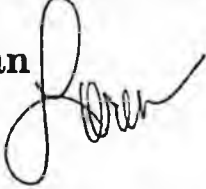
Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99801 465-2095

MEMORANDUM

TO: Senator Tim Kelly, Chairman
Senate Labor and Commerce Committee

FROM: Senator Loren Leman 

DATE: February 25, 1994

RE: SB 320, an act relating to occupational licensing boards and commissions, and relating to architects, engineers and land surveyors.

I respectfully request that SB 320 be scheduled for a hearing at your earliest convenience.

Thank you.

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 4, 1994

SUBJECT: Sectional Summary of SB 320. (An Act relating to occupational licensing boards and commissions: and relating to architects, engineers, and land surveyors.)

TO: Senator Loren Leman

FROM: Terri Lauterbach
Legislative Counsel *TL*

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

Since you have not asked any specific questions about the legal effect of this bill, this summary is fairly general. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1.

Allows a member of an occupational licensing board who is initially appointed to fill the end of another person's term to serve two more full terms as long as the initial partial term was less than two years long. Under current law, a board member appointed to fill the end of another person's term may serve only one full term immediately thereafter, no matter how long the initial partial term was. This section applies to all boards and commissions listed in AS 08.01.010. The rest of the bill applies only to the Board of Registration for Architects, Engineers, and Land Surveyors (BAELS).

*deleted
in
CS*

Sec. 2.

Changes the makeup of the Board of Architects, Engineers, and Land Surveyors (BAELS).

Sec. 3.

Restricts the governor's authority to remove members of the BAELS.

Sec. 4.

Removes the limit on the maximum education, experience, and training can be required by the BAELS for applicants for registration as land surveyors.

— SECTIONAL —

Senator Loren Leman

March 4, 1994

Page 2

Sec. 5.

Abolishes licensure based on certificates issued by the National Council of Engineering Examiners Committee on National Engineering Certification.

Sec. 6.

Clarifies, by adding an "or" on page 3, line 3, that any one of these activities constitutes the practice or offer to practice.

Sec. 7.

Removes the current licensure exemption for persons who teach land surveying at postsecondary educational institutions.

Sec. 8.

Amends the definition of "practice of land surveying" to add postsecondary teachers of land surveying and persons who plat or plan topography, alignment, and grades for streets.

TML:gc

94-170.glc

STATE OF ALASKA

DEPARTMENT OF COMMERCE AND
ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

WALTER J. HICKEL, GOVERNOR

P.O. BOX 110806
JUNEAU, ALASKA 99811-0806
PHONE: (907) 465-2534

March 10, 1994

The Honorable Loren Leman
Alaska State Senate
State Capitol
Juneau, AK 99801-1182

Dear Senator Leman:

RE: SB 320

On behalf of the Architects, Engineers and Land Surveyors Board (AELS), we wish to thank you for the work you have done for the professional community of the architects, engineers and land surveyors. Your work involves much more on our behalf than SB 320, but it is of that Senate Bill which I am writing.

SB 320 reflects several changes the board feels is needed to address ongoing issues and concerns. Section 1, AS 08.01.035, Appointment and Terms, and Section 3, AS 08.48.041, Removal of Members, relate to the board's concern for lack of continuity on the board. The board has an obligation to applicants for examination and comity to be consistent over the years. In addition, the board is constantly asked to judge what personal requirements reflect one's ability to operate under the law and within disciplines. Without continuity, the fair and consistent treatment of the public will be lost. The present board members are very dedicated, hard working, and new. I personally have been on the board less than four years and only one other board members served with me that first year. The other seven are new members. To further complicate the issue of continuity, we need only to realize that the board's staff person (state employee) also changes regularly. We are now working with our fourth person since I became involved. New board members, new staff and the public loses the continuity and consistency required and deserved. These two proposed statute changes reflect a desire by the board to provide additional continuity to the board by reducing the frequency found in changing board membership.

Section 2, AS 08.48.011(b). The original language reflects life in Alaska during an earlier era. Today, mining engineers are not a major branch of the services supervised by the AELS Board. Other disciplines, such as mechanical, electrical, and petroleum, reflect equal or larger involvements in the engineering profession of today. This change would allow the Governor to appoint three engineers from all the engineering branches (except civil) but including mining. At this time, he may only appoint two from all of the other disciplines and also appoint one from mining.

-LTR FROM AELS BOARD-

The Honorable Loren Leman

-2-

March 10, 1994

Section 4, AS 04.48.171, General Requirements and Qualifications for Registration. The land surveying profession proposed and the board agreed to require similar education and work experience (12 years) for registration as a land surveyor as is required of engineers. The specific changes are to be made in regulation, but the sentence proposed for deletion prevents the board from proceeding with those proposed regulation changes until the 8-year cap has been deleted.

Section 5, AS 08.48.191(b). This deletion is proposed for housekeeping purposes. The language refers to ". . . certificate of qualifications . . . committee on national engineering certificate . . ." This committee and its certifications no longer exist.

Section 6, AS 08.48.321, Evidence of Practice. This is a very small change of adding the word "or" between paragraphs 2 and 3. The Attorney General's office indicates that without this addition, a potential violator would need to violate both paragraphs 2 and 3. The intention of this and of earlier boards was for the interpretation proposed by this change.

Section 7, AS 08.48.331, Exemptions. The proposed changes were presented to the board by the land surveyors and the land survey professors. In paragraph 9, the change would make the teaching of land surveying at a postsecondary educational institution as an act of performing professional land survey services and, as such, would require registration. Paragraph 10, a new paragraph approved by the board at its February 1994 meeting, simply clarifies the role of the surveyor in Alaska and in specific allow subdivision plats to legally continue to be prepared as they have been prepared in the past.

Again, the board thanks you for your efforts and we hope the previous comments assist you with the passage of SB 320.

Sincerely,

Mary Hynes
FOR George W. Davidson, PELS
Chair

GWD/MH/dgl200.mh
031094b



Technical Engineers of Alaska

Affiliated with General Teamsters Local 959, State of Alaska

ANCHORAGE, ALASKA P.O. BOX 102700

(907) 269-4190

Fax (907) 237-6668

JACK SLAVA (Secretary-Treasurer)

FAIRBANKS, ALASKA 99707 P.O. Box 70009

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JUNEAU, ALASKA 99901 305 Willoughby

(907) 983-3225

FAX (907) 983-1217

March 22, 1994

Senator Kelly
Chairman Labor & Commerce
and Committee Members

Dear Senator Kelly and Committee Members:

This testimony will address concerns we have over Senate Bill No. 320. In particular AS 08.48.171 on page 2, lines 13 through 16. The deletion of these four lines from the current statute will negatively affect some of our Technical Engineers. I would first like to introduce myself and organization and then to specify the damage that may be done.

I am the Business Representative for the Technical Engineers of Alaska, affiliated with Teamsters Local 959. We represent approximately one hundred and fifty (150) construction surveyors statewide. Twenty three (23) of our members are Registered Land Surveyors in the state of Alaska.

Throughout the years our members have enjoyed employment on projects throughout the state. The nature of the majority of these projects require working away from home. If a Technical Engineer wishes to test for a license as a surveyor, he must be able to submit evidence of more than eight years of any combination of education, experience or training. Three years of this experience must be in "responsible control" of an operation related to land surveying. Operations of a construction survey nature do not count towards this three year requirement. In essence, a Technical Engineer must leave the construction survey projects and spend at least three years in land surveying. Historically, five years of surveying on construction projects have given our applicants enough technical experience to pass the non-legal parts of the examination. Most have had to utilize courses at the University to help them pass the legal questions put forth in the exam. While it would be acceptable to substitute a four year degree for the experience, this is often a unsuitable choice due to reasons of finances (tuition and supporting families) and location (quite often our work takes us away from commuting distance to campus).

We are of the understanding that if the "eight years" is struck from statute, then regulations requiring twelve years will be promulgated. We are convinced that adding four

Senator Kelly & Committee Members

March 22, 1994

Page 2.

more years of experience in order to take the examination is unreasonable and acts as a restraint on our members who wish to be licensed. If five years experience in construction surveying does not enable you to have minimum qualifications (which is all passing the examination purports to guarantee), it is unlikely that nine years would improve your qualifications. Either you can grasp fundamental technical aspects of surveying or you cannot and surely the answer can be found within the current eight year requirement (three years "responsible control" and five years of other experience).

We ask that AS 08.48.171 remain as it is currently written.

Sincerely,

TECHNICAL ENGINEERS OF ALASKA



Michael T. Kenny
Business Representative

/jjr
MTK\KELLY94.1



SENATOR LOREN LEMAN

Northwest Anchorage

716 W 4th Ave, Ste 540, Anchorage AK 99501 258-8189

Session: State Capitol, Juneau AK 99801 465-2095

SPONSOR STATEMENT SB 320

SB 320 was introduced at the request of the Architects, Engineers and Land Surveyors Board (AELS). It reflects several changes that the board believes are necessary to address ongoing issues and concerns. Most of the changes are housekeeping amendments.

Section 2 gives the Governor more latitude in selecting board members. It removes the requirement that a mining engineer be appointed.

The changes in section 4 will allow for similar education and work experience for registration as a land surveyor as is required for engineers.

Sections 5 and 6 are minor housekeeping changes.

The changes in section 7 were requested by the land surveyors and land survey professors. It removes the licensure exemption for land survey professors at postsecondary educational institutions.

I am offering an amendment which will reflect the new definition for land surveyors as adopted by the AELS Board on February 14 and 15. This section amends the definition of "practice of land surveying" to add postsecondary teachers of land surveying.

**SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL**

DATE: 2/14/94

FURTHER: Judiciary

Date of 5-Day Notice: 3-10-94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4-20-94

L&C Committee considered SB 320

"An Act relating to occupational licensing boards and commissions; and relating to architects, engineers, and land surveyors."

and recommends:

replace with _____ CS SB 320 (L&C)

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DCED	3/14/94	✓	
DOT/PF	2/24/94	✓	

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

Tom Kelly

OTHER RECOMMENDATIONS:

Steve Klein No Recommendation
 _____ NR
Judith E. Falco (NR)

Chair: Signature and Recommendation

FISCAL NOTE

Revision Date:
Title: Occupational Licensing

Department Affected: DOT&PF
BRU: E&OS

Sponsor: Leman
Requestor:

Component: D&C
Component Serial Number: #547

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND SOURCE	0	0	0	0	0	0
---------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: \$0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Mal Linthwaite, Deputy State Engineer

Phone: 465-2960

Division: Engineering & Operations Standards

Date: February 23, 1994

Approved by Commissioner: 

Phone: 465-3901

Agency: Department of Transportation and Public Facilities

Date: February 24, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. SB 320

Revision Date: 3/14/94
 Title: An Act relating to occupational licensing board
and commissions; and relating to AELS.
 Sponsor: Senator Leman
 Requestor: Senator Leman

Department: Commerce and Economic Dev.
 BRU: Occupational Licensing
 Component: Operations
 COMPONENT SERIAL NO. 1844

Expenditures/Revenues		(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00	
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							
	0.0	0.0	0.0	0.0	0.0	0.0	

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts							
1003 GF Match							
1004 General Fund							
1005 GF/Program Receipts							
1006 GF/MHTIA							
Other							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

Estimate of any current year (FY 94) cost: \$ None

POSITIONS		FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME		0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME		0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY		0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)
 SB 320 amends the appointment and terms provision under AS 08.01.035 for board and commission members; and make several amendments to AS 08.48 relating to the Board of Registration for Architects, Engineers, and Land Surveyors. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Administrative Officer
 Division: Occupational Licensing
 Approved by Commissioner: Paul Fuhs
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 3/14/94
 Date: 3/14/94

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Alaska State Legislature

Senator Tim Kelly, Chair
Senator Steve Rieger, Vice Chair
Senator Bert Sharp
Senator Judy Salo
Senator Georgianna Lincoln



SENATE LABOR AND COMMERCE COMMITTEE

STATE CAPITOL, SUITE 101
JUNEAU, ALASKA 99801-1182
PHONE: (907) 465-3822
FAX: (907) 465-3756

716 W. 4TH, SUITE 400
ANCHORAGE, AK 99501-2133
PHONE: (907) 258-8180
FAX: (907) 258-4524

Additional Packet Information for SB 320: An Act relating to architects, engineers, and land surveyors

- * New draft CS
- * Letter from the Stanley Sears, UAA
- * Letter from Michael Kenny, Technical Engineers of Alaska

8-LS1733K✓
Lauterbach
4/14/94

CS FOR SENATE BILL NO. 320()

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR LEMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to architects, engineers, and land surveyors."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 08.48.011(b) is amended to read:

4 (b) The board consists of nine members appointed by the governor having the
5 qualifications as set out in AS 08.48.031. The board consists of two civil engineers,
6 three [ONE LAND SURVEYOR, ONE MINING ENGINEER, TWO] engineers from
7 other branches of the profession of engineering, two architects, one land surveyor, and
8 one public member.

9 * Sec. 2. AS 08.48.191(b) is amended to read:

10 (b) A person holding a certificate of registration authorizing the person to
11 practice engineering in a state, territory, or possession of the United States, the District
12 of Columbia, or a foreign country, that, in the opinion of the board meets the
13 requirements of this chapter, based on verified evidence, may, upon application, be
14 registered in accordance with regulations of the board. [A PERSON HOLDING A

1 CERTIFICATE OF QUALIFICATION ISSUED BY THE NATIONAL COUNCIL OF
2 ENGINEERING EXAMINERS COMMITTEE ON NATIONAL ENGINEERING
3 CERTIFICATION MAY, UPON APPLICATION, BE REGISTERED IN
4 ACCORDANCE WITH THE REGULATIONS OF THE BOARD.]

5 * Sec. 3. AS 08.48.321 is amended to read:

6 Sec. 08.48.321. EVIDENCE OF PRACTICE. A person practices or offers to
7 practice architecture, engineering, or land surveying who

8 (1) practices a branch of the profession of architecture, engineering, or
9 land surveying as defined in AS 08.48.341;

10 (2) by verbal claim, sign, advertisement, letterhead, card, or other
11 means represents to be an architect, engineer, or land surveyor, or through the use of
12 some other title implies that the person is an architect, engineer, or land surveyor, or

13 (3) holds out as able to perform or who does perform an architectural,
14 engineering, or land surveying service recognized by the professions covered by this
15 chapter, and specified in regulations of the board, as architectural, engineering, or land
16 surveying.

17 * Sec. 4. AS 08.48.331 is amended to read:

18 Sec. 08.48.331. EXEMPTIONS. This chapter does not apply to

19 (1) a contractor performing work designed by a professional architect
20 or engineer or the supervision of the construction of the work as a supervisor or
21 superintendent for a contractor;

22 (2) workers in building trades crafts, superintendents, supervisors, or
23 inspectors in the performance of their customary duties;

24 (3) an officer or employee of the United States government practicing
25 architecture, engineering, or land surveying as required by the person's official
26 capacity;

27 (4) an employee or a subordinate of a person registered under this
28 chapter if the work or service is done under the direct supervision of a person
29 registered under this chapter;

30 (5) associates, consultants, or specialists retained by a registered
31 individual, a partnership of registered individuals, or a corporation authorized to

1 practice architecture, engineering, or land surveying under this chapter, in the
2 performance of professional services if responsible charge of the work remains with
3 the individual, the partnership, or a designated representative of the corporation;

4 (6) a person preparing drawings or specifications for

5 (A) a building for the person's own use and occupancy as a
6 single family residence;

7 (B) farm or ranch buildings, unless the public health, safety, or
8 welfare is involved;

9 (C) a building that is intended to be used only as a residence
10 by not more than four families and that is not more than two stories high;

11 (D) a garage, workshop, or similar building that contains less
12 than 2,000 square feet of floor space to be used for a private noncommercial
13 purpose;

14 (7) a specialty contractor licensed under AS 08.18 while engaged in the
15 business of construction contracting or designing systems for work within the specialty
16 to be performed or supervised by the specialty contractor, or a contractor preparing
17 shop or field drawings for work that the specialty contractor has contracted to perform;

18 (8) a person furnishing drawings, specifications, instruments of service,
19 or other data for alterations or repairs to a building that do not change or affect the
20 structural system or the safety of the building, or that do not affect the public health,
21 safety, or welfare;

22 (9) a person who is employed by a postsecondary educational
23 institution to teach engineering or [,] architectural [, OR LAND SURVEYING]
24 courses; in this paragraph, "postsecondary educational institution" has the meaning
25 given in AS 14.48.210.

26 * Sec. 5. AS 08.48.341(10) is amended to read:

27 (10) "practice of land surveying" means the teaching of land
28 surveying courses at an institution of higher learning, or any service or work the
29 adequate performance of which involves the application of special knowledge of the
30 principles of mathematics, the physical and applied related sciences, and the relevant
31 requirements of law for adequate evidence of the act of measuring and locating land,

1 lines, angles, elevations, natural and manmade features in the air, on the surface
2 of the earth, within underground workings, and on the beds of bodies of water for
3 the purpose of determining areas and volumes. geodetic and cadastral surveys for
4 the location and monumentation of property boundaries, for the platting and planning
5 of land and subdivisions of land, including the topography, alignment, and grades
6 for streets, and for the preparation and perpetuation of maps, record plats, field note
7 records, and property descriptions that represent these surveys;



UNIVERSITY OF ALASKA ANCHORAGE

3211 Providence Drive
Anchorage, Alaska 99506-8336

COLLEGE OF CAREER AND
VOCATIONAL EDUCATION

April 15, 1994

SURVEYING AND MAPPING DEPARTMENT

The Honorable Loren Lemari
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Lemari:

I wish to lend my support to the proposal within Senate Bill 320 to delete lines 13 through 16, Page 2. Specifically, the lines state:

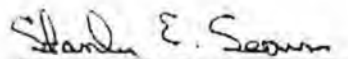
"However, an applicant for registration as a Land Surveyor may not be required to submit evidence of more than eight years of any combination of education, experience, or training."

Deletion of the above sentence would allow the Board of Architects, Engineers and Land Surveyors the latitude to develop regulations that would increase the required educational level of all future land surveyors and, at the same time, protect those trained solely on the job. The Board would thus have the opportunity to provide an avenue for an individual who has no formal education to become a registered land surveyor through experience only. The deletion would also bring the Land Surveyors into conformity with the architects and the engineers for whom the Board develops regulations as appropriate to the professions.

With the desire of the Board to require an academic degree for registration (a concept supported by the Alaska Society of Professional Land Surveyors), retention of the sentence may lead the Board to enact regulations that do not protect non-academically trained individuals.

I respectfully request your support for the deletion of the sentence because it would benefit registration applicants, the profession, and the Board of Architects, Engineers and Land Surveyors.

Sincerely,


Stanley E. Sears, RLS
Coordinator

cc: Pat Kalen, Kalen & Associates, Inc.
Mike Kenny, Business Representative
Teamsters Local 959



Technical Engineers of Alaska

Affiliated with General Teamsters Local 959 State of Alaska
ANCHORAGE ALASKA P.O. BOX 102700 9071 243 4390 FAX 9071 227 8668 JACK SLAYMA (Secretary/Treasurer)

FAIRBANKS ALASKA 99707 P.O. BOX 70509 9071 452 2000 FAX 9071 452 4051
JUNEAU ALASKA 99901 325 Willoughby 9071 993 3225 FAX 9071 556 1217

March 22, 1994

Senator Kelly
Chairman Labor & Commerce
and Committee Members

Dear Senator Kelly and Committee Members:

This testimony will address concerns we have over Senate Bill No. 320. In particular AS 08.48.171 on page 2, lines 13 through 16. The deletion of these four lines from the current statute will negatively affect some of our Technical Engineers. I would first like to introduce myself and organization and then to specify the damage that may be done.

I am the Business Representative for the Technical Engineers of Alaska, affiliated with Teamsters Local 959. We represent approximately one hundred and fifty (150) construction surveyors statewide. Twenty three (23) of our members are Registered Land Surveyors in the state of Alaska.

Throughout the years our members have enjoyed employment on projects throughout the state. The nature of the majority of these projects require working away from home. If a Technical Engineers wishes to test for a license as a surveyor, he must be able to submit evidence of more than eight years of any combination of education, experience or training. Three years of this experience must be in "responsible control" of an operation related to land surveying. Operations of a construction survey nature do not count towards this three year requirement. In essence, a Technical Engineer must leave the construction survey projects and spend at least three land surveying. Historically, five years of surveying on construction projects have given our applicants enough technical experience to pass the non-legal parts of the examination. Most have had to utilize courses at the University to help them pass the legal questions put forth in the exam. While it would be acceptable to substitute a four year degree for the experience, this is often a unsuitable choice due to reasons of finances (tuition and supporting families) and location (quite often our work takes us away from commuting distance to campus).

We are of the understanding that if the "eight years" is struck from statute, then regulations requiring twelve years will be promulgated. We are convinced that adding four

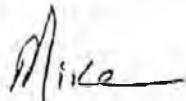
Senator Kelly & Committee Members
March 22, 1994
Page 2.

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We ask that AS 08.48.171 remain as it is currently written.

Sincerely,

TECHNICAL ENGINEERS OF ALASKA



Michael T. Kenny
Business Representative

/ijr
MTK\KELLY94.1

8-LS1733E
Lauterbach
3/14/94

CS FOR SENATE BILL NO. 320()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR LEMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to architects, engineers, and land surveyors."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 08.48.011(b) is amended to read

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6 three [ONE LAND SURVEYOR, ONE MINING ENGINEER, TWO] engineers from
7 other branches of the profession of engineering, two architects, one land surveyor, and
8 one public member.

9 * Sec. 2. AS 08.48.041 is amended to read:

10 Sec. 08.48.041. REMOVAL OF MEMBERS. The governor may remove a
11 member of the board only for misconduct, incompetency, or neglect of duty.

12 * Sec. 3. AS 08.48.171 is amended to read:

13 Sec. 08.48.171. GENERAL REQUIREMENTS AND QUALIFICATIONS FOR
14 REGISTRATION. An applicant for registration as an architect, engineer, or land

1 surveyor must be of good character and reputation and shall submit evidence
2 satisfactory to the board of the applicant's education, training, and experience.
3 [HOWEVER, AN APPLICANT FOR REGISTRATION AS A LAND SURVEYOR
4 MAY NOT BE REQUIRED TO SUBMIT EVIDENCE OF MORE THAN EIGHT
5 YEARS OF ANY COMBINATION OF EDUCATION, EXPERIENCE, OR
6 TRAINING.]

7 * Sec. 4. AS 08.48.191(b) is amended to read:

8 (b) A person holding a certificate of registration authorizing the person to
9 practice engineering in a state, territory, or possession of the United States, the District
10 of Columbia, or a foreign country, that, in the opinion of the board meets the
11 requirements of this chapter, based on verified evidence, may, upon application, be
12 registered in accordance with regulations of the board. [A PERSON HOLDING A
13 CERTIFICATE OF QUALIFICATION ISSUED BY THE NATIONAL COUNCIL OF
14 ENGINEERING EXAMINERS COMMITTEE ON NATIONAL ENGINEERING
15 CERTIFICATION MAY, UPON APPLICATION, BE REGISTERED IN
16 ACCORDANCE WITH THE REGULATIONS OF THE BOARD.]

17 * Sec. 5. AS 08.48.321 is amended to read:

18 Sec. 08.48.321. EVIDENCE OF PRACTICE. A person practices or offers to
19 practice architecture, engineering, or land surveying who

20 (1) practices a branch of the profession of architecture, engineering, or
21 land surveying as defined in AS 08.48.341;

22 (2) by verbal claim, sign, advertisement, letterhead, card, or other
23 means represents to be an architect, engineer, or land surveyor, or through the use of
24 some other title implies that the person is an architect, engineer, or land surveyor; or

25 (3) holds out as able to perform or who does perform an architectural,
26 engineering, or land surveying service recognized by the professions covered by this
27 chapter, and specified in regulations of the board, as architectural, engineering, or land
28 surveying.

29 * Sec. 6. AS 08.48.331 is amended to read:

30 Sec. 08.48.331. EXEMPTIONS. This chapter does not apply to

31 (1) a contractor performing work designed by a professional architect

1 or engineer or the supervision of the construction of the work as a supervisor or
2 superintendent for a contractor;

3 (2) workers in building trades crafts, superintendents, supervisors, or
4 inspectors in the performance of their customary duties;

5 (3) an officer or employee of the United States government practicing
6 architecture, engineering, or land surveying as required by the person's official
7 capacity;

8 (4) an employee or a subordinate of a person registered under this
9 chapter if the work or service is done under the direct supervision of a person
10 registered under this chapter;

11 (5) associates, consultants, or specialists retained by a registered
12 individual, a partnership of registered individuals, or a corporation authorized to
13 practice architecture, engineering, or land surveying under this chapter, in the
14 performance of professional services if responsible charge of the work remains with
15 the individual, the partnership, or a designated representative of the corporation;

16 (6) a person preparing drawings or specifications for

17 (A) a building for the person's own use and occupancy as a
18 single family residence;

19 (B) farm or ranch buildings, unless the public health, safety, or
20 welfare is involved;

21 (C) a building that is intended to be used only as a residence
22 by not more than four families and that is not more than two stories high;

23 (D) a garage, workshop, or similar building that contains less
24 than 2,000 square feet of floor space to be used for a private noncommercial
25 purpose;

26 (7) a specialty contractor licensed under AS 08.18 while engaged in the
27 business of construction contracting or designing systems for work within the specialty
28 to be performed or supervised by the specialty contractor, or a contractor preparing
29 shop or field drawings for work that the specialty contractor has contracted to perform;

30 (8) a person furnishing drawings, specifications, instruments of service,
31 or other data for alterations or repairs to a building that do not change or affect the

1 structural system or the safety of the building, or that do not affect the public health,
2 safety, or welfare;

3 (9) a person who is employed by a postsecondary educational
4 institution to teach engineering or [,] architectural [, OR LAND SURVEYING]
5 courses; in this paragraph, "postsecondary educational institution" has the meaning
6 given in AS 14.48.210.

7 * Sec. 7. AS 08.48.341(10) is amended to read:

8 (10) "practice of land surveying" means the teaching of land
9 surveying courses at an institution of higher learning, or any service or work the
10 adequate performance of which involves the application of special knowledge of the
11 principles of mathematics, the physical and applied related sciences, and the relevant
12 requirements of law for adequate evidence of the act of measuring and locating land,
13 lines, angles, elevations, natural and manmade features in the air, on the surface
14 of the earth, within underground workings, and on the beds of bodies of water for
15 the purpose of determining areas and volumes. geodetic and cadastral surveys for
16 the location and monumentation of property boundaries, for the platting and planning
17 of land and subdivisions of land, including the topography, alignment, and grades
18 for streets, and for the preparation and perpetuation of maps, record plats, field note
19 records, and property descriptions that represent these surveys;

8-LS1733V
Lauterbach
3/18/94

CS FOR SENATE BILL NO. 320()
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR LEMAN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to architects, engineers, and land surveyors."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 08.48.011(b) is amended to read:

4 (b) The board consists of nine members appointed by the governor having the
5 qualifications as set out in AS 08.48.031. The board consists of two civil engineers,
6 three [ONE LAND SURVEYOR, ONE MINING ENGINEER, TWO] engineers from
7 other branches of the profession of engineering, two architects, one land surveyor, and
8 one public member.

9 * Sec. 2. AS 08.48.171 is amended to read:

10 Sec. 08.48.171. GENERAL REQUIREMENTS AND QUALIFICATIONS FOR
11 REGISTRATION. An applicant for registration as an architect, engineer, or land
12 surveyor must be of good character and reputation and shall submit evidence
13 satisfactory to the board of the applicant's education, training, and experience.
14 [HOWEVER, AN APPLICANT FOR REGISTRATION AS A LAND SURVEYOR

1 MAY NOT BE REQUIRED TO SUBMIT EVIDENCE OF MORE THAN EIGHT
2 YEARS OF ANY COMBINATION OF EDUCATION, EXPERIENCE, OR
3 TRAINING.]

4 * Sec. 3. AS 08.48.191(b) is amended to read:

5 (b) A person holding a certificate of registration authorizing the person to
6 practice engineering in a state, territory, or possession of the United States, the District
7 of Columbia, or a foreign country, that, in the opinion of the board meets the
8 requirements of this chapter, based on verified evidence, may, upon application, be
9 registered in accordance with regulations of the board. [A PERSON HOLDING A
10 CERTIFICATE OF QUALIFICATION ISSUED BY THE NATIONAL COUNCIL OF
11 ENGINEERING EXAMINERS COMMITTEE ON NATIONAL ENGINEERING
12 CERTIFICATION MAY, UPON APPLICATION, BE REGISTERED IN
13 ACCORDANCE WITH THE REGULATIONS OF THE BOARD.]

14 * Sec. 4. AS 08.48.321 is amended to read:

15 Sec. 08.48.321. EVIDENCE OF PRACTICE. A person practices or offers to
16 practice architecture, engineering, or land surveying who

17 (1) practices a branch of the profession of architecture, engineering, or
18 land surveying as defined in AS 08.48.341;

19 (2) by verbal claim, sign, advertisement, letterhead, card, or other
20 means represents to be an architect, engineer, or land surveyor, or through the use of
21 some other title implies that the person is an architect, engineer, or land surveyor: or

22 (3) holds out as able to perform or who does perform an architectural,
23 engineering, or land surveying service recognized by the professions covered by this
24 chapter, and specified in regulations of the board, as architectural, engineering, or land
25 surveying.

26 * Sec. 5. AS 08.48.331 is amended to read:

27 Sec. 08.48.331. EXEMPTIONS. This chapter does not apply to

28 (1) a contractor performing work designed by a professional architect
29 or engineer or the supervision of the construction of the work as a supervisor or
30 superintendent for a contractor:

31 (2) workers in building trades crafts, superintendents, supervisors, or

- 1 inspectors in the performance of their customary duties;
- 2 (3) an officer or employee of the United States government practicing
3 architecture, engineering, or land surveying as required by the person's official
4 capacity;
- 5 (4) an employee or a subordinate of a person registered under this
6 chapter if the work or service is done under the direct supervision of a person
7 registered under this chapter;
- 8 (5) associates, consultants, or specialists retained by a registered
9 individual, a partnership of registered individuals, or a corporation authorized to
10 practice architecture, engineering, or land surveying under this chapter, in the
11 performance of professional services if responsible charge of the work remains with
12 the individual, the partnership, or a designated representative of the corporation;
- 13 (6) a person preparing drawings or specifications for
- 14 (A) a building for the person's own use and occupancy as a
15 single family residence;
- 16 (B) farm or ranch buildings, unless the public health, safety, or
17 welfare is involved;
- 18 (C) a building that is intended to be used only as a residence
19 by not more than four families and that is not more than two stories high;
- 20 (D) a garage, workshop, or similar building that contains less
21 than 2,000 square feet of floor space to be used for a private noncommercial
22 purpose;
- 23 (7) a specialty contractor licensed under AS 08.18 while engaged in the
24 business of construction contracting or designing systems for work within the specialty
25 to be performed or supervised by the specialty contractor, or a contractor preparing
26 shop or field drawings for work that the specialty contractor has contracted to perform;
- 27 (8) a person furnishing drawings, specifications, instruments of service,
28 or other data for alterations or repairs to a building that do not change or affect the
29 structural system or the safety of the building, or that do not affect the public health,
30 safety, or welfare;
- 31 (9) a person who is employed by a postsecondary educational

1 institution to teach engineering or [,] architectural [, OR LAND SURVEYING]
2 courses; in this paragraph, "postsecondary educational institution" has the meaning
3 given in AS 14.48.210.

4 * Sec. 6. AS 08.48.341(10) is amended to read:

5 (10) "practice of land surveying" means the teaching of land
6 surveying courses at an institution of higher learning, or any service or work the
7 adequate performance of which involves the application of special knowledge of the
8 principles of mathematics, the physical and applied related sciences, and the relevant
9 requirements of law for adequate evidence of the act of measuring and locating land,
10 lines, angles, elevations, natural and manmade features in the air, on the surface
11 of the earth, within underground workings, and on the beds of bodies of water for
12 the purpose of determining areas and volumes, geodetic and cadastral surveys for
13 the location and monumentation of property boundaries, for the platting and planning
14 of land and subdivisions of land, including the topography, alignment, and grades
15 for streets, and for the preparation and perpetuation of maps, record plats, field note
16 records, and property descriptions that represent these surveys;