

ALASKA LEGISLATURE COMMITTEE FILES

1995-1996

867249

8658 HOUSE LABOR & COMMERCE



# Alaska State Legislature

House of Representatives

~~Transportation Committee~~

LABOR & COMMERCE

SUBJECT OF MEETING:  
 HB 17  
 Officers of Utility Cooperatives

DATE: 3/15/95

PLACE: Capitol Room 17

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
Willis Kirkpatrick	Commerce	& Eco Dev (Dist Banking, Sec Corps)			2521	<input checked="" type="radio"/> Y <input type="radio"/> N	HB17
Dave Henderson	ARECA	703 W. Tudor #200 Anchorage, Ak 99503			561-6103	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 17
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 10, 1995

FURTHER REFERRALS:

Date of Committee Action: 3-15-95

The LABOR AND COMMERCE Committee considered:

HB 17

HOUSE BILL NO. 17

OFFICERS OF UTILITY COOPERATIVES

"An Act relating to the titles that describe the two principal executive officers of electric and telephone cooperatives."

recommends it be replaced with the following committee substitute CS HB 17 (L&C) [ ] the same title [ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee [ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

~~1~~ fiscal note(s) ~~Commerce~~

[ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Pete Tatt</i>	✓			
<i>Ann Kolesky</i>			✓	
<i>Frank Fols</i>			✓	
<i>Gene Kuberman</i>			✓	
<i>Brian S. Porter</i>			✓	
<i>Beverly Masek</i>			✓	
<i>Jerry Sanders</i>			✓	

CHAIR'S SIGNATURE *Pete Tatt*

**HB**

**46**

# STATE OF ALASKA

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

TONY KNOWLES, GOVERNOR

P.O. BOX 110806  
JUNEAU, ALASKA 99811-0806  
PHONE: (907) 465-2534  
TDD (907) 465-5437

February 17, 1995

FEB 27 1995

Mr. Karl Luck, Director  
Division of Occupational Licensing  
P.O. Box 110806  
Juneau, AK 99811-0806

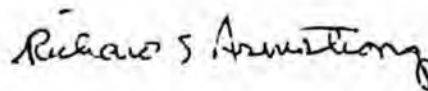
Re: HB 46

Dear Mr. Luck:

The Board of Registration for Architects, Engineers and Land Surveyors reviewed HB 46 at its February 16-17, 1995 meeting, and has taken action to oppose this bill. The position of the Board is to retain use of the term "registered" in reference to architect, engineer or land surveyor in this section.

Please let us know if you have any questions of the Board in this matter.

Sincerely,



Richard Armstrong, P.E.  
President, AELS Board

cc: Representative Green

# Alaska State Legislature



Representative Joe Green  
District 12

TO: Representative Pete Kott, Chairman  
House Labor & Commerce Committee

FR: Representative Joe Green *Joe*

RE: HB 46

DATE: February 28, 1995

---

I am requesting a hearing on HB 46 - An Act relating to the practice of architecture, engineering, and land surveying.

I have attached a proposed committee substitute and would request that you adopt it in lieu of the original bill. The CS adds two sections, section 1, and section 3, to the bill. The language from the original bill remains in the CS as section 2. I have attached a sectional description and a fiscal note.

I understand that the Board of Architects, Engineers, and Land Surveyors opposes the bill. I have attached a letter of opposition from the Board. The committee substitute is supported by Alaskans working in public utilities and in the oil industry.

To this end, I would appreciate a hearing on next Wednesday, March 8, when a number of utility and industry representatives will be in town to testify.

Thank you for your consideration.

9-LS0217F✓  
Bannister  
2/17/95

CS FOR HOUSE BILL NO. 46( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE GREEN

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the practice of architecture, engineering, and land surveying."

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

3 \* Section 1. AS 08.48.221 is amended to read:

4           Sec. 08.48.221. SEALS. Each registrant may obtain a seal of the design  
5 authorized by the board, bearing the registrant's name, registration number, and the  
6 legend, "Registered Professional Architect," "Registered Professional Engineer," or  
7 "Registered Professional Land Surveyor," as appropriate. When a registrant issues  
8 final drawings, specifications, surveys, plats, plates, reports, or similar documents,  
9 the registrant shall sign the documents and stamp the documents with the seal.  
10 [FINAL DRAWINGS, SPECIFICATIONS, SURVEYS, PLATS, PLATES, REPORTS  
11 AND OTHER SIMILAR DOCUMENTS SHALL, WHEN ISSUED, BE SIGNED AND  
12 STAMPED WITH THE SEAL.] The board shall adopt regulations governing the use of  
13 seals by the registrant. An architect, engineer, or land surveyor may not affix or permit  
14 a seal and signature to be affixed to an instrument after the expiration of a certificate or

1 for the purpose of aiding or abetting another person to evade or attempt to evade a  
2 provision of this chapter. The registrant, by affixing the registrant's seal to final  
3 drawings, specifications, surveys, plats, plates, reports, and other similar documents, and  
4 signing them, certifies that these documents were prepared by or under the registrant's  
5 direct supervision, unless the registrant certifies on the face of the document to the extent  
6 of the registrant's responsibility.

7 \* Sec. 2. AS 08.48.281 is amended to read:

8 Sec. 08.48.281. PROHIBITED PRACTICE. A person may not practice or offer  
9 to practice the profession of architecture, engineering, or land surveying in the state, or  
10 use in connection with the person's name or otherwise assume or advertise a title or  
11 description tending to convey the impression that the person is ~~an~~ [A REGISTERED]  
12 architect, ~~an~~ engineer, or ~~a~~ land surveyor, unless the person has been registered under the  
13 provisions of this chapter or is a person to whom these provisions do not apply, or, in the  
14 case of a corporation, unless it has been authorized under this chapter.

15 \* Sec. 3. AS 08.48.331 is amended to read:

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

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

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

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

24 (4) an employee or a subordinate of a person registered under this chapter  
25 if the work or service is done under the direct supervision of a person registered under  
26 this chapter;

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

- 1 (6) a person preparing drawings or specifications for  
2 (A) a building for the person's own use and occupancy as a single  
3 family residence;  
4 (B) farm or ranch buildings, unless the public health, safety, or  
5 welfare is involved;  
6 (C) a building that is intended to be used only as a residence by  
7 not more than four families and that is not more than two stories high;  
8 (D) a garage, workshop, or similar building that contains less than  
9 2,000 square feet of floor space to be used for a private noncommercial purpose;
- 10 (7) a specialty contractor licensed under AS 08.18 while engaged in the  
11 business of construction contracting or designing systems for work within the specialty  
12 to be performed or supervised by the specialty contractor, or a contractor preparing shop  
13 or field drawings for work that the specialty contractor has contracted to perform;
- 14 (8) a person furnishing drawings, specifications, instruments of service,  
15 or other data for alterations or repairs to a building that do not change or affect the  
16 structural system or the safety of the building, or that do not affect the public health,  
17 safety, or welfare;
- 18 (9) a person who is employed by a postsecondary educational institution  
19 to teach engineering, architectural, or land surveying courses; in this paragraph,  
20 "postsecondary educational institution" has the meaning given in AS 14.48.210;
- 21 (10) an officer or employee of an individual, firm, partnership,  
22 association, or corporation, who practices engineering only when required by the  
23 person's official capacity or work duties connected with the person's employment,  
24 and the individual, firm, partnership, association, or corporation is not engaged in  
25 the business of offering engineering services to the public.

# FISCAL NOTE

STATE OF ALASKA

BILL NO. HB46

1995 LEGISLATIVE SESSION

Revision Date: Original Dept Affected: Natural Resources  
 Title: An Act relating to the practice of architecture, engineering, and land surveying. BRU: Resource Development  
 Component: Land Development  
 Sponsor: Representative Green  
 Requestor: \_\_\_\_\_ Component Serial No. 431

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

Estimate of any current year (FY95) cost: \$ None

POSITIONS	FY96	FY97	FY98	FY99	FY00	FY01
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)

There is no anticipated fiscal impact associated with implementation of this legislation.

The legislation is a technical correction only to make sure that only registered land surveyors, architects and engineers can practice or offer professional advice.

Prepared by: Ron Swanson, Director Phone: 762-2692  
 Division: Land Date: 20-Jan-95  
 Approved by Commissioner: Miss Ann to Mr. Rutter for Rating Comm. Date: 1/20/95  
 Agency: Natural Resources

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

# FISCAL NOTE

**STATE OF ALASKA**  
**1995 LEGISLATIVE SESSION**

**BILL NO. HB 46**

Revision Date: January 24, 1995 Department: Commerce and Economic Development  
 Title: An Act relating to the practice of architecture, BRU: Occupational Licensing  
engineering, and land surveying. Component: Operations  
 Sponsor: Representative Green  
 Requestor: Representative Green COMPONENT SERIAL N 1844

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 95) cost: \$ 0.0

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

HB 46 amends AS 08.48.281 to prohibit an individual from conveying the impression that the individual is an architect, engineer, or a land surveyor, unless the individual is a "registered" architect, engineer, or a land surveyor. New funds are not required to implement this amendment.

Prepared by: Jennifer Strickler, Admin. Officer Phone: 465-2144  
 Division: Occupational Licensing Date: 1/24/95  
 Approved by Commissioner: William L. Hensley Date: 1/24/95  
 Agency: Commerce and Economic Development

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**  
 For further distribution information, call the Governor's Legislative Office

# Alaska State Legislature



Representative Joe Green

District 10

## Sectional Description

### CSHB46 - Architects, Engineers, & Land Surveyors

Sec. 1 Re-words the deleted paragraph into a more active case. The intent of the language is not changed.

Sec. 2 Removes a technical conflict with the statutory language that defines engineer.

AS 08.48.281 states that a person may not "practice or offer to practice" "or advertise a title or description tending to convey the impression that the person is a *registered* architect, engineer, or land surveyor unless the person has been registered under the provisions of this chapter..."

According to this language, a person can tend "to convey the impression" that they are an engineer, just not a registered engineer. This conflicts with the language, and the intent in AS 08.48.341(6) which states that "engineer" means a professional engineer, and AS 08.48.341(12) which defines "professional engineer" as a person who has been legally registered as a professional engineer by the board.

Deleting "a registered" from .281 renders the prohibition more consistent with .341(6) and .341(12).

Sec. 3 Re-introduces an exemption that was removed in 1990. Subsection (10) allows an employee of a company who is required to practice engineering as part of their official work capacity, and who is not engaged in the business of offering engineering services to the public, to do so without being registered by the Board.

# Alaska State Legislature

OFFICE OF THE CLERK  
ALASKA STATE LEGISLATURE  
1000 ALASKA CENTER BUILDING  
JULY 1990  
1000 ALASKA CENTER BUILDING  
JULY 1990  
1000 ALASKA CENTER BUILDING  
JULY 1990  
1000 ALASKA CENTER BUILDING  
JULY 1990



OFFICE OF THE CLERK  
ALASKA STATE LEGISLATURE  
1000 ALASKA CENTER BUILDING  
JULY 1990  
1000 ALASKA CENTER BUILDING  
JULY 1990  
1000 ALASKA CENTER BUILDING  
JULY 1990  
1000 ALASKA CENTER BUILDING  
JULY 1990

Representative Joe Green

District 10

## Sponsor Statement

### CSHB46 - Architects, Engineers, & Land Surveyors

CSHB46 has three goals: 1) Clarify when a registrant will use the seal to stamp a document, 2) correct an ambiguity in the law that governs who can claim to be an architect, engineer, or land surveyor, and 3) re-introduce an exemption from the requirements of the chapter.

Section 1 is clarified by re-writing into a more active case the instructions of when a registrant will stamp a document.

Enforcement of the law in Section 2 is made difficult by the inclusion of the word "registered" in the language that states who may and may not practice a profession. When enforcement officers apprehend an individual for practicing engineering, a common defense is that they did not purport to be a "registered" engineer, only an engineer. Even though "engineer" is defined elsewhere in statute, prosecutors are loath to take these cases due to this ambiguity.

CSHB46 clarifies this section of law by expanding the category of who is prohibited from practicing a profession. If CSHB46 passes, it will be illegal to "assume or advertise a title" of "engineer" unless you are registered by the Board.

Another problem CSHB46 addresses, in Section 3, is an exemption removed in 1990 that has proved to be unworkable for a number of Alaskan companies. Currently, several groups of people who work as architects, engineers, and land surveyors, are exempted from the requirements of this chapter. Until 1990, employees who do not offer their services to the public, but practice engineering as part of their regular work duties for their employer, were also exempted. This bill restores that exemption.

03/08/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
15:22:59 PARTICIPANT LIST (TESTIFIERS ONLY) BY:JNU  
TCN:50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00 FOR:ALL

PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: MATSU  
HB 46 MS PAULA ELLER ✓ TESTIFY *Support*

LOCATION: KEN/SOL  
HB 46 MR. MIKE TAURIAINEN ✓ SELF TESTIFY, *oppose*

03/08/95 15:30:35 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120  
MESSAGE FROM: LIOCJEN IN ANCHORAGE JNU

RE TCN: 50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00  
SPONSOR: HOUSE LABOR & COMMERCE PURPOSE: PUBLIC HEARING

MESSAGE TEXT: OP IS ALAN SEE TO TESTIFY X *Support*

03/08/95 15:37:21 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120  
MESSAGE FROM: LIOCJEN IN ANCHORAGE JNU

RE TCN: 50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00  
SPONSOR: HOUSE LABOR & COMMERCE PURPOSE: PUBLIC HEARING

MESSAGE TEXT: DO YOU HAVE CS?

258-1261

03/08/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:25:33

PARTICIPANT LIST (ALL PARTICIPANTS)

BY: SOL

TCN: 50368

SCHEDULED FOR: 03/08/95 15:30 TO 17:00

FOR: SOL

PUBLIC HEARING

HOUSE LABOR & COMMERCE

LOCATION: KEN/SOL

HB 46

MR.

MIKE

TAURIAINEN

SELF

TESTIFY

Dave Adams should also be On-line.

I AM NOT SURE IF THIS INDIVIDUAL IS  
ON. You MAY WISH TO TRY HIS NAME!

03/08/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
15:49:07 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC  
TCN:50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00 FOR:ANC

PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE

HB 46	BLAINE	BROWN	ATU TELECOMM	TESTIFY	Support
HB 46	DAN	GORDON	TELALASKA	TESTIFY	Support
HB 46	RANDY	NELSON	GTE AK	TESTIFY	Support
HB 46	TOM	CRAFFORD	AK PRODUCERS CNCTESTIFY	TESTIFY	Support
HB 46	BYRON	HAYNES		TESTIFY	Support
HB 46	AL	DICKENS	ASTAC	TESTIFY	Support
HB 46	COLIN	MAYNARD	APDC AK Professional Design Council	TESTIFY	Support Opposed.

UP DATE !!

03/08/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
15:29:03 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC  
TCN:50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00 FOR:ANC

PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE


HB 46	BLAINE	BROWN	ATU TELECOMM	TESTIFY	✓
HB 46	DAN	GORDON	TELALASKA	TESTIFY	✓
HB 46	RANDY	NELSON	GTE AK	TESTIFY	
HB 46	TOM	CRAFFORD	AK PRODUCERS CNCTESTIFY	TESTIFY	
HB 46	BYRON	HAYNES		TESTIFY	
HB 46	AL	DICKENS	ASTAC	TESTIFY	

03/08/95 15:38:33 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120  
MESSAGE FROM: LIOCMBB IN KEN/SOL JNU

RE TCN: 50368 SCHEDULED FOR:03/08/95 15:30 TO 17:00  
SPONSOR: HOUSE LABOR & COMMERCE PURPOSE: PUBLIC HEARING

MESSAGE TEXT: CAN YOU FAX US THE CS FOR HB 46? THANKS!

262-1381

TO: George Dozier  
FR: Jeff Logan   
RE: Hearing on HB46  
DATE: 3/6/95

For Wednesday's hearing on HB 46 we request that you schedule a teleconference to the following sites:

Anchorage (4 people)  
Fairbanks ((1 person)  
Palmer (1 person)  
Dillingham (1 person).

Also, as there is no LIO in King Salmon (1 person) or Skagway (1 person) they would like to call in to teleconference.

Thank you.



# Alaska State Legislature

House of Representatives

Labor and Commerce  
Transportation Committee

SUBJECT OF MEETING:

HB 46

DATE: 3-8-95

PLACE: Capitol Room 17

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/ WHICH BILL?
GRAHAM ROLSTAD	ATT & MTR	1740 S. CHUGATCH ST. PALMER ALASKA 99645		376-2555	745-5412	<input checked="" type="radio"/> Y <input type="radio"/> N	
JAMES ROWE	ALASKA TEL ASSN	4341 B ST ANCH 99503	99503	563-4000	563-4000	<input checked="" type="radio"/> Y <input type="radio"/> N	
NANCY SCHNEPITZER	ARCO ALASKA	P.O. BOX 100360 ANCHORAGE, AK 99508	99508	563-5771	263-4655	<input checked="" type="radio"/> Y <input type="radio"/> N	
Catherine Reardon	DIVISION of OCC Licensing	Dept of Commerce Tilleam, AK		463-5256	465-2538	<input checked="" type="radio"/> Y <input type="radio"/> N	HB 46
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	
						<input type="radio"/> Y <input type="radio"/> N	

House Labor and Commerce Committee

~~CONFIDENTIAL~~ CS for House Bill No. 46

Testimony of Nancy Schoephoester  
Government Relations, ARCO Alaska, Inc.  
March 8, 1995

MR. CHAIRMAN, members of the House Labor and Commerce Committee. My name is Nancy Schoephoester. I represent ARCO Alaska, Inc. Thank you for the opportunity to come before you today to speak in support of ~~CONFIDENTIAL~~ CS for House Bill No. 46 relating to the practice of architects, engineers and land surveyors.

A state program for occupational licensing of architects, engineers and land surveyors (AE&LS) offers the same type of public benefits that are common in most occupational licensing programs. Those benefits are three fold. First, they establish a method for verifying that persons meet minimum standards of technical competency, such as through requiring tests and experience. Second, they establish a method of identifying those qualified persons, such as by authorizing the use of a title or seal. Third, they establish a means of assuring that such persons meet standards of professional conduct in their dealings with the public.

The existence of AE&LS occupational licensing further allows other government regulators a method of specifying the conduct of activities which might impact public safety. A common example of this is regulations that require the use of professional structural engineers in the design of bridges.

Occupational licensing of AE&LS is a necessary and common way to protect the public from unqualified people that might both offer services or practice in areas where public safety is an issue. The AE&LS occupations require extensive education and experience; and the public needs to know that unqualified people or companies will not be offering their services to the public.

The mandatory requirements of the AE&LS statutes should implement three principles. First, only registered professional engineers can use a seal to certify final drawings and specifications. Second, only duly registered professional engineers may use that title when providing services to the

general public. Third, only registered engineers can practice or offer to practice the profession in connection with the public.

Work Draft "F" of CS for HB-46 clarifies an ambiguously worded sentence regarding the use of seals. The amendment will clarify that occupational licensing controls the use of the seal and will affirm that the statutory authority to determine what drawings and specifications need to be sealed by a registered professional engineer does not reside in occupational licensing statutes.

Section 1 in no way diminishes the importance of AE&LS licensing or compromises public safety. Existing statutes governing a wide range of commercial activities govern when drawings and specifications must be sealed. There are many examples of these at the state and federal level: 1) The reference manual for building officials sanctioned under state regulation requires that all design work be sealed and signed; 2) Spill Prevention, Control and Countermeasure plans must be reviewed and certified by a registered professional engineer under federal regulation; 3) Under state regulations, plans that affect public water systems must be signed and sealed by a registered engineer. These are just a few examples.

Section 2 of the bill similarly resolves an existing inconsistency in statute; but likely not in the best way. Currently the occupational licensing statute for engineers, architects, and land surveyors contains an inconsistency. Section 281 of statute says that a person may not claim he or she is a "registered engineer" unless he or she is a registered engineer. This is very proper. On the other hand, Section 321 of statute says that a person is evidenced to be practicing engineering if he or she claims to be an "engineer". In other words you can't claim to be any type of engineer unless you are a registered engineer. Section 2 of the bill would resolve this inconsistency in favor of this latter definition. This would seem to be troublesome in firms offering engineering services to the public. For example, unregistered engineers, even if properly supervised by a registered engineer may not be able to use the job title of "engineer". Further, only the six categories of engineer recognized in the AE&LS regulations could exist; so, for example, "software engineers" would have to revert to, say, "programmers". Worse, without Section 3 of the bill, may in-house engineers in non-engineering companies would also be in violation. A potentially better way is to resolve the inconsistency in favor of the first definition.

Third, Section 3 of the bill restores the "in-house exemption" from engineering licensing, making Alaska more competitive and probably preserving jobs. Until 1990, Alaska, like 36 other states, exempted engineers from occupational licensing requirements if they provided services "in-house" (in other words, not directly to the public). Restoring this in-house exemption will ensure that the many in-house engineers who are highly trained and skilled are able to keep doing their job. As described above, public safety of these activities is protected by other statutes and in-house employers are able to assess the competency of their staff engineers without requiring licensing.

**ENGINEER REGISTRATION EXEMPTIONS**  
**IN OTHER STATES**

1. **Alabama**

Code of Alabama/ 34-8-7 (1994).

34-8-7. Exemptions from chapter.

- (a) The following shall be exempted from the provisions of this chapter: a person, firm or corporation constructing a building or other improvements on his or its own property.

2. **Arizona**

Arizona Revised Statutes § 32-144 (1993). Exemptions and limitations.

- A. Architecture, engineering, geology, assaying, landscape architecture or land surveying may be practiced without compliance with the requirements of this chapter by:

7. A nonregistrant who designs buildings or structures to be erected on property owned or leased by him or by a person, firm or corporation, including a utility, telephone, mining or railroad company, which employs such nonregistrant on a full-time basis, if the buildings or structures are intended solely for the use of the owner or lessee of the property, are not ordinarily occupied by more than twenty people, are not for sale to, rental to or use by the public and conform to the building code adopted by the city, town or county in which the building is to be erected or altered.

- B. The requirements of this chapter shall not apply to work done by any communications common carrier or its affiliates or any public service corporation or manufacturing industry or by full-time employees of any of them, provided such work is in connection with or incidental to the products, systems or non-engineering services of such communications common carrier or its affiliates or public service corporation or manufacturing industry, and provided that the engineering service is not offered directly to the public.

3. **California**

California Business & Professions Code - § 6747 (1994). Exception for engineering work by certain industrial corporations.

This chapter, except for those provisions which apply to civil engineers and civil engineering, shall not be applicable to the performance of

- (7) Individuals Doing Work for Corporations or Companies. The practice of engineering by employees of a corporation or a company as long as the services provided by them are for internal corporate or company use only.

8. Illinois

§ 225 Illinois Compiled Statutes 325/3 (1994). Applications of the Act -- Exemptions.

(b) Nothing in the Act shall prevent:

(4) Services performed by employees of a business organization engaged in utility industrial or manufacturing operations, or by employees of laboratory research affiliates of such business organization which are rendered in connection with the fabrication or production, sale, and installation of products, systems, or non engineering services of the business organization or its affiliates.

9. Iowa

Iowa Code - § 542B.26 (1993). Applicability of chapter.

This chapter shall not apply to any full-time employee of any corporation while doing work for that corporation, except in the case of corporations offering their services to the public as professional engineers or land surveyors.

10. Kentucky

Kentucky Revised Statutes Annotated § 322.030. Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

- (4) An engineer or land surveyor engaged solely as an officer or employee of a privately owned public utility or of a corporation engaged in interstate commerce as defined in the Interstate Commerce Act (24 Stat. 379) as amended.

11. Louisiana

Louisiana Revised Statutes § 37:701 (1993). Public and private work; application of provisions.

- c. This Chapter shall not apply to, affect, interfere with, or in anywise regulate employees of a person, firm, or corporation engaged in industrial operations, including, but not limited to, producing, processing, manufacturing, transmitting, distributing, or transporting, when performing services within the state of Louisiana in the course and scope of the business of said person, firm, corporation, or affiliates thereof. In the event any of the activities set forth in this Subsection shall fall within the

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

**ENGINEER REGISTRATION EXEMPTIONS**  
**IN OTHER STATES**

1. **Alabama**

Code of Alabama/ 34-8-7 (1994).

34-8-7. Exemptions from chapter.

- (a) The following shall be exempted from the provisions of this chapter: a person, firm or corporation constructing a building or other improvements on his or its own property.

2. **Arizona**

Arizona Revised Statutes § 32-144 (1993). Exemptions and limitations.

- A. Architecture, engineering, geology, assaying, landscape architecture or land surveying may be practiced without compliance with the requirements of this chapter by:

7. A nonregistrant who designs buildings or structures to be erected on property owned or leased by him or by a person, firm or corporation, including a utility, telephone, mining or railroad company, which employs such nonregistrant on a full-time basis, if the buildings or structures are intended solely for the use of the owner or lessee of the property, are not ordinarily occupied by more than twenty people, are not for sale to, rental to or use by the public and conform to the building code adopted by the city, town or county in which the building is to be erected or altered.

- B. The requirements of this chapter shall not apply to work done by any communications common carrier or its affiliates or any public service corporation or manufacturing industry or by full-time employees of any of them, provided such work is in connection with or incidental to the products, systems or non-engineering services of such communications common carrier or its affiliates or public service corporation or manufacturing industry, and provided that the engineering service is not offered directly to the public.

3. **California**

California Business & Professions Code - § 6747 (1994). Exception for engineering work by certain industrial corporations.

This chapter, except for those provisions which apply to civil engineers and civil engineering, shall not be applicable to the performance of

engineering work by a manufacturing, mining, public utility, research and development or other industrial corporation or by employees of such corporation, provided such work is in connection with or incidental to the products, systems, or services of such corporation or its affiliates.

4. **Colorado**

Colorado Revised Statutes 12-25-103 (1994). Exemptions.

(1) This part 1 shall not be construed to affect any of the following:

(c) Partnerships, professional associations, joint stock companies, limited liability companies, or corporations, or the employees of any such organizations, who perform engineering services for themselves or their affiliates.

5. **Connecticut**

Connecticut General Statutes - § 20-309 (1992). Exemptions.

The following-described persons shall be exempt from the provisions of this chapter:

(c) any manufacturing or scientific research and development corporation and the officers and employees of any such corporation while engaged in the performance of their employment by such corporation, provided the engineering work performed by such corporation, officers and employees shall be incidental to the research and development or manufacturing activities of such corporation.

6. **Delaware**

24 Delaware Code § 2803 (1993). Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them, except where the context clearly indicates a different meaning:

(7) "Practice of engineering" or "to practice engineering" or "practice engineering" . . . does not include . . . engineering services performed by an employee of a firm or corporation that does not offer professional engineering services to the general public.

7. **Idaho**

Idaho Code - § 54-1223 (1994). Saving clause -- Exemptions.

A. This act shall not be construed to prevent or to affect:

- (7) Individuals Doing Work for Corporations or Companies. The practice of engineering by employees of a corporation or a company as long as the services provided by them are for internal corporate or company use only.

8. Illinois

§ 225 Illinois Compiled Statutes 325/3 (1994). Applications of the Act -- Exemptions.

(b) Nothing in the Act shall prevent:

(4) Services performed by employees of a business organization engaged in utility industrial or manufacturing operations, or by employees of laboratory research affiliates of such business organization which are rendered in connection with the fabrication or production, sale, and installation of products, systems, or non engineering services of the business organization or its affiliates.

9. Iowa

Iowa Code - § 542B.26 (1993). Applicability of chapter.

This chapter shall not apply to any full-time employee of any corporation while doing work for that corporation, except in the case of corporations offering their services to the public as professional engineers or land surveyors.

10. Kentucky

Kentucky Revised Statutes Annotated § 322.030. Exceptions to KRS 322.020.

KRS 322.020 shall not apply to:

- (4) An engineer or land surveyor engaged solely as an officer or employee of a privately owned public utility or of a corporation engaged in interstate commerce as defined in the Interstate Commerce Act (24 Stat. 379) as amended.

11. Louisiana

Louisiana Revised Statutes § 37:701 (1993). Public and private work; application of provisions.

- c. This Chapter shall not apply to, affect, interfere with, or in anywise regulate employees of a person, firm, or corporation engaged in industrial operations, including, but not limited to, producing, processing, manufacturing, transmitting, distributing, or transporting, when performing services within the state of Louisiana in the course and scope of the business of said person, firm, corporation, or affiliates thereof. In the event any of the activities set forth in this Subsection shall fall within the

definition of practice of engineering as defined in Paragraph (8) of Section 682 of this Chapter, such activities shall be under the supervision and charge of a professional engineer, duly registered under the provisions of this Chapter.

12. **Maine**

32 Maine Revised Statutes §1225 (1993). Exemptions.

The following persons are exempt from this chapter:

**INTERSTATE COMMERCE CORPORATION EMPLOYEES.** An officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended, or in interstate communication as defined in the Act of Congress entitled "Communications Act of 1934" approved June 9, 1934, while working solely as an employee of such corporation. An officer or employee of such corporation customarily in responsible charge of the engineering work of such corporation within this State shall be a registrant under this chapter.

13. **Maryland**

Maryland Business Occupations and Professions Annotated - §14-302 (1993). Practice by corporate officers and employees.

(b) Manufacturing and industrial work. -- An officer or employee of a corporation may practice engineering without a license if:

(1) the corporation is engaged in:

(i) manufacturing; (ii) industrial processes; (iii) industrial engineering; or (iv) maintenance and repair of structures or equipment used in industrial processes or manufacturing; and

(2) the work of the officer or employee relates to the products or systems of the corporation or its subsidiaries or affiliates.

14. **Massachusetts**

Massachusetts Annotated Laws ch. 112, § 81R (1994). Practices or Performance of Work Not Prevented or Affected.

Nothing in said sections shall be construed to prevent or to affect:

g. the performance of engineering work or services by employees of a corporation engaged in manufacturing, research or development operations, which work or services are performed in connection with the research or development activities of or the manufacture, sale, installation, maintenance, repair or service of the products of, such

corporation, or of its parent, affiliates or subsidiaries; provided, that such research or development activities which are not related to the manufacture, sale, installation, maintenance, repair or service of the products of such corporation, or of its parents, affiliates or subsidiaries, are not primarily in connection with the construction of fixed works which are to be made available for use by the general public.

15. **Michigan**

Michigan Compiled Laws § 339.2012 (1992). Persons exempted.

Sec. 2012. The following persons are exempt from the requirements of this article:

(a) A professional engineer employed by a railroad or other interstate corporation, whose employment and practice is confined to the property of the corporation.

16. **Missouri**

§ 327.191 Revised Statutes Missouri (1993). Unauthorized practice prohibited, persons excepted.

[N]othing in this chapter shall apply to the following persons:

(2) Any person who is a regular full-time employee of a person, who performs professional engineering work for such employer if and only if such work and service so performed is done solely in connection with a facility owned or wholly operated by the employer and occupied or maintained by the employer of the employee performing such work or service;

(3) Any person engaged in engineering who is a full-time, regular employee of a person engaged in manufacturing operations and which engineering so performed by said person relates to the manufacture, sale or installation of the products of such person.

17. **Nebraska**

Revised Statutes Nebraska § 81-853 (1994). Engineers and architects; registration; persons exempt; provisions not applicable; when.

(1) The following persons shall be exempt from the provisions of sections 81-839 to 81-856: . . . (e) a person who is a full-time regular employee of a commercial firm, association, or corporation performing engineering or architectural services solely in connection with products or services of such firm, association, or corporation if such person or entity does not offer such professional engineering or architectural services to the public.

18. Nevada

Nevada Revised Statutes Annotated § 625.240 (1993). Conditions under which association may practice professional engineering.

1. The provisions of this section do not apply to a firm, partnership, corporation or other person:

(a) Practicing professional engineering for his or its own benefit and not engaging in the practice of professional engineering for others or offering professional engineering services to others.

19. New Jersey

New Jersey Statutes § 45:8-27 (1993). License required; display of license; exceptions; corporations, firms, partnerships and associations.

Nothing in this act shall be construed as required licensing for the purpose of practicing professional engineering or land surveying by any person, firm, or corporation upon property owned or leased by such person, firm or corporation, unless the same involves the public safety, public health or public welfare.

20. New Mexico

New Mexico Statutes Annotated § 61-23-22 (1994). Engineering; exemptions. (Effective until July 1, 2000.)

C. An engineer employed by a firm, association or corporation who performs only the engineering services involved in the operation of the employer's business shall be exempt from the provisions of the Engineering and Surveying Practice Act, provided that neither the employee nor the employer offers engineering services to the public.

21. New York

New York Consolidated Laws Service Education § 7208 (1994). Exempt persons.

This article shall not be construed to affect or prevent the following, provided that no title, sign, card or device shall be used in such manner as to tend to convey the impression that the person rendering such service is a professional engineer or land surveyor licensed in this state or is practicing engineering or land surveying:

j. The practice of engineering or land surveying or having the title "engineer" or "surveyor" solely as an officer or an employee of a corporation engaged in interstate commerce;

k. the practice of engineering by a manufacturing corporation or by employees of such corporation, or use of the title "engineer" by such

employees, in connection with or incidental to goods produced by, or sold by, or nonengineering services rendered by, such corporation or its manufacturing affiliates.

22. North Carolina

North Carolina General Statutes § 89C-25 (1994). Limitations on application of Chapter.

This Chapter shall not be construed to prevent or affect:

- (8) The performance of internal engineering or survey work by a manufacturing or communications common carrier company, or by a research and development company, or by employees of such corporations provided that such work is in connection with, or incidental to products of, or nonengineering services rendered by such corporations or their affiliates.

23. North Dakota

North Dakota Century Code, § 43-19.1-29 (1993). Exemption clause.

This chapter shall not be construed to prevent or affect:

5. The practice of engineering and land surveying by any person regularly employed to perform engineering services solely for his employer or for a subsidiary or affiliated corporation or limited liability company of his employer, providing the engineering performed is in connection with the property, products, or services of his employer.

24. Ohio

Ohio Revised Code Annotated § 4733.18 (BALDWIN). Exemptions from registration; temporary certification.

B. The following persons are exempt from sections 4733.01 to 4733.21 of the Revised Code:

4. This chapter does not require registration for the purpose of practicing professional engineering, or professional surveying by an individual, firm, or corporation on property owned or leased by said individual, firm, or corporation unless the same involves the public welfare of the safeguarding of life, health or property or for the performance of engineering or surveying which relates solely to the design or fabrication of manufactured products.

25. Oregon

Oregon Revised Statutes - §672.060 (1993). Exceptions to application of ORS 672.002 to 672.325.

ORS 672.002 to 672.325 do not apply to:

- (6) The performance of engineering work by any person, firm or corporation, or by full-time employees of any of them, provided:
  - (a) The work is in connection with or incidental to the operations of such persons, firms or corporations; and
  - (b) The engineering work is not offered directly to the public.

26. Pennsylvania

63 Pennsylvania Statutes § 152 (1994). Exemptions from licensure and registration.

Except as specifically provided in this section, this act shall not be construed to require licensure and registration in the following cases:

(f) The practice of engineering, land surveying or geology by any person or by any employee of any copartnership, association or corporation upon property owned by such person or such copartnership, association or corporation, unless such practice affects the public safety or health or the property of some other person or entity.

(g) The practice of engineering, land surveying or geology work by a manufacturing, mining, communications common carrier, research and development or other industrial corporation or by employees of such corporation, provided such work is in connection with or incidental to products of, or non-engineering services rendered by, such corporation or its affiliates.

27. Rhode Island

Rhode Island General Laws § 5-8-21 (1993). Exemptions.

This chapter shall not be construed to prevent or to affect:

(f) Manufacturing corporations. The practice of engineering, as set forth in this chapter, by manufacturing corporations, and their officers and employees while engaged in manufacturing, research and development activities for that corporation.

(g) Research and development corporations. The practice of engineering, as set forth in this chapter, by research and development corporations, and their officers and employees while engaged in research and development activities for that corporation.

28. South Dakota

South Dakota Codified Laws § 36-18-7 (1994). Persons and practices exempt from registration requirements -- Use of misleading title prohibited.

This chapter does not apply to:

- (5) Any full-time employee of a corporation, partnership, firm, business entity or public utility while exclusively doing work for said corporation, partnership, firm, business entity or public utility, if the work performed is in connection with the property, products and services utilized by his employer and not for any corporation, partnership, firm or business entity practicing or offering to practice architectural, engineering or land surveying services to the public. The provisions of this subdivision do not apply to any building or structure where the primary use is occupancy of the public.

29. Tennessee

Tennessee Code Annotated § 62-2-103 (1994). Persons exempt from chapter.

The following shall be exempted from the provisions of this chapter; provided, that . . . nothing in this section shall be construed as exempting any person who makes public use of the title "engineer," "architect," or "landscape architect" or any appellation thereof . . . :

- (3) Architects, engineers or landscape architects who are employed by a person, firm or corporation not engaged in the practice of architecture, engineering, or landscape architecture and who render architectural, engineering or landscape architectural services to their employer only and not to the general public.

30. Texas

Texas Revised Civil Statutes article 3271a (1994). Texas Engineering Practice Act.

Exemptions. Sec. 20. The following persons shall be exempt from the registration provisions of this Act, provided that such persons are not directly or indirectly represented or held out to the public to be legally qualified to engage in the practice of engineering:

- (g) Any regular full time employee of a private corporation or other private business entity who is engaged solely and exclusively in performing services for such corporation and/or its affiliates; provided, such employee's services are on, or in connection with, property owned or leased by such private corporation and/or its affiliates or other private business entity, or in which such private corporation and/or its affiliates or other business entity has an interest, estate or possessory right, or whose services affect exclusively the property, products, or interests of such private corporation and/or its affiliates or other private business entity; and, provided further, that such employee does not have the final authority for the approval of, and the ultimate responsibility for, engineering designs, plans or specifications pertaining to such property or products which are to be incorporated into fixed works, systems, or

facilities on the property of others or which are to be made available to the general public. This exemption includes the use of job titles and personnel classifications by such persons not in connection with any offer of engineering services to the public, providing that no name, title, or words are used which tend to convey the impression that an unlicensed person is offering engineering services to the public.

31. Utah

Utah Code Annotated § 58-22-305 (1994). Exemptions from licensure.

- (1) In addition to the exemptions from licensure in Section 58-1-307 the following persons may engage in the practice of engineering and land surveying subject to the stated circumstances and limitations without being licensed under this chapter:
  - (b) an employee of a communications, utility, railroad, mining, petroleum, manufacturing company, or an affiliate of such a company if the engineering work is done solely in connection with the products or systems of the entity and is not offered directly to the public.

32. Vermont

26 Vermont Statutes Annotated § 1163 (1994). Exemptions.

- (a) Persons exempt. Section 1162 of this title does not prohibit acts constituting the practice of engineering performed as a necessary part of the duties of:
  - (5) An officer or employee of a corporation engaged in interstate commerce as defined in the act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended.

33. Virginia

Virginia Code Annotated § 54.1-401 (1994). Exemptions.

The following shall be exempted from the provisions of this chapter:

7. Practice of engineering solely as an employee of a corporation engaged in interstate commerce, or as an employee of a public service corporation, by rendering such corporation engineering service in connection with its facilities which are subject to regulation by the State Corporation Commission; provided, that corporation employees who furnish advisory service to the public in connection with engineering matters other than in connection with such employment shall not be exempt from the provisions of this chapter.

34. Washington

Revised Code Washington (ARCW) § 18.43.130 (1994). Excepted services -- Fees.

This chapter shall not be construed to prevent or affect:

- (5) The work of a person rendering engineering or land surveying services to a corporation, as an employee of such corporation, when such services are rendered in carrying on the general business of the corporation and such general business does not consist, either wholly or in part, of the rendering of engineering services to the general public: PROVIDED, That such corporation employs at least one person holding a certificate of registration under this chapter or practicing lawfully under the provisions of this chapter.

35. West Virginia

West Virginia Code § 30-13-24 (1994). Exemptions.

This article may not be construed to prevent the practice by:

- (c) Employees and subordinates. Any regular full-time employee of a person, partnership, corporation or other business entity who is engaged solely and exclusively in performing services for such person, partnership, corporation or other business entity, who is not required by any provisions of the law other than this article to be a registered professional engineer and whose services are performed on, or in connection with, property owned or leased by such person, partnership, corporation or other business entity, or in which such person, partnership, corporation or other business entity has an interest, estate or possessory right, and are not offered or made available to the public. This exemption includes the use of job title and personal classification by such person, but no name, title or words may be used which tend to convey the impression that an unlicensed person is offering professional engineering services to the public.

36. Wisconsin

Wisconsin Statutes § 443.14 (1993). Exempt persons.

The following persons, while practicing within the scope of their respective exemptions, shall be exempt from this chapter:

- (4) Any person who practices architecture or professional engineering, exclusively as a regular employee of a private company or corporation, by rendering to the company or corporation architectural or professional engineering services in connection with its operations, so long as the person is thus actually and exclusively employed and no longer, if the company or corporation has at least one architect or professional

engineer, registered under this chapter, in responsible charge of the company's or corporation's architectural or professional engineering work in this state.

37. Wyoming

Wyoming Statutes § 33-29-136 (1994). Exemptions and limitations.

(a) Engineering or land surveying may be practiced without compliance with this act by:

(iii) Any full-time employee of any corporation while doing work for that corporation, provided, that all maps, plats, plans or designs filed in any office of public record in the state of Wyoming shall be made and certified to by a registered professional engineer or professional land surveyor as provided by W.S. 33-29-139. This exemption does not apply to corporations offering their services to the public as professional engineers or professional land surveyors or to corporations engaged in designing and supervising the building of works for public or private interests not their own.

SRP/cs

Engineering, Inc.

MECHANICAL AND ELECTRICAL  
CONSULTING ENGINEERS

March 13, 1995

Representative Pete Kott  
State Capital  
Juneau, Alaska 99801  
Fax: 465-2819

Dear Representative Kott:

**REFERENCE: House Bill HB 46**

I am writing to you to express my opposition to HB 46, in its entirety. I speak first as an Alaskan resident, second as president of an engineering firm, and third as chairman of the AELS Board (The board has been polled, and they concur with my opposition). My opposition to the bill is based on the following concerns:

1. **Section 1, AS 08.48.221 Seals:** The proposed change says that only registered architects, engineers, or land surveyors need to seal their plans. As you know, sealing of plans is required so that the public knows who provided the design, so designers can be held responsible and accountable for their work. Placing a seal on plans therefore causes designers to very carefully review their work to ensure they are doing the best they can to provide a safe, code compliant design or report. This change says to me that if adopted, unlicensed people may prepare plans, specifications, reports, etc., since they do not have to seal their work product, implying also that they do not have to accept responsibility for their work product, since the designer will be unknown. There is *no way* that this provision will enhance public safety; rather it will open the doors to potentially unqualified "designers" or self proclaimed engineers to furnish designs that may very well violate good engineering principles, code, or logical construction.
2. **Section 3, AS 08.48.331 Exemptions:** Paragraph 10 of this amendment invites all kinds of unqualified people to practice engineering without a license so long as they do it for their company. The trouble is, the resultant building, facility, or project may not (and probably will not) reflect good engineering principles, code compliance, or safe construction. The public or the employees of the company who enter, or otherwise use these facilities, or subsequent purchasers of these facilities, could no longer rely on any assurance that the facility or its subsequent renovations have been designed by competent architects or engineers. Reliance on plan reviews or inspections by OSHA, the State Fire Marshall, or other such regulatory agencies for assurance of proper design would be absurd because:
  - These agencies rely on the competence of the design teams, as evidenced by their seal on the plans. Their plan review is cursory, at best, and certainly does not go into calculation verifications, site conditions, etc.

Senator Loren Lemmon

March 13, 1995

Page 2

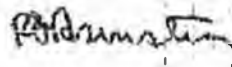
- These agencies are not staffed with experts in all the disciplines needed to properly review plans potentially designed by sub-professionals.
- Nobody can build quality into a design after it has been improperly prepared. Construction elements build on one another so improper design can build up to a disaster of a project.
- Only the original designer has access to all the assumptions needed to prepare a proper design. A reviewer (such as a Fire Marshall) relies on the professional competence of the designer (as evidenced by his seal) and on that designer's proper use of assumptions and site conditions.

Rather than having the legislature prepare legislation such as this to respond to special interests, I propose that you introduce language that would provide specific exemptions, or allow the AELS Board to define specific exemptions based on the relative risk to the public or employees that use the facilities. For example, a majority of the design done by cable TV or telecommunications utilities using voltages less than 120 volts should probably be exempt, provided their designs comply with accepted industry guidelines, applicable codes, and utility right of way agreements. Their *buildings*, however, should be designed by licensed professionals, including power, lighting, civil, and structural systems. Proposed language has been discussed by Sharon Macklin and me, who in turn is working with oil representatives to try and structure a compromise.

I was not able to testify on this important piece of legislation at your scheduled hearing on March 8, because I was traveling to a rural community at the time.

Thank you for considering this important concern.

Very truly yours,



Richard S. Armstrong, P.E.  
President

enj  
95-262

cc:

Representative Norman Rokeberg	Fax: 465-2040
Representative Brian Porter	Fax: 465-3834
Representative Jerry Sanders	Fax: 465-3476
Representative Beverly Masek	Fax: 465-2294
Representative Kim Elton	Fax: 465-2103
Representative Gene Kubina	Fax: 465-3799



FACSIMILE TRANSMITTAL

To: Rep. Pete Kott  
Time: 17:43:33  
Pages (including cover): 1

From: USKH Juneau  
Date: 3/13/95

Dear Rep. Pete Kott:

Reference: House Bill No. 46

I am writing to express my opposition to HB 46. I do support exemptions for the telecommunication and oil industries. However, the wording in the current version on the bill is much too broad (ref. Section 3, AS 08.48.331 EXEMPTIONS, Par. 10).

I request your support for Sen. Leman's effort to craft legislation that would provide the exemptions requested by the telecommunication and oil industries with specific wording. The current bill does not provide adequate protection for public health, safety and welfare.

I am a registered civil engineer. I live and work in Juneau. I am a member of the AELS Registration Board, but speak only for myself.

I appreciate your consideration.

D. Lance Mearig, P.E.



March 8, 1995

The Honorable Representative Pete Kott  
State Capitol, Room 432  
Juneau, Alaska 99801-1182

RE: HB 46

Dear Representative Kott:

Prime Cable of Alaska is in favor of returning the pre-1990 exemption of utilities for engineering stamp requirements on internal documents. Please keep in mind during revisions of this legislation that cable television is considered a telecommunications utility and that we operate under a Certificate of Public Convenience from the APUC like the telephone companies. Our facilities are as benign if not more so than the telcos and our subscribers would suffer the same financial burden due to the added engineering stamp requirement without any benefit.

I may be reached at 786-9355 if you or your staff have any questions on our stance on this or any other legislation that affects cable television. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary Haynes". The signature is fluid and cursive, written over the printed name.

Gary Haynes  
Vice President of Operations



# Alaska State Legislature

House of Representatives

Transportation Committee

*LABOR & Commerce*

SUBJECT OF MEETING:

*NB46*

*Architect, Engineers, Surveyor*

DATE: *2/15/95*

PLACE: Capitol Room 17

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
<i>Catherine Reardon</i>	<i>Division of OCC Licensing</i>	<i>Dept of Commerce</i>			<i>405-2538</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>If committee desires</i>
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	
						<input type="checkbox"/>	<input type="checkbox"/>	

03/15/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
15:10:37 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC  
TCN:50415 SCHEDULED FOR:03/15/95 15:15 TO 17:00 FOR:ANC  
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE

HB 237	KEVIN	DOUGHERTY	TESTIFY
HB 237	DAVID	FORD	TESTIFY
HB 237	WILLY	VAN HEMERT	TESTIFY

03/15/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
15:45:18 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC  
TCN:50415 SCHEDULED FOR:03/15/95 15:15 TO 17:00 FOR:ANC  
PUBLIC HEARING HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE

HB 46	JIM	ROWE	ATA	TESTIFY
HB 237	KEVIN	DOUGHERTY		TESTIFY
HB 237	DAVID	FORD		TESTIFY
HB 237	WILLY	VAN HEMERT		TESTIFY

Date Referred: January 16, 1995

FURTHER REFERRALS:

State Affairs

Date of Committee Action: 3-15-95

By LABOR AND COMMERCE Committee considered:

HB 46

HOUSE BILL NO. 46

ARCHITECT, ENGINEER & SURVEYOR REGULATION

an Act relating to the practice of architecture, engineering, and land surveying."

It is recommended that the following committee substitute

CS HB 46 (LEC)

the same title  
 a new title

Is there an additional referral to \_\_\_\_\_ Committee  
with attached amendment(s)

DOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) Commerce

zero fiscal note(s) \_\_\_\_\_

Resources

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Pete Fost</u>				<input checked="" type="checkbox"/>
<u>Ann Kelly</u>				<input checked="" type="checkbox"/>
<u>Gene Kuehner</u>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
<u>Brian Porter</u>			<input checked="" type="checkbox"/>	
<u>Jim Sanders</u>			<input checked="" type="checkbox"/>	
<u>Jennifer Mack</u>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE Pete Fost

March 15, 1995

Representative Pete Kott  
State of Alaska House of Representatives  
Juneau, Alaska

Dear Pete;

I respectfully ask your support in assuring any changes to HB46 do not require regulated Alaska utilities to use the services of a "Registered Professional Engineer" (P.E) for normal outside plant construction (non building construction) that companies like the Matanuska Telephone Association (MTA) have been doing for the past 40 years. MTA has a service area that stretches from Eagle River along the highway corridor to Anderson. Our construction efforts are limited to a few months a year and include multiple/simultaneous projects throughout our entire service area.


Other Utilities operating in remote areas would also be negatively impacted by the P.E. requirement.

MTA use P.E. of services for routine construction projects has not been needed in the past and is not needed now. This additional requirement would escalate telephone routine construction costs statewide.

I understand the engineering board wants to have telephone poles to be signed off by a P.E. I can see some value to this approach if it only applies to poles/communication towers over a certain height (i.e. 50 feet) or in locations where pole lines span rivers and/or canyons.

I enjoyed talking with you at the Eagle River "town hall" meeting last month. Keep up the good work.

Sincerely,

  
Thomas McMaster  
Matanuska Telephone Association  
Board Director  
P.O. Box 770841  
Eagle River Ak. 99577

(907) 694-9710 hm  
(907) 694-1860 fax

Fusih™ brand fax transmittal memo 7671		# of pages » 4
To Rep. Jodi Kott	From RB White	
Co.	Co. Rutherford Co.	
Dept.	Phone # 707-255-2202	
Fax # 707-255-2814	Fax # 707-255-2814	

---

**Raytheon**  
Engineers & Constructors

---

March 17, 1995

Representative Pete Kott  
Chairman, Labor & Commerce Committee  
State Capital  
Juneau, Alaska  
99801-1182

Dear Representative Kott;

Subject:  
CS for HB-46, Draft 9-LS0217F  
Occupational Licensing:  
Architects, Engineers, and Land Surveyors

Raytheon Engineers and Constructors has been actively supplying engineering services in the State of Alaska for nearly 2 decades. We have been performing all levels of technical and construction services working with both governmental agencies and commercial companies and plan to continue providing this service for years to come.

We would like you to support the merits of CS House Bill 46. This bill is in the best interest of Alaska in providing the proper level of quality technical controls while still committed to protecting the public safety. This bill provides clarification and eliminates ambiguous wording to the AE & LS statutes and supports the competitive nature of doing business.

The following is a brief summary of the bill and highlights the benefits that would be derived from passage of CS House Bill 46.

A state program for occupational licensing of architects, engineers and land surveyors (AE&LS) offers the same type of public benefits that are common in most occupational licensing programs. Those benefits are three fold. First, they establish a method for verifying that persons meet minimum standards of technical competency, such as through requiring tests and experience. Second, they establish a method of identifying those qualified persons, such as by authorizing the use of a title or seal. Third,

they establish a means of assuring that such persons meet standards of professional conduct in their dealings with the public.

The existence of AE&LS occupational licensing further allows other government regulators a method of specifying the conduct of activities which might impact public safety. A common example of this is regulations that require the use of professional structural engineers in the design of bridges.

Occupational licensing of AE&LS is a necessary and common way to protect the public from unqualified people that might both offer services or practice in areas where public safety is an issue. The AE&LS occupations require extensive education and experience; and the public needs to know that unqualified people or companies will not be offering their services to the public.

The mandatory requirements of the AE&LS statutes should implement three principles. First, only registered professional engineers can use a seal to certify final drawings and specifications. Second, only duly registered professional engineers may use that title when providing services to the general public. Third, only registered engineers can practice or offer to practice the profession in connection with the public.

CS for HB-46 clarifies and amends the AE&LS statutes in three important ways, two of which are very positive.

Section 1 of CS HB-46 clarifies an ambiguously worded sentence regarding the use of seals. The amendment will clarify that occupational licensing controls the use of the seal and will affirm that the statutory authority to determine what drawings and specifications need to be sealed by a registered professional engineer does not reside in occupational licensing statutes.

Section 1 in no way diminishes the importance of AE&LS licensing or compromises public safety. Existing statutes governing a wide range of commercial activities govern when drawings and specifications must be sealed. There are many examples of these at the state and federal level: 1)The reference manual for building officials sanctioned under state regulation requires that all design work be sealed and signed; 2)Spill Prevention, Control and Countermeasure plans must be reviewed and certified by a registered professional engineer under federal regulation; 3)Under State regulations, plans that affect public water systems must be signed and sealed by a registered engineer. These are just a few examples.

Section 2 of the bill similarly resolves an existing inconsistency in statute; but likely not in the best way. Currently the occupational licensing statute for engineers, architects, and land surveyors contains an inconsistency. Section 281 of statute says that a person may not claim he or she is a "registered engineer" unless he or she is a registered engineer. This is very proper. On the other hand, Section 321 of statute says that a person is evidenced to be practicing engineering if he or she claims to be an "engineer". In other words you can't claim to be any type of engineer unless you are a registered engineer. Section two of the bill would resolve this inconsistency in favor of this latter definition. This would seem to be troublesome in firms offering engineering services to the public. For example, unregistered engineers, even if properly supervised by a registered engineer may not be able to use the job title of "engineer". Further, only the six categories of engineer recognized in the AE&LS regulations could exist; so, for example, "software engineers" would have to revert to, say, "programmers". Worse, without Section 3 of the bill, many in-house engineers in non-engineering companies would also be in violation. A potentially better way is to resolve the inconsistency in favor of the first definition.

Third, Section 3 of the bill restores the "in-house exemption" from engineering licensing, making Alaska more competitive and probably preserving jobs. Until 1990, Alaska, like 36 other states, exempted engineers from occupational licensing requirements if they provided services "in-house" (in other words, not directly to the public). Restoring this in-house exemption will ensure that the many in-house engineers that are highly trained and skilled are able to keep doing their job. As described above, public safety of these activities is protected by other statutes and in house employers are able to assess the competency of there staff engineers without requiring licensing.

CS House Bill 46 has our full endorsement and we hope that the above clarification's will help you decide to support this bill.

Sincerely,



Randall B. White, PE  
Engineering Manager

# FISCAL NOTE

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. CSHB46 (L&C)

Revision Date: March 16, 1995 Department: Commerce and Economic Development  
 Title: An Act relating to the practice of architecture, engineering, and land surveying. BRU: Occupational Licensing  
 Sponsor: Representative Green Component: Operations  
 Requestor: Representative Kott COMPONENT SERIAL #: 1844

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES						
--------------------	--	--	--	--	--	--

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

Estimate of any current year (FY 95) cost: \$ 0.0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

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

CSHB 46 (L&C) makes several changes to AS 08.48 amending the practice of architecture, engineering, and land surveying; however, new funds are not required to implement these changes.

Prepared by: Jennifer Strickler, Admin. Officer Phone: 465-2144  
 Division: Occupational Licensing Date: 3/16/95  
 Approved by Commissioner: William L. Hensley Date: 3/16/95  
 Agency: Commerce and Economic Development

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**  
 For further distribution information, call the Governor's Legislative Office

03/15/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:07:22

PARTICIPANT LIST (ALL PARTICIPANTS)

BY: SOL

TCN: 50415 SCHEDULED FOR: 03/15/95 15:15 TO 17:00

FOR: SOL

PUBLIC HEARING

HOUSE LABOR & COMMERCE

LOCATION: KEN/SOL

HB: 46

MR. MIKE

TAURIAINEN

SELF

TESTIFY

**Alaska Telephone Association**

4341 B Street, Suite 304  
Anchorage, AK 99503  
(907)563-4000  
FAX (907)567-3778

Duane C. Durand  
President

James Rowe  
Executive Director

March 16, 1995

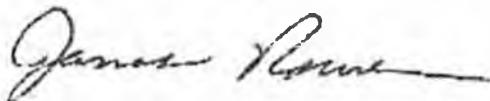
Honorable Pete Kott  
Chair  
House Labor & Commerce Committee  
Alaska State Legislature  
Juneau, AK 99801

RE: HB46

Dear Representative Kott:

Thank you for hearing my testimony regarding HB46 yesterday. I'd like to reiterate my complete surprise at the testimony of other parties alleging that efforts at compromise language were under way and that, among others, "one of the telephone people who testified last week" was invited to a meeting on March 20th. As a very interested party in this proposed legislation, the Alaska Telephone Association would like to be privy to any discussions regarding compromise language. We remain uninvited.

Very Truly Yours,



James Rowe

cc: Hon. K. Elton  
Hon. J. Green  
Hon. T. Kelly  
Hon. G. Kubina  
Hon. L. Leman  
Hon. B. Masek  
Hon. B. Porter  
Hon. N. Rokeberg  
Hon. J. Sanders

March 30, 1995

**Representative Pete Kott  
Senator Randy Phillips**

**Re: HB 46 on Occupational Licensing**

I would like to offer my support of HB 46 in general, and make comments:

The clarification language regarding stamping and sealing of documents by registered engineers is positive, and so is the re-instatement in Section 3 of the exemption for Alaska that existed until 1990.

One concern I have is with Sec. 2 which amends Sec. 08.48.281 to delete the words **A REGISTERED**. This section is now overly restrictive in the case of engineers, architects, or land surveyors who are not self-employed, e.g. consultants - and there are many of us. It basically now says that I can't practice engineering or even call myself an engineer if I am not registered. Fortunately, exemption #10 in Sec. 3 renders this moot for my own situation, i.e. employment by a firm that does not offer services directly to the public, however the original wording of Sec. 08.48.281 is better than the proposed change under HB 46, in my opinion.

Again, I support this bill as long as exemption #10 in Sec. 3 stands, but if the opportunity arises, I would like to see the original wording stand in Sec. 08.48.281 rather than deleting the words **A REGISTERED**.

In conclusion, there are large numbers of competent engineers, architects, and surveyors doing work here in Alaska and elsewhere without being registered - and rightly so. Clarification, as sought by HB 46 is a good thing as long as it doesn't go too far! To require **ALL** of these people to be registered would be idiotic and would cost a lot of money that doesn't need to be spent.

Thank you.

Jim Styler  
18911 Talarik Drive  
Eagle River, AK 99577  
696-3335 Res.  
265-1336 Fax

**HB**

**60**

# HOUSE COMMITTEE REPORT

(7)  
Date Referred: January 16, 1995

FURTHER REFERRALS:

HES  
Finance

Date of Committee Action: 3-22-95

The LABOR AND COMMERCE Committee considered:

HB 60

HOUSE BILL NO. 60

IMPAIRMENT RATING GUIDES FOR WORKERS COMP

"An Act relating to impairment rating guides used in evaluation of certain workers' compensation claims."

recommends it be replaced with the following committee substitute \_\_\_\_\_ [ ] the same title  
[ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee  
[ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_ [ ] fiscal note(s) \_\_\_\_\_

2  zero fiscal note(s) Labor ; Admin [ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Pete Cott</i>			<input checked="" type="checkbox"/>	
<i>Ann Volpe</i>	<input checked="" type="checkbox"/>			
<i>Gene Kuehner</i>	<input checked="" type="checkbox"/>			
<i>Bruce Porter</i>	<input checked="" type="checkbox"/>			
<i>Beverly Masek</i>			<input checked="" type="checkbox"/>	
<i>John Sanders</i>			<input checked="" type="checkbox"/>	

CHAIR'S SIGNATURE *Pete Cott*

**FISCAL NOTE**

STATE OF ALASKA  
1995 LEGISLATIVE SESSION

BILL NO. HB 60

Revision Date: \_\_\_\_\_  
Title: "An Act relating to impairment rating guides used in evaluation of certain workers' compensation claims."  
Sponsor: B. Davis  
Requestor: (H) L&C

Department Affected: Administration  
BRU: Risk Management  
Component: Risk Management  
COMPONENT SERIAL NO. 0071

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
-----------------------------	------------	------------	------------	------------	------------	------------

<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
-------------------------------	------------	------------	------------	------------	------------	------------

**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY 95) 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.)

This bill requires the use of the most recently published edition (including supplements) of the American Medical Association Guides to the Evaluation of Permanent Impairment — when determining the existence and degree of permanent impairment compensable under the workers' compensation act. The newer editions now consider "pain" as an additional rating consideration.

Any increased cost in future impairment awards will be covered by the Risk Management self insurance program. Future annual "Cost of Risk" allocations — inter-agency receipts collected by Risk Management — will reflect actual costs incurred.

There is no fiscal impact to the Division of Risk Management.

Prepared by: J. Brad Thompson, Director  
Division: Risk Management

Phone: 465-5723  
Date: \_\_\_\_\_

Approved by Commissioner: Mark Bover  
Agency: Department of Administration

Date: 3/20/95

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE  
For further distribution information, call the Governor's Legislative Office

# ALASKA STATE LEGISLATURE

716 W. FOURTH AVE., SUITE 470  
ANCHORAGE, ALASKA 99501  
(907) 258-8161

STATE CAPITOL  
JUNEAU, ALASKA 99801-1102  
(907) 465-3875  
FAX: 907-465-4588

CO-CHAIR  
ANCHORAGE CAUCUS  
JUDICIARY  
OIL & GAS  
LEGISLATIVE COUNCIL

## REPRESENTATIVE BETTYE DAVIS DISTRICT 21

### MEMORANDUM

**TO:** Representative Pete Kott, Chairman  
House Labor and Commerce Committee

**FROM:** Representative Bettye Davis

**DATE:** February 20, 1995

**RE:** HB60

=====

**I respectfully request a committee hearing of HB60 at your earliest convenience. Attached please find a sponsor statement, fiscal note, copy of the Bill, and background information.**

# ALASKA STATE LEGISLATURE

716 W. FOURTH AVE., SUITE 470  
ANCHORAGE, ALASKA 99501  
(907) 258-8161

STATE CAPITOL  
JUNEAU, ALASKA 99801-1182  
(907) 465-3875  
FAX: 907-465-4588

CO-CHAIR  
ANCHORAGE CAUCUS  
JUDICIARY  
OIL & GAS  
LEGISLATIVE COUNCIL

## REPRESENTATIVE BETTYE DAVIS

DISTRICT 21

### SPONSOR STATEMENT

**HB60: " An Act relating to impairment rating guides used in evaluation of certain workers' compensation claims."**

**The Division of Workman's Compensation is using an outdated 1988 American Medical Association impairment guide to rate injuries suffered in the workplace as set out in AS23.30.190.**

**The American Medical Association has not only published a fourth edition of the guide, but recommends the use of a supplement, " Understanding the A.M.A. Guides." These two publications point out the many weaknesses and omissions in the 1988 version.**

**There have been significant changes in diagnostic and evaluation procedures over the last six years. One of the most important, that the Alaska Guide does not address, is how the injury affects the patient's daily activity. "One's occupation is a part of his or her daily activity. ' We are doing an injustice to our workforce by not recognizing this fact in our current evaluation.**

**The American Medical association realizes the shortcomings of even the new fourth edition and recommends that the supplement, " Understanding the A.M.A. Guides " be used in conjunction with it.**

**This Bill would amend the current Statute by substituting " most recent version and any supplementary materials."**

# FISCAL NOTE

**STATE OF ALASKA**  
**1995 LEGISLATIVE SESSION**

**BILL NO.** HB 60

Revision Date: \_\_\_\_\_  
 Title: Impairment rating guides for  
           Workers' Comp  
 Sponsor: Representative B. Davis  
 Requestor: House Labor and Commerce

Department Affected: Labor  
 BRU: Workers' Compensation  
 Component: Workers' Compensation

**COMPONENT SERIAL NO.** 344

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>CHANGE IN REVENUE</b>						
<b>FUND SOURCE #</b>						

**FUNDING:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY95) impact: \$ None

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

Prepared by: Paul Grossl, Director *Paul Grossl* Phone: 465-2790  
 Division: Workers' Compensation Date: 1/31/95

Approved by Commissioner: Tom Cashen, Commissioner *Tom Cashen*  
 Agency: Department of Labor Date: 1/31/95

**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**  
 For further distribution information call the Governor's Legislative Office

## ALASKA

Alaska Statutes § 23.30.190

### Compensation for Permanent Partial Impairment

(b) All determinations of the existence and degree of permanent impairment shall be made strictly and solely under the whole person determination as set out in the American Medical Association *Guides to the Evaluation of Permanent Impairment*, except that an impairment rating may not be rounded to the next five percent. The board shall adopt a supplementary recognized schedule for injuries that cannot be rated by use of the American Medical Association *Guides*.

Alaska Administrative Code tit. 8 § 45.122.

### Rating Permanent Impairment.

(a) Permanent impairment ratings must be based upon the American Medical Association *Guides to the Evaluation of Permanent Impairment*, third edition (1988), and it is presumed that the AMA guides address the injury. If the board finds the presumption is overcome by clear and convincing evidence and if the permanent impairment cannot, in the board's opinion be determined under the AMA guides, then the impairment rating must be based on American Academy of Orthopedic Surgeons *Manual for Evaluating Permanent Physical Impairments*, first edition (1965). If a rating under the AAOS is not of the whole person, the rating must be converted to a whole person rating under the AMA guides.

(b) A rating of zero impairment under AMA guides is a permanent impairment determination and no determination may be made under the AAOS manual.

# AMA SUPPLEMENT PAGES

medicine.

A detailed explanation sets forth, for the first time, the process by which the book was written. The editors explain how the chairpersons and committee members for the various chapters were selected, how the new edition underwent peer review, and how 11 medical societies, the Social Security Administration, the Department of Veterans Affairs, the Oklahoma State Workers' Compensation Agency, and the American Bar Association were permitted to review a draft of the fourth edition and suggest changes. This explanation helps to answer many of the questions previously raised by commentators concerning how the *Guides* were written and how the impairment percentages were determined.

The foreword to the fourth edition emphasizes that the book itself applies only to *permanent* impairments, which are defined as "adverse conditions that are stable and unlikely to change."<sup>1</sup> This is a significant change from the third edition revised, which provided a more restrictive definition of permanent impairment, i.e., "Impairment should not be considered 'permanent' until the clinical findings determined over a period of time, usually 12 months, indicate that the condition is static and well stabilized."<sup>2</sup> Physicians no longer have to wait a set amount of time before rating permanent impairment.<sup>3</sup>

The modified definition of permanent impairment is the first example of the more flexible approach to rating permanent impairment taken by the editors of the fourth edition. Additional examples of the flexibility and the reliance on the experience and training of physicians are set forth throughout this book.

The editors of the fourth edition, again for the first time, state in the foreword that "impairment percentages derived by using *Guides* criteria represent estimates rather than precise determinations."<sup>4</sup> This simple statement is a significant change from the prior edition of

The government's independent medical exam, done by Dr. Virgil Balint, utilized the *Guides* and was adopted by the court regarding physical impairment.

Dr. Balint also calculated an impairment rating for Michels. He concluded as follows:

I have used the *Guides for the Evaluation of Permanent Impairment*, Third Edition, in order to compute his impairment rating. Basically I have gotten an 18 percent impairment rating of the lower extremity from his ankle, a 15 percent impairment of the lower extremity from his knee injury and a 45 percent lower extremity impairment from his left hip. By combining these values, I have gotten a 62 percent lower extremity impairment. This 62 percent impairment represents a 25 percent impairment of the whole person.<sup>2</sup>

The court awarded the plaintiff damages in the amount of \$710,000.

In the case of *Ross v. Black & Decker, Inc.*,<sup>3</sup> the U.S. Court of Appeals for the 7th Circuit dealt with a products liability action filed by the plaintiff Ross, whose left hand was severed while using a Black & Decker 10-inch power saw. In the products liability suit, an expert used by the plaintiff testified using the *Guides* as follows:

As expert witness for the plaintiff, Dr. Hatem Galal, a plastic surgeon who examined Ross' injured hand and conducted an occupational therapy evaluation of Ross' hand function for employment purposes, testified that Ross lost about 60 percent of the functioning of his left hand because of the saw accident and stated that a human hand accounts for about 90 percent of the function of an arm. An arm accounts for about 60 percent of the body's total function. Therefore, Dr. Galal estimated that Ross' hand injury deprived him of about 30 percent of total body functioning.

The fourth edition of American Medical Association *Guides to the Evaluation of Permanent Impairment (Guides)* is a remarkable improvement over the previous edition (third edition revised). The American Medical Association has listened to and incorporated the suggestions of occupational physicians, attorneys, judges, legislators, and others involved in workers' compensation and occupational medicine. The result is a much improved edition—one which, when used correctly, can objectively guide physicians, attorneys, judges, and others in arriving at estimates of permanent impairment.

This new edition of *Understanding the AMA Guides* discusses the key legal issues raised by the fourth edition and compares the third edition revised with the current fourth edition. Those persons interested in the historical development of the *Guides*, the validity and reliability of the third edition revised, sample proofs, and prior judicial interpretations of the *Guides*, should consult the first edition of *Understanding the AMA Guides* and its 1993 supplement.

The chapters and sections of this book correspond to those of the fourth edition of the *Guides*. It must be understood, however, that this book is not a substitute for the *Guides*, nor can it be used as one. This book has three purposes:

1. to highlight the areas of key legal interest in the fourth edition;
2. to identify and analyze the significant changes in the fourth edition from the third edition revised; and
3. to update the cases, statutes, and regulations found in the first edition of *Understanding the AMA Guides*.

We hope that counsel will find this book a valuable resource.

#### **Expanded Use of *Guides***

It is important to note that courts have started to use the *Guides* in tort cases as well as in workers' compensation cases.

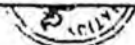
For example, in the case of *Michels v. U.S.*,<sup>1</sup> the U.S. District Court for the Southern District of Iowa dealt with a motorcyclist, Michels, who filed a federal tort claim Act (FTCA) action against the United States.



M. Roy Schwarz, MD  
Senior Vice President  
Medical Education & Science

515 North State Street  
Chicago, Illinois 60610

312 464-1111  
312 464-1111 Fax



February 14, 1995

Mr. L. E. Brueggemann  
Attorney at Law  
2817 2nd Avenue North  
Suite 346-347, Pratt Building  
Billings, Montana 59101

Dear Mr. Brueggemann:

Doctor Todd asked that I respond to your letter of January 10, 1995, which inquired about the position of the American Medical Association (AMA) regarding use of the AMA book, *Guides to the Evaluation of Permanent Impairment (Guides)*.

The AMA's position is clearly stated on page 5 of the *Guides* 4th edition (enclosed), which was published in June, 1993. You quoted the official position in your January 10th letter. The position is: "The American Medical Association strongly discourages the use of any but the most recent edition of the *Guides*, because the information in it would not be based on the most recent and up-to-date material".

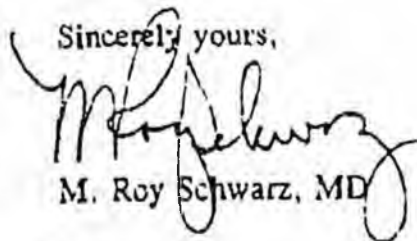
The position of the AMA quoted above reflects advice that the AMA's staff provided in May, 1992, to the staff of each state medical society.

It is AMA practice to sell or provide only the most recent *Guides* edition. Any state law mandating the use of a specific *Guides* edition gives rise to the serious hazard that the state's citizens eventually may not be able to obtain a copy of the book to which the law refers.

I commend the Acting Commissioner of the Department of Labor, State of Alaska, for her efforts to change the laws of Alaska, so that they will refer to using the most recent *Guides* edition in Alaska's workers' compensation cases.

I trust this letter will help.

Sincerely yours,



M. Roy Schwarz, MD

enc

**HB**

**65**

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 16, 1995

FURTHER REFERRALS:

HES  
Finance

Date of Committee Action: \_\_\_\_\_

The LABOR AND COMMERCE Committee considered:

HB 65

HOUSE BILL NO. 65

ASSISTIVE TECHNOLOGY LOAN GUARANTEES

"An Act establishing a loan guarantee and interest rate subsidy program for assistive technology."

recommends it be replaced with the following committee substitute \_\_\_\_\_  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) Education

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Pete Kott</i>	<input checked="" type="checkbox"/>			
<i>Steve Rukley</i>	<input checked="" type="checkbox"/>			
<i>John Sander</i>	<input checked="" type="checkbox"/>			
<i>Beverly Masek</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE *Pete Kott*

# Alaska State Legislature

While in Fairbanks  
119 N. Cushman Street Suite 207  
Fairbanks, Alaska 99701  
(907) 456-8172  
FAX (907) 451-9293



While in Session  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4457  
FAX (907) 465-3519

## Representative John Davies District 29

Date: February 8, 1995  
To: Representative Peter Kott  
Chair, House Labor & Commerce  
From: Representative John Davies  
Re: HB 65

A handwritten signature in cursive script that reads "John Davies".

I respectfully request that you schedule a hearing for HB65 at your earliest convenience.

HB 65 establishes a public-private sector partnership to establish a loan guarantee and interest rate subsidy program which enables persons with disabilities to purchase equipment that helps them obtain or maintain employment or live independently.

Attached is a copy of the bill, a sponsor statement, and a fiscal note from the Department of Education, Division of Vocational Rehabilitation.

# Alaska State Legislature

While in Fairbanks  
119 N. Cushman Street Suite 207  
Fairbanks, Alaska 99701  
(907) 456-8172  
FAX (907) 451-9293



While in Session  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4457  
FAX (907) 465-3519

Representative John Davies  
District 29

## HB 65 SPONSOR STATEMENT

**HB 65, An Act establishing a loan guarantee and interest rate subsidy programs for assistive technology.**

According to a 1991 ISER study, over 20,000 Alaskans experience at least one form of disability. Assistive technology, such as specialized keyboards, hearing aids, or wheelchairs make the difference to many disabled as to whether they keep a job or live independently. Of the disabled, approximately 63% percent need adaptive devices and are unable to purchase these items due to personal financial constraints.

HB 65 establishes a loan guarantee and interest rate subsidy program for those in need of assistive technology. It is a unique public-private sector partnership that enables persons with disabilities to obtain loans who would not otherwise qualify. The Division of Vocational Rehabilitation administers the loan program with seed money from the federal Vocational Rehabilitation Technology-Related Assistance Program. Private lending institutions process the loan and arrange a loan guarantee and any interest rate subsidy with the applicant and the Division.

A study by the National Council on Disabilities has shown that over half of disabled persons receiving assistive technology loans were able to reduce their dependence on public assistance. This bill establishes an assistive technology loan program for Alaskan residents.



# DENALI STATE BANK

118 N. Cushman Street • (907) 458-1400 • FAX (907) 458-2140 • P.O. Box 74508 • Fairbanks, Alaska 99707-4508

February 17, 1995

Legislature of the State of Alaska  
and appropriate sub-committees

RE: HB65

This letter is in support of passage of House Bill 65, "An act establishing a loan guaranty and interest rate subsidy program for assistive technology".

I wish to thank the sponsors of this bill for their active efforts in introducing this bill.

I heartily support the intent of this legislation to provide funding to establish a loan guaranty and interest rate subsidy for people in need of durable equipment, adaptive aids, and assistive devices. As proposed in the bill, this will allow the commercial lending institutions to participate in a much needed program. The burden of paperwork and servicing of these loans will be handled by the financial industry and relieve the State of Alaska from much of the detail necessary to administer one of these programs.

Many of the individuals and families involved with disabilities have struggled to maintain financial independence and an independent living style. The guaranty program will allow the financial institutions to be more flexible in both the amount of loan funds available and the term of the loan that can be made to assist these people.

Once again, I ask for your support in passage of this bill. Please contact the undersigned if you have any further questions.

Sincerely yours,

A handwritten signature in cursive script that reads "Gary Roth".

Gary Roth  
President and Chief Executive Officer

GR/bf

# Alaska State Legislature

While in Fairbanks  
119 N. Cushman Street Suite 207  
Fairbanks, Alaska 99701  
(907) 456-8172  
FAX (907) 451-9293




While in Session  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4457  
FAX (907) 465-3519

## Representative John Davies District 29

### Memorandum

Date: February 16, 1995

To: Representative Peter Kott  
Chair, House Labor & Commerce

From: Representative John Davies 

Re: Request for teleconference

I respectfully request a teleconference for HB 65, An Act establishing a loan guarantee and interest rate subsidy program for assistive technology. I am particularly interested in a teleconferencing to Fairbanks and Anchorage, where they are several assistive technology consumers that are interested in testifying. Thank you.

# FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 65

1995 LEGISLATIVE SESSION

Revision Date: January 31, 1995

Department Affected: Education

Title: An Act establishing a loan guarantee and interest rate subsidy program for Assistive Technology.

BRU: Vocational Rehabilitation

Component: Assistive Technology

Sponsor: Representative Davies

Requestor: Representative Davies

COMPONENT SERIAL NO. 1202

**Expenditures/Revenues:**

(Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
<b>OPERATING</b>						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS	100.0	100.0	100.0	0	0	0
<b>TOTAL OPERATING</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE FUND SOURCE:</b>						
-----------------------------	--	--	--	--	--	--

**FUNDING:**

(Thousands of Dollars)

	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
1002 Federal Receipts	100.0	100.0	100.0	0	0	0
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS:**

<b>FULL-TIME</b>						
<b>PART-TIME</b>						
<b>TEMPORARY</b>						

Estimate of current year (FY95) impact: \$ 0

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

The fund would be capitalized with \$100,000 per year for three years. Banking institutions are in agreement with this legislation and have given their support. These loans would benefit individuals who are working but do not qualify for a loan without an interest subsidy or loan guarantee.

Prepared by: Stan Ridgeway, Deputy Director

Phone: 465-6932

Division: Vocational Rehabilitation

Date: February 7, 1995

Approved by Commissioner: *Jerry Covey*

Jerry Covey

Agency: Education

Date: February 7, 1995

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

For further distribution information call the Governor's Legislative Office



Official Business

COMMITTEE:

L & C

DATE:

2/22

# SIGN-IN

Subject of meeting:

HB 65  
Assistive Technology  
Loan Guarantees

PLEASE PRINT!

NAME

ADDRESS

(MAILING) & (ZIP)

PHONE

REPRESENTING

DO YOU WANT  
TO TESTIFY?

NAME	ADDRESS (MAILING) & (ZIP)	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
GREG ALLISON	PO. BOX 35097 Juneau, AK 99803-5097	(907) 789-9665	Southeast Alaska Independent Living (SAIL)	yes
Pam Guy	PO BOX 20337 Juneau, AK	907 780-4551	State Employee and deaf advocate.	yes
STAN RIDGEWAY	801 W 10th ST. JND. AK. 99801	465-6932	Division Vocational Rehabilitation	yes
Nancy Anderson	9340 Parkview Ct	781-2714	Frank	yes ✓
Ken DeGn	1136 G.M. Williams	789-41309		✓

02/22/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:42:04

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:ANC

TCN:50250 SCHEDULED FOR:02/22/95 15:15 TO 17:00

FOR:ANC

PUBLIC HEARING

HOUSE LABOR & COMMERCE

LOCATION: ANCHORAGE

HB 65

PATRICK REINHART ✓

INDEP LIVING

TESTIFY

HB 65

JIM JANSSEN ✓

TESTIFY

X HB 147

MAX LOWE ✓

REGAL ALASKAN

TESTIFY

X HB 147

BILL SIMS ✓

TESTIFY

X HB 147

KEITH JOHNSON ✓

TESTIFY

02/22/95

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM

LTN1150

15:34:24

PARTICIPANT LIST (ALL PARTICIPANTS)

BY:KTN

TCN:50250 SCHEDULED FOR:02/22/95 15:15 TO 17:00

FOR:KTN

PUBLIC HEARING

HOUSE LABOR & COMMERCE

LOCATION: KETCHIKAN

BB 65

MR.

ELENA

KILBUCK

URIE

TESTIFY

# TELECOPY COVER SHEET

LEGISLATIVE AFFAIRS AGENCY  
FAIRBANKS LEGISLATIVE INFORMATION  
OFFICE

TO: Rep. Pete Kott FAX: \_\_\_\_\_ PHONE: 465-3777

FROM: Fly L10 PHONE: \_\_\_\_\_

INSTRUCTIONS: Written testimony for HB 65  
teleconferenced on 2/22.

DISPOSAL OF ORIGINAL: DISCARD \_\_\_\_\_ HOLD FOR PICKUP \_\_\_\_\_  
NUMBER OF PAGES: 3 (NOT COUNTING COVER SHEET)  
SENT BY: Fly

PHONE #452-4448

FAX #456-3346



# STATE OF ALASKA

## LEGISLATIVE AFFAIRS AGENCY

### DIVISION OF PUBLIC SERVICES

DATE: Feb. 23, 1995

Please accept the enclosed original(s) of written testimony for the House Labor & Comm. teleconference hearing that was scheduled on 2/22/95.

A copy of this testimony was transmitted to your committee via fax on 2/23/95.

Thank you,

Fran / Feb 210

# What is Assistive Technology?

Assistive technology is any mechanical, electronic or computer-based equipment, non-mechanical or non-electric aid, or specialized instructional materials that a persons with disabilities can use to assist them in learning, in making their environment more accessible, in competing in the work environment, in enhancing their independence, or in otherwise improving their quality of life.

## Categories of Assistive Technology

For many funding sources in this guide, we have included a simple checklist of what devices a source will pay for and who is most likely to be eligible for that assistance. The types of assistive technology are divided into the following categories. Refer to the descriptions of the categories when determining what type of technology applies to your situation.

**Aids for Daily Living** - self help aids for use in activities such as eating, bathing, cooking, dressing, toileting, and home maintenance.

**Augmentative Communication** - electronic and non-electronic devices that provide a means for expressive and receptive communication for persons with limited speech.

**Computer Applications** - input and output devices (voice, braille), alternative access aids (headsticks, light pointers), modified or alternative keyboards, switches, special software, and other devices that enable persons with disabilities to use a computer.

**Environmental Control Systems** - primarily electronic systems that enable someone without mobility to control various devices such as appliances, electronic aids, and security systems in her or his room, home or other surroundings.

**Home/Worksite Modifications** - structural adaptations, fabrications in the home, worksite or other area (ramps, lifts, bathroom changes) that remove or reduce physical barriers for an individual with a disability.

**Prosthetics and Orthotics** - Replacements, substitution or augmentation of missing or malfunctioning body parts with artificial limbs or other orthotic aids (splints, braces, etc.).

**Seating and Positioning** - accommodations to a wheelchair or other seating system to provide greater body stability, trunk/head support and an upright posture, and reduction of pressure on the skin surface (for example: cushions, contour seats, lumbar supports).

**Aids for Vision/Hearing Impaired** - aids for specific populations including magnifiers, braille and speech output devices, large print screens, hearing aids, TDDs, and visual alerting systems.

**Wheelchair/Mobility Aids** - manual and electric wheelchairs, mobile bases for custom chairs, walkers, three-wheel scooters and other utility vehicles used for increasing personal mobility.

**Vehicle Modifications** - adapting driving aids, hand controls, wheelchairs and other lifts, modified vans or other motor vehicles used for personal transportation.



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE COMMERCE & LABOR  
 COMMITTEE ON H.B. 65 DATED 2-22-95  
COMMITTEE NAME  
BILL/SUBJECT

MR CHAIR AND COMMITTEE MEMBERS:  
 I SUPPORT PASSAGE OF H.B. 65, THE  
 ASSISTIVE TECHNOLOGY LOAN GUARANTEE  
 AND INTEREST RATE SUBSIDY PROGRAM.  
 THE BILL IS INTENDED TO ADDRESS  
 AN OBSTACLE TO THE INDEPENDENCE OF  
 MANY ALASKANS WITH DISABILITIES: THEY  
 CAN NOT AFFORD TO PURCHASE EQUIPMENT  
 WHICH WOULD INCREASE THEIR EMPLOYABILITY  
 INCREASE THEIR ABILITY TO CARE FOR  
 THEMSELVES, AND INCREASE THEIR  
 CAPACITY TO LIVE ACTIVE LIVES IN THEIR  
 COMMUNITIES. I USE ASSISTIVE TECHNOLOGY  
 ON A DAILY BASIS, AND MY SUCCESS AS AN

SIGNED

TESTIFIER

David Jacobson 4214 MATHISON CRT  
 REPRESENTING (OPTIONAL) FBKS, AK 99709

ADDRESS/PHONE NUMBER

EMPLOYEE IS A DIRECT RESULT OF ITS USE.

# CORRECTION

THE FOLLOWING DOCUMENT(S)  
HAVE BEEN REFILMED TO  
ASSURE LEGIBILITY OR PAGINATION



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

# What is Assistive Technology?

Assistive technology is any mechanical, electronic or computer-based equipment, non-mechanical or non-electric aid, or specialized instructional materials that a persons with disabilities can use to assist them in learning, in making their environment more accessible, in competing in the work environment, in enhancing their independence, or in otherwise improving their quality of life.

## Categories of Assistive Technology

For many funding sources in this guide, we have included a simple checklist of what devices a source will pay for and who is most likely to be eligible for that assistance. The types of assistive technology are divided into the following categories. Refer to the descriptions of the categories when determining what type of technology applies to your situation.

**Aids for Daily Living** - self help aids for use in activities such as eating, bathing, cooking, dressing, toileting, and home maintenance.

**Augmentative Communication** - electronic and non-electronic devices that provide a means for expressive and receptive communication for persons with limited speech.

**Computer Applications** - input and output devices (voice, braille), alternative access aids (headsticks, light pointers), modified or alternative keyboards, switches, special software, and other devices that enable persons with disabilities to use a computer.

**Environmental Control Systems** - primarily electronic systems that enable someone without mobility to control various devices such as appliances, electronic aids, and security systems in her or his room, home or other surroundings.

**Home/Worksite Modifications** - structural adaptations, fabrications in the home, worksite or other area (ramps, lifts, bathroom changes) that remove or reduce physical barriers for an individual with a disability.

**Prosthetics and Orthotics** - Replacements, substitution or augmentation of missing or malfunctioning body parts with artificial limbs or other orthotic aids (splints, braces, etc.).

**Seating and Positioning** - accommodations to a wheelchair or other seating system to provide greater body stability, trunk/head support and an upright posture, and reduction of pressure on the skin surface (for example: cushions, contour seats, lumbar supports).

**Aids for Vision/Hearing Impaired** - aids for specific populations including magnifiers, braille and speech output devices, large print screens, hearing aids, TDDs, and visual alerting systems.

**Wheelchair/Mobility Aids** - manual and electric wheelchairs, mobile bases for custom chairs, walkers, three-wheel scooters and other utility vehicles used for increasing personal mobility.

**Vehicle Modifications** - adapting driving aids, hand controls, wheelchairs and other lifts, modified vans or other motor vehicles used for personal transportation.

## Technology-Related Assistance for Individuals with Disabilities Act

---

Goal: To establish a comprehensive, consumer-responsive statewide system of technology-related assistance to people with disabilities of all ages

- Increase awareness of the needs of individuals with disabilities for assistive technology devices and services
- Increase awareness of policies, practices, and procedures that facilitate or impede the availability or provision of assistive technology devices and services
- Increase the availability of and funding for the provision of assistive technology services and devices for individuals with disabilities
- Increase awareness and knowledge of the efficacy of assistive technology services and devices among individuals with disabilities, their families, professionals, service providers, employers, and other appropriate individuals
- Increase the capacity of public and private entities to provide technology-related assistance to pay for the provision of assistive technology devices and services, and increase coordination among these entities
- Increase the probability that individuals with disabilities will be able to secure assistive devices

STAR Program 1991

Contributed by: The STAR Program, A Program of the Minnesota  
Governor's Council on Technology for People with Disabilities

12



# ALASKA STATE LEGISLATURE

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE COMMERCE & LABOR  
 COMMITTEE ON H.B. 65 DATED 2-22-95  
 BILL/SUBJECT COMMITTEE NAME

MR CHAIR AND COMMITTEE MEMBERS:  
 I SUPPORT PASSAGE OF H.B. 65, THE  
 ASSISTIVE TECHNOLOGY LOAN GUARANTEE  
 AND INTEREST RATE SUBSIDY PROGRAM.  
 THE BILL IS INTENDED TO ADDRESS  
 AN OBSTACLE TO THE INDEPENDENCE OF  
 MANY ALASKANS WITH DISABILITIES. THEY  
 CAN NOT AFFORD TO PURCHASE EQUIPMENT  
 WHICH WOULD INCREASE THEIR EMPLOYABILITY,  
 INCREASE THEIR ABILITY TO CARE FOR  
 THEMSELVES, AND INCREASE THEIR  
 CAPACITY TO LIVE ACTIVE LIVES IN THEIR  
 COMMUNITIES. I USE ASSISTIVE TECHNOLOGY  
 ON A DAILY BASIS, AND MY SUCCESS AS AN

SIGNED

TESTIFIER

David Jacobson 4214 MATHISON CRT  
 REPRESENTING (OPTIONAL) FBKS, AK 99709

ADDRESS/PHONE NUMBER

EMPLOYEE IS A DIRECT RESULT OF ITS USE.



# ALASKA STATE LEGISLATURE

*Darius Porter*  
~~11/14/95~~

PLEASE ENTER INTO THE RECORD MY TESTIMONY TO THE  
COMMITTEE ON HB 65 - Assistive Tech DATED 1/14/95  
BILL/SUBJECT COMMITTEE NAME

*I think your Bill will benefit those who have need for assistive technology.*

*I just want to address sub para (e) "assistive technology" <sup>means</sup> "durable equip, adaptive aids & assistive devices" - I feel this statement is vague! ~~Att~~ Attached is a more descriptive version of AT.*

*Thank you,*

SIGNED *Bil Cardell*  
TESTIFIER

*Access Alaska Inc.*  
REPRESENTING (OPTIONAL)

*3550 Airport way Suite #3 Fbk Alaska 99709*  
ADDRESS/PHONE NUMBER *(907) 479-7940*