

ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672

8940 SENATE LABOR & COMMERCE



April 28, 1995

The Honorable Senator Tim Kelly
State Capitol, Room 101
Juneau, Alaska 99801-1182

RE: HB 46

Dear Senator Kelly:

The Alaska Cable Television Association (ACTA) is in favor of returning the pre 1990 exemption of utilities for engineering stamp requirements on internal documents. Please keep in mind during your vote on HB 46 that cable television is considered a telecommunications utility and that we operate under a Certificate of Public Convenience from the APUC.

Cable Television does not involve the use of electrical elements that present a hazard to the general public. All design and construction work is covered under and must comply with the National Electric Safety Code, National Electric Code, the Occupational Safety and Health Administration as well as individual agreements with our joint use utilities, Municipal Public Works department and the State Division of Transportation and Public Facilities. Joint work involving other utilities or government road projects are submitted to their engineering groups for review and approval. Any surveying required as a condition of a permit is contracted with a land surveying company. Requiring yet another level of official action will only result in unnecessary cost that would be passed on to the consumer.

It is therefore our belief that this exemption is of benefit not only to the telecommunications industry but also the general public. The attached page contains the signatures of member systems that are concerned about the passage of HB 46 without amendment.

I may be reached at 373-2288 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,

Kevin Sheridan
President

KSjb

Page -2-

The following members of the Alaska Cable Television Association (ACTA) are in agreement that HB46 should be passed without amendment

Mem. Edmund & Glenn Edwards Barrow Cable TV Box 489 Barrow, AK

Marty Robinson MARY ROBINSON PRIME CABLE 5151 FAIRBANKS ST. ANCHORAGE, AK 99501

Jan. L. Hayes GARY S HAYES PRIME CABLE OF BETHEL 5151 FAIRBANKS ST ANCHORAGE, AK 99503

Sharric Satathite Sharric Satathite Prime Cable/Kenai 1195 Binkley St #10 Soldotna AK 99669

Mary Hart MARY HART SEWARD/HOMER CABLEVISION P.O. BOX 929 SEWARD, AK 99664

Rynda Hayes Rynda Hayes /Wrangell Cablevision P.O. Box 909 Wrangell, AK 9992

A. A. - Gary Samushkin - Nome Cablevision Box 274 Nome, AK. 9976

Betty Phelan - Betty Phelan - Petersburg Cablevision - Box 116, Petersburg, AK 9978

Tom Zolt Tom Zolt, Valdez Cablevision, Box 1047, Valdez, 99686

Lynn B. Brady LYNN B. BRADY, COCOON CABLEVISION, Box 791, COCOON, AK 99677

John Burnett JOHN BURNETT KODIAK CABLEVISION BOX 204 MAIL STOP 99610

Kevin Sheridan KEVIN SHERIDAN ROGERS CABLE WIGLLA

Donald L Smith Donald L Smith JR Rogers cable palmer

DATE: 4/6/95

FURTHER:

DATE TURNED INTO OFFICE: _____

Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 46(STA)

Relating to the practice of architecture, engineering, and land surveying.

and recommends:

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

Senate Bill:

same title

new title

House Bill:

same title

technical change

new: SCR* _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		Mike Miller	✓		
		John Ferguson	✓		
		Justin E. Ford			
Judith E. Sald	✓				
CHAIR: Tim Kelly	—				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FAX COVER PAGE

To: Tim Kelly		From : Dave Leet
Fax Number : 1-907-465-3756 Senator, District K		Company :
Date : 04/22/95	Time : 9:01:42	For Information Call: 907-373-5801
Subject : PE licensing bill		Fax Number : 907-373-2284

Senators:

Excuse the mass-faxing, but here is an item that is up for your consideration:

CS HB 46, concerning occupational licensing for architects, engineers, and land surveyors.

I am currently the Field Mechanical/Rotating Equipment Engineer at Kuparuk (operated by ARCO), and have been following this closely. In 1990, the change in law had been interpreted by many to mean the end of licensing exemption for "in house" engineers. ARCO and several other companies oppose this, citing expense and that it is simply not necessary. HB 46 reinstates the exemption.

There are basically two types of engineers on the Slope, those concerned with surface facilities, and petroleum engineers who deal with what is going on down deep. Since Alaska has a vested interest in how the place is operated, since Alaska gets a royalty share and actually owns the land beneath which the oil is located, I would think that Alaska would want occupational licensing by whoever is working those fields, if the State believes that licensing establishes a minimum qualification for practicing that profession. At Kuparuk, most of the discipline engineers are already licensed, as are many of the facility engineers, all of which concern surface facilities. I'm less familiar with what the case is for petroleum engineers.

ARCO is right to say that most of the design and construction is code and specification driven, but that still doesn't mean one can design using codes as a cookbook, without knowing the underlying principles. My opinion is that regardless of where engineering is practiced, it would be in the State's interest to at least make sure the practitioners are licensed and tested, especially when they are dealing with something of such great financial significance to Alaska as North Slope Oil production.

Regards,

Dave Leet, P.E.



26 April, 1995

Senator Randy Phillips
Alaska State Senate, State Capitol
Juneau, Alaska 99801-1182

Reference: CSHB 46 (STA)

Dear Senator Phillips,


I am asking you to vote in favor of the referenced Bill and restore the in-house exemption which existed prior to 1990. The removal of that exemption happened without public input and serves a very small group of folks with their own self interest in mind.

This Bill before the Senate now restores what was taken and sends a clear signal to industry that Alaska is open for business.

This Bill is very important to me and my 60 or so employees, as well as my clients who depend on a fair shake from the Government of this State. We are all facing the kinds of cuts that come from declining revenues in the oil industry. I am truly concerned that if we make it harder for industry to do business here, some of the programs that will be affected are my Native Apprenticeship and Mentor Hire agendas.

It worked just fine prior to 1990, and it will work just fine again, if you will support this most important piece of legislation.

Very truly Yours,



Patrick A. Dooley
Patrick A. Dooley
President

Mailing Address

P.O. Box 202007 • Anchorage, Alaska 99520 • (907) 279-5515 • Fax (907) 376-5301



10 May, 1995

Senator Tim Kelly
State Capital
Juneau, Alaska 99801

Dear Senator Kelly,

May I take a few minutes of your time to express my heartfelt appreciation for your unwavering support of righting a wrong and sending a strong message to industry that Alaska is truly open for business.

I am sure that I speak for many when I say you have certainly restored faith in the legislative process of this great State. It has been a lesson in Government 101 for me and I again want to thank you for fighting the good fight.

May I also take this opportunity to tell you how impressed I am with Josh. He faithfully returned calls, even late at night. He maintained complete, open and honest communication throughout.

Again, thank you and please call on me for any assistance I might be able to render.

Sincerely,


Patrick A. Dooley
President

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

Christopher Birch, P.E.
Consulting Engineers Council
RSA Engineering



— Letters of Opposition —

Christopher Jim Birch, P.E.

10005 Main Tree Drive Anchorage Alaska 99516
(907) 346-3265 home (907) 266-1790 office (907) 266-1683 pcfax (907) 242-1520 cell
e-mail to 746373317@compuserve.com

April 6, 1995

Senator Tim Kelly
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

RE: Occupational Licensing for Engineers, CS HB-46 and SB 99

Dear Tim,

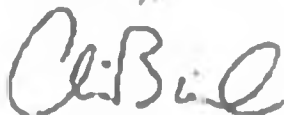
I was deeply disappointed to hear that the House had approved, on reconsideration, CS for House Bill No. 46, "An Act relating to the practice of architecture, engineering, and land surveying." This measure as well as the revisions proposed in SB 99 **will undermine the public safety and endanger Alaskans.** This legislative revision to existing law comes "out of the blue" and has clearly not benefited from any engineering review or a "reality check"

Tim, if I am not mistaken, a barber at Prudhoe Bay has to be a licensed hairdresser, the attorney representing any private company in Alaska must be licensed to practice law and a company physician on the north slope must be registered/licensed to practice in Alaska. What reasonable person would say that the design of a pump station on the north slope, the design of the Trans Alaska Pipeline, the design of high voltage transmission lines, the design/construction of a new private office tower in Anchorage or the development of the Green's Creek mining complex should not be engineered by design professionals trained and registered to practice engineering in Alaska?

As a registered civil engineer and past President of the Alaska Society of Professional Engineers I can attest to the critical importance of assuring that facilities constructed in Alaska are designed by the 5,871 Alaskan registered Engineers, Architects and Land Surveyors with the education, training and experience necessary to properly design for our unique Arctic conditions. If you open the door for non-registered engineers to design/build private facilities in Alaska you have diminished the quality of the work and removed a significant level of accountability.

This proposal is BAD LAW and deserves a swift burial. We do not need to diminish the caliber and quality of the engineering services provided in Alaska. Please contact me at your earliest convenience if you require any additional information.

Sincerely,



Chris Birch, P.E.



CONSULTING ENGINEERS
COUNCIL OF ALASKA

P. O. BOX 200345
ANCHORAGE, AK 99520 0345

April 19, 1995

Senator Tim Kelly
State Capitol
Juneau, Alaska 99801

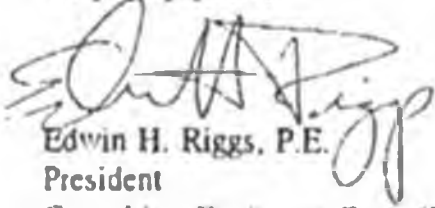
Via FAX 465-3756

Subject: Senate Bill 99

Dear Senator Kelly:

This letter is to urge you to consider and implement the revisions proposed to the Bill by the Alaska Professional Design Council. Copies of these revisions are attached. The intent of these changes is to clarify and narrow the language to satisfy concerns of the professional engineering community. We, the members of the Consulting Engineers Council of Alaska, agree with the proposed revisions. Your consideration of our concerns will be appreciated.

Very truly yours,



Edwin H. Riggs, P.E.
President
Consulting Engineers Council of Alaska

EHR/g

Attachments

Copy to: Sharon Macklin

AMENDMENT #1

TO C8HB48(8TA)

Page 1, Line 7, beginning with 'When a requirement...', delete to end of line 9.

Page 1, Line 7, after "as appropriate." add:

'When final drawings, specifications, surveys, plots, photos, reports, or similar documents are issued, the person in responsible charge of the work shall sign the documents and stamp the documents with the seal unless the documents were prepared under an exemption from restriction under AR 6148.321.'

AMENDMENT #2

TO C84B48(5TA)

Page 2, Line 7, after "PROHIBITED PRACTICE" add "(1)":

Page 2, Line 9, after "state" delete the phrase ", or use in connection with the person's name or otherwise assume or advertise a title or description tending to convey the impression that the person is an (A REGISTERED) architect, an engineer, or a land surveyor."

Page 2, Line 9, After "state" add:

"[, OR USE IN CONNECTION WITH THE PERSON'S NAME OR OTHERWISE ASSUME OR ADVERTISE A TITLE OR DESCRIPTION TENDING TO CONVEY THE IMPRESSION THAT (THE PERSON IS A REGISTERED ARCHITECT, ENGINEER, OR LAND SURVEYOR)]"

Page 2, Line 14, After "chapter." add:

"(2) A person may not use in connection with the person's name, or otherwise assume 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 or, in the case of a corporation, unless it has been authorized under this chapter."

After Page 3, Line 29, add a new section:

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

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

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

(2) by verbal claim, sign, advertisement, letterhead, card, or other means represents to be [AN] a registered architect, engineer, or land surveyor, or through the use of some other title implies that the person is [AN] a registered architect, engineer, or land surveyor. or

(3) holds out as able to perform or who does perform an architectural, engineering, or land surveying service recognized by this chapter, and specified in regulations of the board, as architecture, engineering, or land surveying."

AMENDMENT #3

TO CSHB46(BTA)

Page 3, Line 11, insert a new subparagraph:

(E) a commercial building or enclosure which contains less than 1,000 sq ft of floor space, is not accessible to the public, and is occupied on an intermittent basis.

Page 3, Line 26, after "apply to", delete from "buildings" to the end of line 29.

Page 3, Line 28, after "apply to" add: "

(A) Buildings or other structures other than those specified in paragraph 8 of this Section;

(B) High voltage electrical lines;

(C) Water and waste water treatment facilities and delivery systems.

Page 3, Line 30, add:

"(11) The board may enact regulations which provide for other exemptions where the work does not affect public health, safety, or welfare.

Engineering, Inc.

April 4, 1995

ATTENTION: All Legislators
House of Representatives

REFERENCE: House Bill 46 (CSHB46(STA))

Please be advised that HB46 is far from a housekeeping bill. The Architects, Engineers, and Land Surveyors (AELS) board was surveyed regarding SB99, the senate bill which is virtually the same, and they felt that SB99 was not in the public's interest. I have testified against SB99, but I was unable to testify on HB46, because I was traveling at the time. The bill is unacceptable in several areas:

Section 1 says that registrants (or licensed architects, engineers and land surveyors) must seal their work. What is then implied by this change is that non-registrants are now allowed to produce drawings, specifications, surveys, etc., and their work products do not have to be signed and sealed, making their work untraceable if something happens later.

Section 3 deletes requirements for professional design of projects unless the project is a building or structure whose primary use is public occupancy. My concerns about this broad based exemption are:

1. The bill exempts design by licensed A/E's on buildings or projects that are not open to the public. However, employees of companies should be considered members of the public when they enter buildings, even though access is restricted to employees only. These employees would naturally assume that buildings they enter or facilities they work on have, in fact, been designed by competent, licensed professionals, and that they are safe. This bill will certainly not enhance the probability of a safe building.
2. The Uniform Building Code look to the state law to define exemptions from required use of licensed architects or engineers (See 1991 UBC Section 302(b)). The new exemption under Section 3 of HB46 provides the loophole to avoid use of licensed A/E's.
3. A developer or construction contractor could hire "contract employees", call them in-house architects or engineers, and design projects for their use without licenses.
4. A developer or construction contractor could declare that their project is not open to the public so they do not have to use licensed professionals for the design. After project completion, they could then sell the building to others who could then convert its use to a public occupancy, even if it has not been competently designed. It would then be too late for anybody to go back through the design and

April 4, 1995

Page 2

construction at that point to determine if the building or project has been properly designed and built.

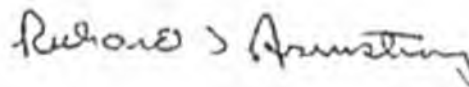
5. Some regulatory agencies do not have qualified staff to review plans prepared by unlicensed people. Building officials typically look to the licensed professional, as evidenced by their seal on the plans, to get some assurance that the plans were drawn by competent professionals to design each specific aspect. The designer's calculations and assumptions are typically not reviewed by all building officials.

I also feel that the insurance underwriters would be concerned if they find that insured facilities have not been designed by people who have demonstrated at least minimum competency in their area of practice. This bill will most certainly increase risk for insurers.

The banking interests, likewise, would be at higher risk by loaning money on facilities that have not been designed by licensed architects or engineers.

I recommend that this bill be killed in its entirety, since it has much greater consequences than only applying to specific industries or utilities, and obviously does not protect the public at large even if only employees are permitted access.

Very truly yours,



Richard S. Armstrong, P.E.
Chair, AELS Licensing Board

enj

95-314

cc: Senator Loran Leman
Senator Tim Keilly

A. U.B.C. Standard No. 27-7, High-strength Bolting

3. Fireproofing

A. U.B.C. Standard No. 43-8, Thickness and Density Determination for Spray-applied Fireproofing

Application for Permit

Sec. 302. (a) Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans, diagrams, computations and specifications and other data as required in Subsection (b) of this section.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as may be required by the building official.

(b) Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the building official may require any applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law. Submittals shall include construction inspection requirements as defined in Section 302 (c).

EXCEPTION: The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(c) Construction Inspection. The engineer or architect in responsible charge the structural design work shall include in the construction documents the following:

1. Special inspections required by Section 306.
2. Other structural inspections required by the engineer or architect in responsible charge of the structural design work.

(d) Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that

Senate Labor and Commerce Committee
CS for House Bill No. 46

Testimony of Nancy Schoephoester
Government Relations, ARCO Alaska, Inc.
April 20, 1995

MR. CHAIRMAN, members of the Senate 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 CS for House Bill No. 46 relating to the practice of architects, engineers and land surveyors.

In the interest of time, I am submitting written testimony which speaks to the issues addressed by this legislation, namely 1) the clarification of language relating to stamping and sealing of documents by registered engineers, 2) restrictions in the use of titles by engineers, and 3) the reinstatement of a licensing exemption for "in-house" engineers that existed in Alaska until 1990.

The key points covered in that testimony are:

- Section 1 clarifies wording regarding the use of the seal - that is, when a registrant issues final drawings, specifications, etc., not when ALL final drawings, specifications, etc. are issued
- Section 2 clarifies language regarding who may use the title of engineer - though not in the best way. We would prefer language to the effect that a person may not claim to be a registered engineer unless he/she is a registered engineer. Current wording states an individual may not claim to be an engineer unless he/she is a registered engineer
- Section 3 supports an "in-house" exemption from engineering licensing, not unlike 37 other states.
- CS HB 46 is a compromise from the bill's original language. We feel that that compromise speaks to the public safety issued which has been raised by opponents of this bill
- Ken Thompson, President of ARCO Alaska, has established a priority of being a company which is SAFE, LOW COST AND LONG TERM. We do not believe CS HB 46 will compromise that stated goal.

House Labor and Commerce Committee

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 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 who 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 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 her 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 this 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 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.



Occupational Licensing:
Architects, Engineers, and Land Surveyors

Position Statement: 03/21/95

Overview

For the record: George R. Findling, Manager of Government Relations for ARCO Alaska, Inc. I am a registered professional engineer in the State of California, although I have not been engaged in the practice of engineering in Alaska since 1990. With two provisos, we support CS for HB-46. I want to quickly cover two topics.

First, the underpinning for our position on HB - 46 is the belief that occupational licensing is to insure that only those meeting minimum qualifications can offer services to the general public. Said extremely, it protects the public from shysters. But, we also believe that the protecting the public in the outcome of an activity rests not in the occupational statutes, but in the statutes and regulations covering that activity. For example, building codes, fire inspections, and environmental compliance.

My second topic is the status of the discussions we have been engaged in with various parties to reach mutually agreeable language. I'm sorry that I can not report that we have found that language. But I do feel it is still within reach. Let me address the issues by section.

In section 1, we believe that this is a technical correction, which clarifies the existing law. Others believe that it changes the law. The parties I met with agreed that it would be appropriate to request an expedited Attorney General's opinion on this issue. To us, the issue is brought into focus if the sentence is converted to active voice as required by the manual of legislative drafting. The new wording is in the active voice. Then, all that remains is to identify who is to do what the statute seeks to have done. We find that when viewed in the context of the rest of the section, that it must be telling the registrant what to do. Again, we respectfully suggest that an Attorney General's opinion be sought on this issue.

In our discussions we did not find much disagreement on Section 2. For employees of private companies, Section 2 is rendered moot with Section 3's exemption.

In Section 3 of the bill, we are still struggling with how to identify the activities that should not be exempted. As background, 37 other states have basically similar exemptions. Indeed, Alaska had this exemption prior to 1990. I listened recently to the original tapes of the committee hearing where this exemption language was dropped and did not hear any reason for that action. Clearly not restoring this exemption will raise costs and reduce Alaska's competitiveness. Let me quickly say, that ARCO in no way is trying to avoid meeting legitimate safety concerns. In all our discussions, no one has identified any specific concerns with our operations. But if any are, we will address them through the agency which regulates that activity.

Others concerned with Section 10 believe that there are some unique situations in Alaska, where there is no regulating agency at the state or local level and where public access and safety may be an issue. The new language in 10 is an attempt to cover that case. We are still reviewing this, but believe that the new language may be overly broad and in conflict with section 6. We understand that others are trying to refine that language.

Thank you for the opportunity to testify and I'll be happy to answer questions.

Alaska State Legislature

Senator Tim Kelly, Chair
Senator John Torgerson, Vice Chair
Senator Mike Miller
Senator Jim Duncan
Senator Judy Salo



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

**SENATE LABOR AND COMMERCE
COMMITTEE**

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

ADDENDUM FOR HB 46 PACKET

Letters of Support

Andrew Bond
James L. Cawvey
Prime Cable
Jim Styler

Letter of Opposition

R&M Consultants, Inc.

April 19, 1995

Senator Tim Kelly
Alaska State Legislature
Fax- 465-3756

Dear Senator Kelly,

I urge you to support HB-49 on Architectural and Engineering Licensing in the form that passed the House. The large engineering companies in the State (i.e., ARCO, BP, etc.) hire competent engineers. The State will not be sacrificing any safety by re-instating the licensing exemption for "in-house" engineers. We do not need any more bureaucracy in this state. Please do not let special interest groups influence you into changing this bill.

Please pass the bill in it's current state.

Sincerely,

Andrew J. Bond
12100 Woodyay Circle
Anchorage, AK 99516
263-4623 (wk)

April 19, 1995

Senator Tim Kelly
Alaska State Legislature
Room 101, State Capitol
Juneau, AK 99801-1182

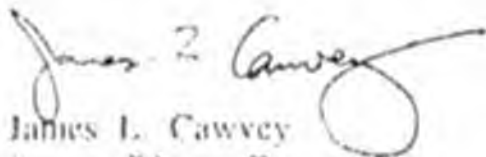
Senator Kelly:

I would like to voice my support of HB 46, currently under review by your Labor and Commerce Committee. Of particular interest to me is the proposed amendment in Section 3 [AS 08.48.331 (10)] to reinstate an exemption to the statute that had been dropped in 1990.

Besides putting Alaska into a position of being less competitive and more expensive in which to operate, registration of individuals such as myself would have no practical benefit to the company for which I work - outside of satisfying a bureaucratic requirement. It would, however, create a tremendous amount of stress to myself and take valuable time away from my family. I would much rather be spending time with my young children in the beautiful outdoors of Alaska than spending an estimated 300-400 hours studying to pass a test on engineering practices that have nothing at all to do with my daily job.

I would appreciate your support of HB 46, in particular the amendment specified in Section 3, allowing exemptions for employees of corporations not engaged in the business of offering engineering services to the public.

Sincerely,



James L. Cawvey
Senate District E
2231 Loren Circle
Anchorage, AK 99516

cc Senator Judy Salo

**PRIME
CABLE**

April 20, 1995

The Honorable Senator Tim Kelly
State Capitol, Room 101
Juneau, Alaska 99801-1182

RE: HB 46

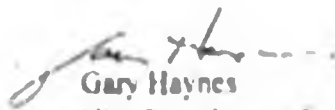
Dear Senator Kelly:

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. Prime Cable joins with Alaska Telephone Association in supporting the current language in HB 46.

Due to scheduling conflicts, I will not be present at the telephone conference of the committee meeting today. We consider this matter important enough to give you our written opinion on behalf of not only Prime Cable but our subscribers who could be adversely affected if this bill is not passed.

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,


Gary Haynes
Vice President of Operations

April 19, 1995

✓ Senator Tim Kelly
Senator Randy Phillips

Re: HB 46 on Occupational Licensing

I would like to offer my support of HB 46.

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

In fact it disturbs me that the exemption was done away with and many (most?) didn't even know about it!

I encourage you to pass this bill as is.

Thank you.

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



R&M CONSULTANTS, INC.

ENGINEERS
ARCHITECTS
PLANNERS
SURVEYORS

April 19, 1995

Senator Kelly
Senate Labor & Commerce Committee
State Capitol
Juneau, Alaska
99801-1182

RE: House Bill 46

Dear Senator Kelly:

Our firm has been involved with engineering in the State of Alaska for the past twenty-six years. We have focused from the beginning on an exclusively professional approach to the practice of engineering. Our reason for adopting this approach stemmed from understandings of principals of physics, loads, stresses, strengths and weaknesses of various materials acquired during five years of intense university education. It also was the result of acquired practical knowledge of the risks of producing poorly designed roads, bridges, landing strips, buildings, docks, etc.

In the course of over a quarter century of professional practice in engineering, the firm has obtained first hand knowledge of the hidden costs of facilities designed in the absence of a respect for state-of-the-art principals and expertise related to Alaskan conditions.

It has come to our attention that the above referenced bill is now in the Senate Labor and Commerce Committee. This bill and Senate Bill No. 99 would amend AS 08.48.221 which deals with the requirement that a registered architect, engineer or surveyor, must sign and seal final drawings, specifications or other documents for all designed facilities. The only significant change to AS 08.48.221 envisioned in the proposed bills would be the addition of yet another exemption to the requirements.

Presently exempt from the provisions are contractors, U.S. government employees practicing the A/E/LS professions, specialty contractors, an instructor at a postsecondary level. And the now amendment adds a further exemption as follows:

(10) an officer or employee of an individual, firm, partnership, association, utility or corporation, who practices engineering involved in the operation of the employer's business only, and further provided that neither the employee nor the employer offers engineering services to the public; exclusions under this paragraph do not apply to buildings or structures whose primary use is public occupancy.

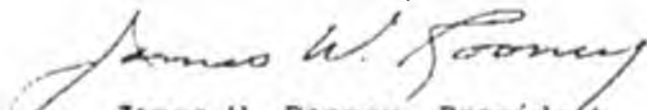
We recognize that it may not be possible to legislate professional attitudes or behavior. However, there is clearly greater assurance of safety and adequacy when the minimum level of education and exposure to fundamental principals and local practice has been met and demonstrated.

Our objections to AS 08.48.221 and an amendment that adds another exemption to regulation of the profession, relates to the dangers that are imposed in the public or private sector.

The engineering profession in general and Alaskan engineers in particular, are familiar with the risks of unregulated design. As a result there is within the profession a premium placed on special training, review of work, quality control and liability insurance coverage for any errors and omissions. There will be less loss of life and less property damage where minimal requirements of licensing and accountability prevail. It is our opinion that the State will be increasing its exposure to greater risks and negligence claims by reducing the requirements as proposed.

Sincerely,

R&M CONSULTANTS, INC.



James W. Rooney, President

Testimony of Richard S. Armstrong

I am Chairman of the AELS Board, and I, along with our board, am opposed to HB 46 or SB 99. We feel that the exemption proposed in Section 3 of either bill is too broad, and certainly does not protect the public from unsafe buildings or facilities. The AELS Board is there to protect the public by establishing criteria for and testing applicants for minimum competence. The use of licensed architects or engineers for the design of buildings or facilities should provide at least a minimum level of assurance that work is being designed correctly. With as much remote construction as occurs in Alaska, and with the relatively few number of building code officials, passage of this exemption removes a key component of safety in resultant facility construction.

We recognized last year that overzealous enforcement of the current law would be inappropriate, so we spent a year preparing regulations that more nearly reflect actual practice and use of licensed personnel in the electric utility industry. We also relaxed definitions for "direct supervision" so that remote facilities did not have to be manned with licensed people. Contrary to other claims, the telecommunications utilities wished to seek an exemption from use of licensed people legislatively, which is why the board felt it was pointless to develop regulations for these utilities at that time.

In summary, the board feels that this legislation is a swing of the pendulum much farther than is appropriate, as it will decrease the safety of workers in the privately owned facilities, who are, in fact, also members of the public. Furthermore, future purchasers of facilities which are not designed by licensed professionals are going to be purchasing potentially non-code conforming properties that have a very real threat to public safety. Poorly designed buildings will become most apparent after a fire, or earthquake, or major catastrophe - after it's too late.

In the spirit of compromise, I can agree with the amendments offered by the APDC through Colin Maynard, since I have been working with him on this issue. The DCED has faxed me 2 optional amendments. Option 2 is closest to the APDC Amendment #3, which I can support.

Option 2

AMENDMENT CSHB 46(STA)

Page 3, line 11

After "purpose;" insert

(E) a commercial building or enclosure which contains less than 1,000 square feet of floor space and is not used for public occupancy;

Page 3, line 28

After "do not apply" delete:

(buildings or structures whose primary use is public occupancy.)

Insert:

the design of:

(A) a building or structure that is not specified in 08.48.331(6); or
(B) an electrical system to operate at more than 35 kilovolts.

Alaska State Legislature

Druc Pearce
Senate President



Rick Halford
Majority Leader

Senate Majority Office

Steve Frank
District O
Fairbanks

Lyda Green
District N
Mat-Su Valley

Rick Halford
District M
Chugiak

Tim Kelly
District K
Anchorage

Loren Loman
District G
Anchorage

Mike Miller
District Q
North Pole

Druc Pearce
District F
Anchorage

Randy Phillips
District L
Eagle River

Steve Rlogor
District I
Anchorage

Bert Sharp
District P
Fairbanks

Robin Taylor
District A
Wrangell

John Torgerson
District P
Kenai Peninsula

FAX Cover Sheet

To: Sen L + C

From: Jo Fenety, Senate Majority Staff

Comments:

*Here's the sign up
sheet for telecon
in progress. Please
take to meeting now.*

A large, stylized handwritten signature, likely of Jo Fenety, written in dark ink.



LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

SPONSOR: Senate Labor & Commerce
 SUBJECT: HR 46 / SB 28 / HB 220
 START/END TIME: _____ DATE: 4-20

PLEASE PRINT

	Name/Representing	Address	Zip	Phone No.	Testify	Observe	Bill No.
1.	Janet Keiser	5450 Naknek Ln.	99516	345-0244	✓		HB 46
2.	Ronald B. Humphreys	1601 MEDFRA ST.	99501	257-2277	—		
3.	Patrick A. Beaumont	PATRICK A. BEAUMONT 7320 AUGUSTINE DRIVE	99504	333-9865	✓		
4.	John S. Coon	Wild Lake IIR Tustin 41627 Old Seward Hwy	99503	561-1233	—		SB 28
5.	JOHN BRANDSTETER	7500 ALATNA AVENUE	99516	345-3164		✓	HB 46
6.	TOM MCKAY	3190 MARATHON CR, ANCH, 995	99515	265-6890		✓	HB 46
7.	Robert Hancock	600 telephone Ave	99503	564-1951	✓		HB 46
8.							
9.							
10.							
11.							
12.							
13.							
14.							
15.							



LEGISLATIVE TELECONFERENCE NETWORK

SIGN-IN SHEET

58616

SPONSOR: Senate Labor + Commerce

SUBJECT: H046/5B28/4B220

START/END TIME: 1:30 DATE: 4-20

PLEASE PRINT

	Name/Representing	Address	Zip	Phone No.	Testify	Observe	Bill No.
1.	David Kord	ATMC		563-2289		✓	
2.	Colin Matthews	1800 W. 15th Ave, Ste 500	99517	274-3660	✓		H046
3.	Ty Durand Phil	5700 E. Tudor	99507	261-5559		✓	5B28
4.	Chuck Russell	5450 A St Anch	99516	273 5217	✓		H046
5.	RB White Raytheon Engrs + Consts	700 G. St. Anch	99501	263-4983	✓		
6.	JOSEPH A. GROSS J.A. GROSS & ASSOC.	5920 WEST TREE	99516	346-3300		✓	H046
7.	W. C. FRIAR	3541 SAILBOARD CIRCLE	99516	745-5960	✓		H046
8.	Kimberly Chaceey PE/NANA Test, Inc.	711 H Street, Suite 201, Anchorage	99501	279-5555	✓	✓	H046
9.	Steven Altby NANA/TEST Inc	PO Box 91213 Anchorage	99509	277-5375		✓	H046
10.	PARKIE DOOLBY NANA-TEST INC	PO BOX 202807 ANCH AK	99520	276-5660	✓		
11.	Ken Rupp	3206 S Circle Anchorage AK	99507	265-1517	✓		H046
12.	TODD SMITH RAYTHEON ENGR & CONST	700 G ST. ANCH	99501	263-4816	✓		H046
13.	SHAUN HOOLAHAN	P.O. Box 671402, CHASKA AK	99567	683-4768	✓		H046
14.	DAVE BENNETT DTL COMMUNICATIONS	3940 NORTH BLVD ANCH AK	99503	521-3035	✓		H046
15.	RANDY NELSON	4300 B ST #303 ANCH. AK	99503	563-2199	✓		H046

Alaska Cable Television Association
Alaska Telephone Association
ATU
Alaska Power & Telephone
Copper Valley Telephone Cooperative
NANATEST

Prime Cable
TelAlaska, Inc.
Unicom
Yukon Telephone


Letters of Support



ALASKA CABLE TELEVISION ASSOCIATION

January 28, 1995

The Honorable Tim Kelly
Alaska State Legislature
State Capitol, Room 101
Juneau, AK 99801-1182

Dear Senator Kelly:

The Alaska Cable Television Association ("ACTA") endorses the Alaska Telephone Association's ("ATA") proposed amendment to AS 08.48.331 as submitted.

This amendment restores the exemption of telecommunications organizations from having registered architects, engineers and land surveyors on staff for work that does not involve the offering of services to the general public. Attached is a copy of the proposed amendment for your review.

Cable television ("CATV") plant does not involve the use of electrical elements that present a hazard to the general public. CATV design and construction is subject to the National Electric Safety Code, the National Electric Code and the Occupational Safety and Health Administration. In addition, CATV joint use agreements with other local utilities and municipalities as well as the State Division of Transportation and Public Facilities call for engineering reviews and approvals. Further, any surveying required as a condition of permitting is contracted out to qualified surveying companies.

ACTA, and its member cable television systems believe that the present requirement is unnecessary and only adds to the cost of a project, which is inevitably passed on to the consumer.

ACTA appreciates your support on this issue, and we are standing by in the event that you or your staff need any additional information. Please do not hesitate to call on us.

Sincerely,

ALASKA CABLE TELEVISION ASSOCIATION

A handwritten signature in dark ink, appearing to read 'Michael W. Roberge', is written over a faint, illegible typed name.

Michael W. Roberge
President

Enclosures

Alaska Telephone Association

4341 B Street, Suite 304
Anchorage, AK 99503
(907)583-4000
FAX (907)582-3776

Duane C. Durand
President

James Rowe
Executive Director

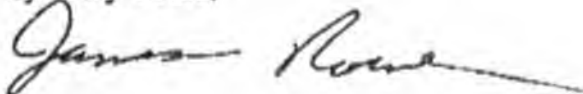
Honorable Loren Leman
Alaska State Legislature
State Capitol (MS 3101)
Juneau, AK 99801-1182

Dear Senator Leman:

I appreciate the time you have spent with me and your efforts to facilitate compromise language in HB46. Some compromise was made and is incorporated in CS HB46(STA). Although Section 3 is more restrictive than the pre-1990 language, ATA supports the passage of this bill in its present form and respectfully requests your attention and support for it.

I hope you and your staff have a pleasant Easter holiday.

Very Truly Yours,



James Rowe

cc: Senator Tim Kelly
Senator Drue Pearce



600 Telephone Avenue • Anchorage, Alaska • 99503-6091 • 907 564-1380 • Fax 907 563-2688

EXECUTIVE OFFICES

April 12, 1995

Via Facsimile (907)465-3310

Honorable Loren Lemman
Alaska State Senate
State Capitol (MS 3101)
Juneau, Alaska 99801-1182

Dear Senator Lehman:

On behalf of ATU Telecommunications, I want to thank you for working with our industry on HB 46. I am told that a compromise has been reached and is included in the latest version (CS HB46(STA)). ATU supports passage of the bill in its present form and we would appreciate your support for it.

If I can be of any assistance, please don't hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Doyle M. Carroll".

Doyle M. Carroll
Chief Operations Officer

cc: Senator Tim Kelly
Senator Drue Pearce

ALASKA POWER & TELEPHONE COMPANY

P.O. BOX 481 - 8th & SPRING STREET
 SKAGWAY, ALASKA 99840
 (907) 983-2702
 FAX (907) 983-2900

April 13, 1995

Honorable Loren Leman
 Alaska State Legislature
 State Capital (MS 3101)
 Juneau, AK 99801-1182

Dear Senator Leman:

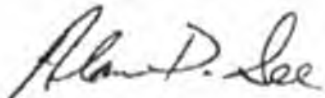
Alaska Power & Telephone Co. has been operating in Alaska since 1957. We currently provide power and telephone services in the following rural areas of Alaska:

Skagway	Tok	Craig	Hydaburg
Tanacross	Dot Lake	Tetlin	Hollis
Bettles	Evansville	Dry Creek	Chistochina
Naukati	Whale Pass	Mentasta	Meyers Chuck
Coffman Cove	Edna Bay	Jim River Camp	Tetlin
Eagle	Healy Lake	Allakaket	Alatna

It is very difficult to provide these essential services in rural areas at an affordable cost to the customer. We have done so for many years without incident and at rates that compare favorably with other areas. The current legislation will avoid unwarranted costs being placed on our customers, making our job even more difficult. It is for this reason we support CSHB46(STA) relating to the practice of architecture, engineering and land surveying.

Your support for passage of this bill in its present form will help keep the costs of communications and electric services in rural areas affordable.

Sincerely,



Alan D. See
 Executive Vice President

cc: Senator Zharoff
 Senator Tim Kelly
 Senator Drue Pearce



**COPPER VALLEY TELEPHONE
COOPERATIVE INC**

BOX 337, VALDEZ, ALASKA 99686

907-835-2231

FAX 907-835-2387

April 12, 1995

Honorable Loren Leman
Alaska State Legislature
State Capital (MS 3101)
Juneau, Alaska 99801-1182

via facsimile

Dear Senator Leman:

I wish to thank you for the opportunity to visit with you during the Alaska Telephone Association reception February 28 in Juneau, and I appreciate your willingness to compromise on language in HB46 relating to P.E.'s and telephone companies.

It is my understanding that some compromise was made and incorporated into CS HB46(STA) and CVTC respectfully requests your support of this bill in its present form.

Sincerely,

Scott L. Smith
General Manager

SLS/jam

cc: Senator Tim Kelly
Senator Druce Pearce



NANA TEST

JOINING TRADITION AND TECHNOLOGY

28 March, 1995

SENT VIA FAX

Mr. Willie Hensley
Commissioner of Economic Development
State of Alaska
Juneau, Alaska

Dear Willie,

I trust all is well with you and yours. We miss your presence greatly around here. I will be in Juneau next week and hope to see you then.

In the meanwhile I wanted to drop you a note to express my strong support for passage of HB 46 (STA). We need some sort of relief from the existing provisions regarding the practice of engineering on an in-house basis.

You know that I appreciate the Industry regulations and controls for obvious reasons and we have worked hard to become a licensed and bonded engineering entity in the State.

We work for clients who have invested incredible sums of money here and have vast production facilities that require a very knowledgeable and sophisticated work force. In fact they have numerous degreed discipline engineers, many of whom hold advanced degrees and are registered in this or other states as professional engineers. Their management is not going to allow them or anyone else to engineer or build something that is not code. To require them to sign and stamp every modification to their own facilities is not good business, it is an unnecessary cost, and should not be done.

Mailing Address

P.O. Box 202807 • Anchorage, Alaska 99520 • (907) 279-5515 • Fax (907) 276-5361

Up until 1990 a licensing exemption for in-house engineering was in effect with no adversity to the public good. For some reason, this exemption was removed with little or no public input.

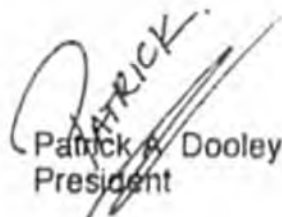
Passage of and signing the Bill in question would put us back on equal footing in this area with other states and send a strong signal that Governor Knowles is serious about partnering with those who add value. Thirty seven other states agree this is a strong business issue and have exempted their industries from this onerous requirement.

If we truly want a partnership with industry and want to attract new business to our State we have to make it profitable for them to be here.

I am in the business of professional engineering. If I did not believe in the Administration's strategic outlook, I would be on the other side of the fence. But I do believe in the long term prospects here and I want our Natural Resource Industries to believe in the long term prospects here as well and it is a concern of mine that they do.

I appreciate this new tone in our State and am gratified at it's reception. Call me if I can be of service.

kindest personal Regards.


Patrick A. Dooley
President

**NANA TEST**

JOINING TRADITION AND TECHNOLOGY

18 April, 1995

The Honorable Tim Kelly
The Alaska Senate
Juneau, Alaska 99801

Dear Senator Kelly,

Thank you for meeting with me and others regarding House Bill 46 last Tuesday.

I am still very much concerned about the outcome of this important piece of legislation in the Senate. What we do in this State speaks louder than what we say. When we tell industry how good it is to do business here then load them up with costly regulations, Government credibility flies out the window.

House Bill 46 in it's present form without amendment is a compromise of a compromise but at least it gives some relief from the kind of signal that was sent to industry in 1990 when the exemption for in-house engineering was removed without comment from the public.

I am the President of a licensed, bonded engineering company and UL 508c manufacturing company of about 60 employees. I make my living selling engineering services so you might think that I would be on the other side of the fence on this issue, but to be so would indeed be short sighted. In order for all engineering companies to thrive there has to be a strong economy; and like it or not, our economy is natural resource based. The natural resource companies that are the foundation of our economy have invested billions of dollars in production facilities and have staffed them with qualified, educated engineers and technicians. To deny them the ability to work in their own facilities is bad business and should not be done.

I want Industry to feel welcome here. I want Industry to say Alaska is a great place to do business. I need Industry here in order to stay in business. House Bill 46 speaks to these issues and sends a clear signal to Industry that State Politicians do care, do want industry to feel welcome here and are trying to make Government work a little better for the majority of people.

Mailing Address

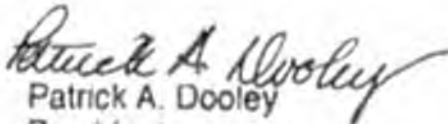
P O Box 202807 • Anchorage, Alaska 99520 • (907) 279-5515 • Fax (907) 276-5361

I ask you to strongly represent the importance of righting a wrong and use all of the force of your office and position in staving off the opposition of a select small group of people who cannot see beyond today for the good of tomorrow.

Alaska needs a common sense approach to the challenges of competing in a world market and what we do now will greatly affect our children lives tomorrow.

Thank you for your time, your efforts, your support and most of all your vision of what our State truly is

Sincerely,


Patrick A. Dooley
President

cc. Senator Torgerson
Senator Miller
Senator Duncan
Senator Salo

PRIME CABLE

January 26, 1995

The Honorable Senator Tim Kelly
State Capitol, Room 101
Juneau, Alaska 99801-1182

Dear Senator Kelly

Prime Cable of Alaska would like to add our endorsement for the proposed amendment to AS 08 48 331 (attached) submitted by the Alaska Telephone Association. This amendment restores the exemption of telecommunications organizations from having to have registered architects, engineers and land surveyors on staff for work that does not involve the offering of these services to the public.

Cable Television does not involve the use of electrical elements that present a hazard to the general public. All design and construction work is covered under and must comply with the National Electric Safety Code, National Electric Code, the Occupational Safety and Health Administration as well as individual agreements with our joint use utilities, Municipal Public Works department and the State Division of Transportation and Public Facilities. Joint work involving other utilities or government road projects are submitted to their engineering groups for review and approval. Any surveying required as a condition of a permit is contracted with a land surveying company. Requiring yet another level of official action will only result in unnecessary cost that would be passed on to the consumer.

It is therefore our belief that this exemption is of benefit not only to the telecommunications industry but also the general public. Thanks for your support of this amendment and I am available for further discussions of the matter with you or your staff at 786-9355.

Sincerely,


Gary S. Haynes
V.P. of Operations

Attachments



TelAlaska, Inc.

121 Alsea Road Anchorage Alaska 99507 907 549-2000 Fax 907 549-1858

Interior Telephone Co Mukluk Telephone Co Eyecon, Inc Alyeska Cable & Video Telco Properties

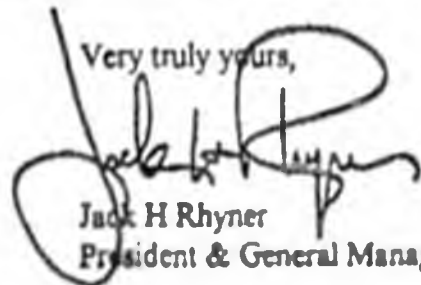
April 13, 1995

Honorable Loren Leman
Alaska State Legislature
State Capitol (MS 3101)
Juneau, AK 99801-1182

Dear Senator Leman:

I appreciate your contribution to the efforts to reach compromise language in HB46, relating to the practice of architecture, engineering and land surveying. Some compromise was made and is incorporated in CS HB46(STA). TelAlaska, Inc. serving 6,433 Alaskans, in 22 rural and remote locations with both telephone and CATV services supports the passage of this bill in its present form and respectfully requests your attention and support for it.

Very truly yours,



Jack H Rhyner
President & General Manager

cc: Senator Tim Kelly
Senator Drue Pearce

Steve Hamlen
President



Sent via Facsimile
Original Mailed April 13, 1995

The Honorable Senator Loman
Alaska State Legislature
State Capitol (MS 3101)
Juneau, AK 99801-1182

Re: P E Exemption, HB 46

Dear Senator Loman,

United Utilities, Inc. (United) appreciates your contribution to the efforts to reach compromise language in HB 46, relating to the practice of architecture, engineering and land surveying. Some compromise was made and is incorporated in CS HB46(STA). United supports the passage of this bill in its present form and respectfully requests your attention and support for it

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Hamlen".

cc Senator Tim Kelly
Senator Doug Pearce



Yukon Telephone Company, Inc.

P.O. BOX 873809

WABILLA, ALASKA 99687

TELEPHONE 907-373-6007

April 14, 1995

Honorable Loren Leman
Alaska State Legislature
State Capital (MS-3101)
Juneau, AK 99801-1182

Dear Senator Leman:

Yukon Telephone Company supports the passage of CS HB46 (STA) relating to the practice of architecture, engineering and land surveying. We do appreciate your contribution and support in the efforts to reach compromise language in HB46.

Sincerely,

Paula E. Eller

f.c. Senator Tim Kelly
Senator Druc Pearce

Post-It™ brand fax transmittal memo 7671		# of pages = 1
To	SEN. TIM KELLY	From K. A. Rupp
Co		Co
Dept		Phone # 265-1517
Fax # 465-3756		Fax # 265-1526

April 20, 1995

Senator Tim Kelly:

I am a registered Mechanical Engineer in Alaska, and support passage of CS HB 46 regarding the reinstatement of licensing exemptions for in-house engineers employed by industry. I have worked in both the commercial and industrial sector of the engineering profession through my 20 years in Alaska, and believe there is a vast difference between the two which result in different requirements for engineering licensing. The protection of the public and environment for engineers performing their work for in-house projects is already regulated by numerous state and federal agencies. Furthermore, industry facilities are not open to the public, nor are they normally traded or sold to unwitting buyers as is the case with commercial structures. Industry facilities are normally designed by teams of experienced engineers and the outcome of a poor design results in lost revenues, or worse yet, liability to the company for damages, ensure safe and reliable designs. Industries employing engineers utilize design standards that often exceed code requirements as a result, and utilize personnel performance reviews that effectively eliminate poor performers and unsafe designs.

Registration for those of us in industry serves no public purpose and bears no relation to the good served by controlling those who would offer their services to an unsophisticated buyer of those services, or for the civil works that all of us rely on for safe performance. Those opposing this exemption are self-serving in purpose attempting to gain control of work through unnecessary bureaucratic procedures. Their claims of protecting the public ring hollow when confronted with the facts. As Chairman of the Senate Labor and Commerce Committee, I ask that you support passage of CS HB 46.



Kenneth A. Rupp, PE
ME 4526
3206 South Circle
Anchorage, AK 99507
(907) 265-1517

Legislators, State of Alaska
April 19, 1995
Page 2

While we try to constrain our expenditures, we have many federal and state mandates that we can do very little about. This includes OSHA, DEC, EPA, special education, sex equity, child abuse, alcohol syndrome. These programs are mandated but we receive no, or inadequate funding, to comply with the regulations.

Employee salaries and the cost of administration have been mentioned several times as being exorbitant. I don't believe that is the case for this district. The cost of district administration is 4.1%. Our administrative costs include all salaries for administrators, secretaries and associated supplies for the board of education, superintendent, personnel, business office, warehouse, purchasing and data processing. Our employees have not had their salary schedules changed for four years. We have allowed step increases but our salary costs have been below the increase in the CPI.

Again, I would urge you to fully fund education as I believe the employees, administrators and tax payors of this district have done their part to maintain a viable and vibrant educational program for the youth of this district and state.

Sincerely,



Richard Swarner
Executive Director
Business Management

sg
Enclosures

via FAX



Engineering, Inc.

Facsimile

2522 Arctic Boulevard, Suite 200
Anchorage, AK 98503-2510
tel: (907) 276-0521
fax: (907) 276-1751

To: Senator Kelly

Company: _____

Phone: _____

Fax: 465-3756

From: Dick Armstrong

Date: 4/20/95

Project: _____

Comments: _____

2 Pages sent (including this sheet)

Alaska Telephone Association
Raytheon Engineers & Constructors
Council of Alaska Producers
MAPCO
ARCO
CIRI
Udelhoven Oilfield System Services
UNOCAL
Ketchikan Pulp Company

Alaska Cable Television Association
Alaska Miners Association
VECO Engineering, Inc.
Prime Cable
BP Exploration
NANA Test
Petro Star, Inc.
CTI Alaska, Inc.
Lapp Resources, Inc.

April 20, 1995

The above strongly support passage in the Senate of CS for HB 46 (STA) for the following reasons:

- HB 46 passed the House on a bi-partisan vote of 31-4
- Until 1990, a licensing exemption for in-house engineers was law in Alaska with no adverse impact on the public
- The in-house exemption for engineers was removed in 1990 with little or no public knowledge
- Similar exemptions are found in 37 other states
- Without an in-house exemption, there will be lengthy construction delays and substantial increases in the cost of doing business without corresponding benefit to the public
- Affected industries include telephone, cable, other utilities, mining, oil and timber
- Restoration of the in-house exemption will allow Alaska to be competitive in attracting business and investment dollars to the state
- All the above businesses and associations strongly support the compromise language reached in the House State Affairs Committee
- This compromise legislation does not apply to buildings or structures whose primary use is public occupancy

Alaska State Legislature

Senator Tim Kelly, Chair
Senator John Torgerson, Vice Chair
Senator Mike Miller
Senator Jim Duncan
Senator Judy Salo



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

SENATE LABOR AND COMMERCE
COMMITTEE

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

ADDENDUM FOR SB 28 PACKET

Letter of Opposition

Qwik Lube of Fairbanks



April 20, 1995

teleconference: Labor and Commerce, April 20, 1995, 1:30 Pm

MR. CHAIRMAN AND MEMBERS OF COMMITTEE

MY NAME IS WALLY HOPKINS, CHIEF EXECUTIVE OFFICER OF QWIK LUBE.

QWIK LUBE IS AN ALASKA CORPORATION, THAT HAS BEEN SERVICING ALASKA AND FAIRBANKS RESIDENTS FOR THE LAST 16 YEARS.

QWIK LUBE IS THE LARGEST PROVIDER OF EMISSION TESTING SERVICES IN THE STATE.

WE CURRENTLY EMPLOY 25 PEOPLE DIRECTLY INVOLVED WITH EMISSION TESTING IN THE ANCHORAGE AND FAIRBANKS INSPECTION AND MAINTENANCE PROGRAMS.

THE ANNUAL PAYROLL FOR THESE 25 PEOPLE IS IN EXCESS OF 1.1 MILLION DOLLARS.

THESE EMPLOYEES HAVE GONE THROUGH EXTENSIVE TRAINING AND TESTING TO BECOME EMPLOYED IN THE EMISSION TESTING INDUSTRY.

11 YEARS AGO WHEN THE EMISSION TESTING WAS MANDATED BY THE ENVIRONMENTAL PROTECTION AGENCY, ANCHORAGE AND FAIRBANKS VIOLATED THE CLEAN AIR STANDARDS ALMOST HALF OF THE DAYS.

IN RECENT YEARS, THE VIOLATION OF FEDERAL STANDARDS HAS FALLEN TO 3 OR 4 TIMES A YEAR, WHEN ANCHORAGE OR FAIRBANKS HAS AN EXTREME TEMPERATURE INVERSION.

THE CURRENT PROGRAMS THAT WE OPERATE IN ANCHORAGE AND FAIRBANKS ARE RECENTLY NEW. ANCHORAGE STARTED THE CURRENT PROGRAM IN MARCH OF 1994, AND FAIRBANKS STARTED THEIR CURRENT PROGRAM IN FEBRUARY OF 1994.

BASED ON THESE PROGRAMS, DURING THE LAST YEAR WE HAVE INVESTED IN EXCESS OF \$1,000,000 IN EQUIPMENT, FACILITIES AND TRAINING TO PROVIDE EMISSION TESTING SERVICES TO THE PUBLIC

IN DEALING WITH THE RESIDENTS (CONSUMERS) OF ANCHORAGE AND FAIRBANKS, THE BIGGEST COMPLAINT IS THE INCONVENIENCE AND TIME REQUIRED TO GET AN EMISSION TEST.

AS PRIVATE ENTERPRISE, WE HAVE ADDRESSED THIS PROBLEM HEAD ON.

SINCE THE NEW PROGRAMS WERE IMPLEMENTED IN 1994, WE HAVE PLANNED AND INVESTED IN FACILITIES, EQUIPMENT AND PERSONNEL TO BE ABLE TO PROVIDE THE SERVICES DEMANDED BY THE PUBLIC.

IN MARCH OF 1994, AFTER STANDING IN LINE AT THE DEPARTMENT OF MOTOR VEHICLES, I WOKE UP IN THE MIDDLE OF THE NIGHT WITH THE IDEA OF BEING ABLE TO PROVIDE OUR CUSTOMERS WITH THE ABILITY OF RE-REGISTERING THEIR VEHICLES WHILE THEY ARE AT OUR FACILITIES GETTING THEIR I/M TESTING DONE.

I WROTE IT DOWN AND THE NEXT MORNING IT STILL MADE SENSE.

IN MARCH I MET WITH MR. DULANY, DIRECTOR OF THE DIVISION OF MOTOR VEHICLES AND PRESENTED MY IDEA.

AFTER THE 1ST MEETING, I PREPARED A PROPOSAL TO DO A PILOT PROGRAM WITH THE STATE ON THE CONCEPT OF BEING ABLE TO DO VEHICLE RE-REGISTERING AT OUR FACILITIES

THE DMV EVALUATED MY PROPOSAL AND IN FEBRUARY OF 1995, WE INSTALLED THE NECESSARY COMPUTER EQUIPMENT AND SOFTWARE TO BEGIN PROCESSING VEHICLE REGISTRATIONS AT OUR NEW EMISSION TESTING FACILITY IN ANCHORAGE. AFTER ONLY THREE WEEKS INTO A 90 DAY PILOT PROGRAM, THE PROGRAM WAS DEEMED A SUCCESS AND WAS OPENED UP TO OTHER EMISSION TESTING FACILITIES IN ANCHORAGE. WE HOPE TO BE ON LINE IN FAIRBANKS WITHIN THE NEXT 30 DAYS.

OUR CUSTOMERS ARE ELATED. A PRIME EXAMPLE OF PRIVATE ENTERPRISE AND GOVERNMENT WORKING TOGETHER.

IN AUGUST 1994, WE OPENED THE 1ST EMISSION TEST CENTER IN ANCHORAGE, AT 36TH AND THE OLD SEWARD HIGHWAYS, AT THIS CENTER WE DO NOTHING BUT EMISSION TESTING, AND WE HAVE A REPAIR FACILITY AVAILABLE ON THE PROPERTY TO TAKE CARE OF OUR FAILED CUSTOMERS.

AT THIS CENTER WE CAN CURRENTLY TEST 8 VEHICLES AT A TIME AND WE ARE GEARING UP TO BE ABLE TO DO 12 AT A TIME.

THE AVERAGE WAIT TO GET A VEHICLE TESTED IS LESS THAN 10 MINUTES.

WE ARE CURRENTLY DOING 22 1/2% OF THE VEHICLES BEING TESTED IN ANCHORAGE THROUGH THIS FACILITY.

SINCE TESTING OF VEHICLES BEGAN IN 1985, THE VEHICLES ARE RUNNING CLEANER. A SIDE EFFECT OF THE TESTING IS THAT THE VEHICLES ARE BETTER MAINTAINED. MAINTAINED VEHICLES COST THE CONSUMER LESS TO OPERATE AND YOU DON'T SEE THE JUNK ON THE ROAD, AS YOU DID 10 YEARS AGO.

THE EMISSION TESTS DONE IN ANCHORAGE AND FAIRBANKS ARE SIMILAR. IN ANCHORAGE THE TEST CONSISTS OF:

- (1) WE DO A COURTESY SAFETY INSPECTION OF LIGHTS, WINDSHIELDS, TIRES, BODY DAMAGE, ETC.
- (2) WE INSPECT THE VEHICLES TO SEE IF THE EMISSION COMPONENTS THAT CAME WITH THE VEHICLE ARE STILL THERE.
- (3) WE CHECK THE COMPONENTS TO SEE IF THEY ARE STILL FUNCTIONING.
- (4) WE ANALYZE THE TAIL PIPE EXHAUST AND MEASURE BY MACHINE THE AMOUNTS OF HYDROCARBONS AND CARBON MONOXIDE THE VEHICLE IS EMITTING AT IDLE AND AT 2500 RPM

IN FAIRBANKS, THE PROGRAM DOES NOT INCLUDE THE COURTESY SAFETY INSPECTION.

IF THE VEHICLE FAILS ANY OF PART 2, 3 OR 4, THE VEHICLE FAILS THE TEST AND THE VEHICLE HAS TO BE REPAIRED OR EXCEED UNDER THE INDIVIDUAL PROGRAMS.

DURING THE PAST 10 YEARS THE FOLLOWING LEVELS OF GOVERNMENT HAVE ESTABLISHED THE CURRENT PROGRAMS:

1. EPA MANDATE

2. ALASKA "DEC" MANDATE TO LOCAL GOVERNMENT,

3. LOCAL GOVERNMENT HAS INTRODUCED ORDINANCES AND HELD PUBLIC HEARINGS TO DETERMINE THE PROGRAMS THEY NOW HAVE IN EFFECT. THERE HAVE BEEN COMMITTEES SET UP BY LOCAL GOVERNMENT TO MONITOR AND EVALUATE THE PROGRAMS. THERE HAS BEEN THOUSANDS OF VOLUNTEER MAN HOURS DEVOTED TO CLEANING UP THE AIR IN ANCHORAGE AND FAIRBANKS.

SUMMARY:

IF YOU ELIMINATE HALF OF THE EMISSION TESTING BEING DONE, YOU WILL HAVE A SIGNIFICANT IMPACT ON ANCHORAGE AND FAIRBANKS' ABILITY TO MEET AND MAINTAIN AMBIENT AIR QUALITY STANDARDS.

IF THIS BILL PASSES, YOU WILL ELIMINATE 50 % OR MORE OF THE JOBS WITHIN THE EMISSION TESTING INDUSTRY.

YOU WILL PUT AN HARDSHIP ON THE RESIDENTS OF ALASKA THAT ARE SUBJECT TO EMISSION TESTING, BY PUTTING EXTENSIVE COSTS OF REPAIR ON FAILED VEHICLES, WHICH WILL MORE THAN DOUBLE OVER A TWO YEAR PERIOD.

YOU WILL PUT A EXTREME HARDSHIP ON BUSINESSES THAT HAVE IN GOOD FAITH PLANNED, DEVELOPED AND PROVIDED THE EMISSION TESTING BASED ON ESTABLISHED PROGRAMS.

I'M NOT SUGGESTING THE EXISTING PROGRAMS DON'T HAVE ROOM FOR IMPROVEMENT, BUT IF YOU PASS THIS BILL WITHOUT LOOKING INTO ALL OF THE REPERCUSSIONS, YOU HAVE PASSED ON A BAD BILL.

HB

60

ALASKA STATE LEGISLATURE

216 W. FOURTH AVE., SUITE 340
ANCHORAGE, ALASKA 99501
PHONE: 258-8161 Fax: (907) 258-8171

STATE CAPITOL
JULIA SEAU, ALASKA 99801-1182
PHONE: 465-1825
FAX: 907-465-4588



CO CHAIR
ANCHORAGE CAUCUS
JUDICIARY
OIL & GAS
LEGISLATIVE COUNCIL

REPRESENTATIVE BETTYE DAVIS DISTRICT 21

SPONSOR STATEMENT

CSHB 60 (HES): An Act relating to impairment rating guides used in evaluation of certain workers' compensation claims

CSHB (HES) provides that the most recently published edition of the American Medical Association Guides to the Evaluation of Permanent Impairment (Guides) shall be used in determining eligibility for benefits under the Alaska Workers' Compensation Act. CSHB 60 (HES) also provides that the Alaska Workers' Compensation Board shall begin using the new edition not later than 90 days after the date of publication.

The Department of Labor currently adopts new editions of the Guides by regulation. Although the 4th edition of the Guides was published in June 1993, the regulation adopting this edition will not go into effect until later this month; a delay of almost three years.

Older editions of the Guides do not include some injury types and do not reflect current thinking on degrees of injury given new medical technology and prognosis for recovery. The Department of Labor has stated in a position paper that: "Allowing the use of the current edition of the publication in effect at the time of the impairment rating will reduce the need for Board hearings and ensure that those applicants who meet current requirements will qualify for benefits."

In addition to the Department of Labor, CSHB 60 (HES) is also supported by industry and the medical profession. The bill, which has two zero fiscal notes, passed out of the House unanimously.

BILL NO: Senate Bill No. 365 am

DATE: April 25, 1994

TITLE: Governor's Omnibus Bill

CONTACT: Arbe Williams
465-2700

Senate Bill No. 365 as amended incorporates three changes to the Alaska Workers Compensation Act. The amendments are part of the solution to what the department views as a critical problem in meeting the time frame for processing Decisions & Orders that are mandated in statute.

Section 4 proposes to amend AS 23.30.041(e) to adopt the latest federal publication of "Selected Characteristics of Occupations Defined in the Dictionary of Occupational Titles" (SCODDOT). This publication reflects current training and physical requirements of jobs and is the basis for determining eligibility for reemployment benefits under standards established in the 1988 amendments to the Alaska Workers' Compensation Act. The latest publication recognizes changes in the physical capacity or demands of specific jobs, and includes job titles previously not identified. Adopting the revised publication will reduce the need for administrative hearings since injured workers will not need to challenge the use of an outdated version of SCODDOT and will ensure that those applicants who meet current requirements of jobs will qualify for benefits.

Section 5 proposes to amend AS 23.30.095(k) to clarify the authority of the Alaska Workers' Compensation Board to delegate its authority to division staff to arrange necessary independent medical evaluations (IME's). Division staff have for many years regularly arranged IME's; however, recently the Assistant Attorney General assigned to the Board questioned the regulation giving staff authority to arrange such evaluations. Clarifying the Board's authority to delegate this administrative function will reduce the need to convene the Board to approve such arrangements. This will allow the Board to concentrate their effort on the adjudication of claims, rather than on administrative procedures. In addition, timely medical evaluations will contribute to the timely finalization of worker's compensation claims.

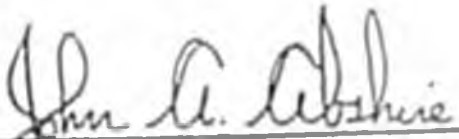
Section 6 proposes to amend AS 23.30.190(b) to allow the use of the edition of the American Medical Association Guides to the Evaluation of Permanent Impairment in effect at the time of the impairment rating. This publication is the basis for determining eligibility for permanent partial impairment compensation and reemployment benefits adopted in the 1988 amendments to the Alaska Workers' Compensation Act. Allowing the use of the current edition of the publication in effect at the time of the impairment rating will reduce the need for Board hearings and ensure that those applicants who meet current requirements will qualify for benefits. The older version of the AMA guides do not include some injury types and do not reflect current thinking on degrees of injury given new medical technology and prognosis for recovery.

POSITION PAPER/Department of Labor

April 25, 1994

The adoption of the latest publications and the clarification of the Board's authority is supported by the Alaska Workers' Compensation Board, the medical community, private rehabilitation specialists, employers and injured workers. The Department of Labor supports Senate Bill No. 365 as amended and would urge passage this legislative session.

APPROVED:



Charles W. Mahlen, Commissioner

POSITION PAPER/Department of Labor

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.

American Medical Association
Physicians dedicated to the health of America



Guides to the Evaluation of Permanent Impairment

Fourth Edition

American Medical Association

Copyright © 1993, 1990, 1988, 1984, 1977, 1971 by the
American Medical Association
All rights reserved

First Edition—1971

Second Edition—1984

Third Edition—First Printing December 1988

Second Printing February 1989

Third Edition (Revised)—December 1990

Fourth Edition—June 1994

Second Printing January 1995

ISBN: 0-8970-555-7

Additional copies may be purchased from:
Order Department OP025495
American Medical Association
P.O. Box 109050
Chicago, Illinois 60610

Comments or Inquiries to:
Department of Preventive Medicine and Public Health
American Medical Association
515 North State Street
Chicago, Illinois 60610

(312) 464-5000

MA2 93 938 2591 1 91

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

515 North State Street
Chicago, Illinois 60610

712 184 1111
312 184 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".

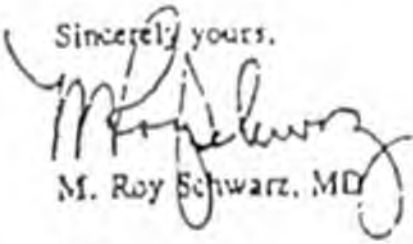
The position of the AMA quoted above reflects advice that the AMA's staff provided in May, 1992, to the staff of each state medical society.

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

FISCAL NOTE

No. 3
 Bill Version: CSHB 60(HES)
 (H) Publish Date: 2/16/96

STATE OF ALASKA
 1996 LEGISLATIVE SESSION

Revision Date: _____
 Title: Impairment rating guides for
 Workers' Comp
 Sponsor: Representative B. Davis
 Requestor: House HESS

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

COMPONENT SERIAL NO. 144

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

CHANGE IN REVENUE						
FUND SOURCE #						

FUNDING:

(Thousands of Dollars)

	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY96) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

This bill proposes amending AS 23.30.19C(b) to use the most recent published editions of the American Medical Association Guides, including supplementary materials, for the Evaluation of Permanent Impairment.

Prepared by: Paul Grossl, Director *Paul Grossl* Phone: 465-2790
 Division: Workers' Compensation *1-19-96* Date: 1/19/96
 Approved by Commissioner: Tom Cashen, Commissioner *Tom Cashen*
 Agency: Department of Labor Date: 1/19/96

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

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

No. 4
Bill Version: CSHB 601755
(-) Publish Date: 2/16/96

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

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

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1008 GF/MHTIA						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 96) 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.

Agency "Cost of Risk" premium allocations — inter-agency receipts collected by Risk Management — reflect average of 5 prior years of actual claims costs incurred. Any cost increases incurred applying newer rating guideline will be added into this claims experience - and considered in future workers' compensation premium allocations to each agency.

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

Prepared by: Brad Thompson, Director
Division: Risk Management

Phone: 465-5723
Date: _____

Approved by Commissioner: Mark Boyer
Agency: Department of Administration

Date: 2/16/96

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

HB

73



Representative Tom Brice

ALASKA STATE LEGISLATURE

119 N. Cushman, Ste. 205
Fairbanks, AK 99701
907-456-7423 / Fax: 451-9293

While in Juneau
State Capitol
Juneau, AK 99801-1182
907-465-3466

Sponsor Statement

CSHB 73 (L&C)

Licensure of Manicurists

The practice of manicuring involves the use of tools and chemicals which, when used incorrectly or improperly, may be dangerous and constitute a health threat to consumers. The practice of manicure is completely unregulated in Alaska, one of only eight states with no oversight in this area. Over the years the legislature has recognized and acted on the need to oversee the practice of vocations where the health, safety, and welfare of the public are at stake, including similarly situated vocations such as barbering and cosmetology.

The bill would simply add manicuring to the list of vocations controlled by the Board of Barbers and Hairdressers. CSHB 73 (L&C) would empower the Board with the duties and responsibilities relating to manicure, including issuing examinations, setting standards and qualifications, and approving licenses for manicurists in order to give the public some assurance that those who practice manicure have the appropriate education and vocational training to ensure public health and safety. This legislation also contains a transitional provision designed to grandfather licenses to those who have, prior to the effective date of this bill, actively engaged in the practice or teaching of manicure and hold proper educational and practical credentials. The Board of Barbers and Hairdressers, as well as members of the barbering and hairdressing vocation, have long recognized the need to regulate this aspect of their industry.

CSHB 73 (L&C) allows for reasonable control of a vocation that carries serious public health implications, thus giving the Board of Barbers and Hairdressers the ability to address this area of concern and ensure the health and safety of Alaskan consumers.

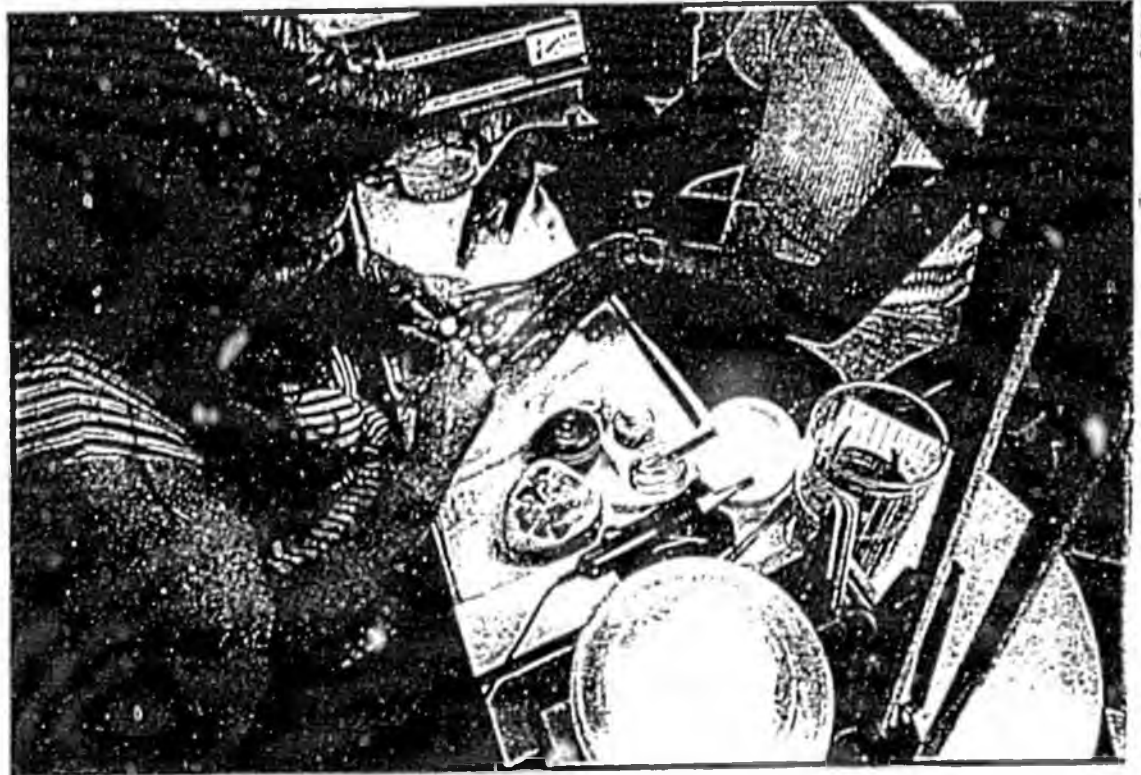


Fingernails

COMPLIMENTS OF THE
ALASKA STATE LIBRARY

Looking Good While Playing Safe

by Paula Kutzweil



With the ease that comes from years of practice, Julie Le, of Nails R Us in Alexandria, Va., sets out to remake customer Natalie Harris' nails. She buffs, files, snips, clips, smooths, and then, with a nod from Harris, paints on ruby red polish.

It's a process repeated every day throughout the country as thousands of women like Harris—and men, too—strive for beautiful nails. They seek the services of nail and beauty salons or manicure their nails themselves with a host of nail products available on the market.

The reason, said Kim Siridavong, owner of Nails R Us, is simple: "Everybody wants to look good."

But achieving that look is not without potential hazard. Infections and allergic

reactions can occur with some nail services and products. Some chemicals in nail products, if ingested, are poisonous. Many are flammable.

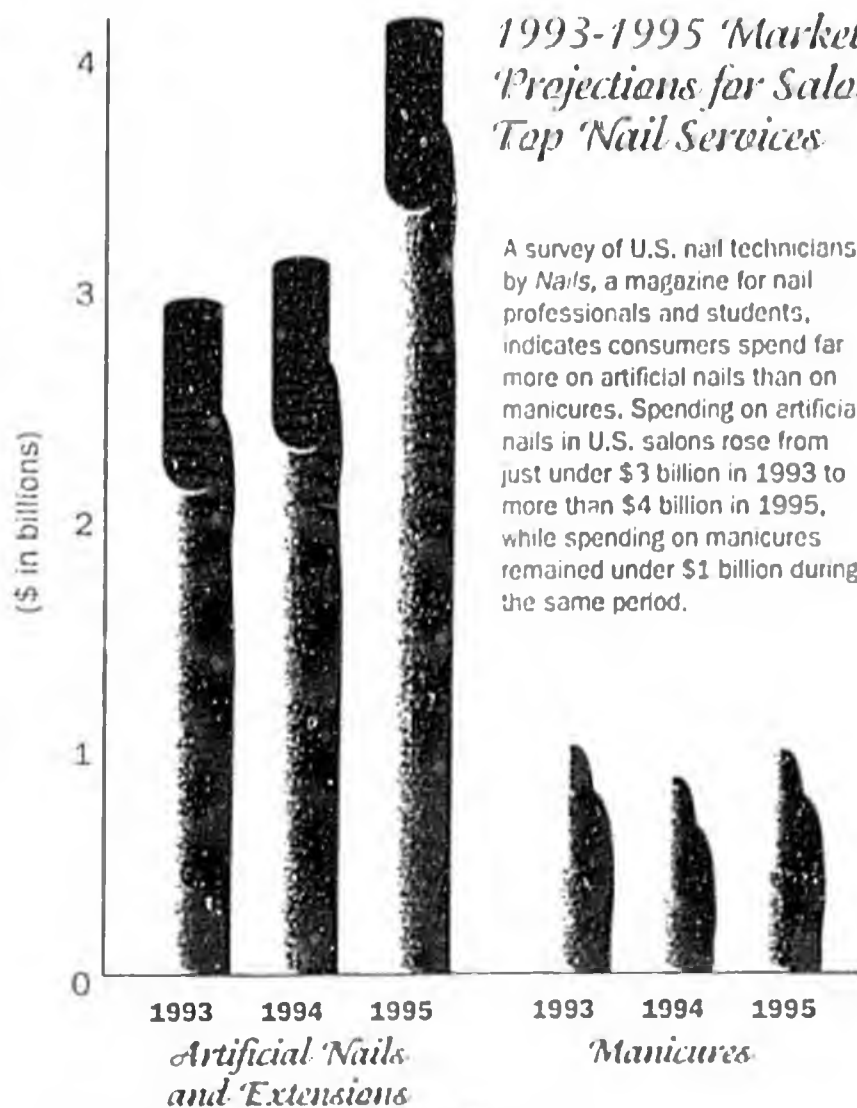
Relying on nail and beauty salons is not risk free, either. They use the same products, and they may present a greater risk for disease transmission.

Federal and state regulations help reduce the risks, but consumers also need to take care that their pursuit of beautiful nails ensures healthy nails.

Growth of an Industry

With the increased use of nail services and products in recent years has come growing concern about safety. According to *Nails 1995 Fact Book*, U.S. consumers will spend an estimated \$5.2 billion on nail services in 1995, half a

Above, manicurist Julie Le trims a customer's cuticle area. At right, she adds the finishing touch—polish.



A survey of U.S. nail technicians by *Nails*, a magazine for nail professionals and students, indicates consumers spend far more on artificial nails than on manicures. Spending on artificial nails in U.S. salons rose from just under \$3 billion in 1993 to more than \$4 billion in 1995, while spending on manicures remained under \$1 billion during the same period.

(Sources: *Nails 1994 Fact Book* and *Nails 1995 Fact Book*)

issued in 1985. The guidelines targeted, among others, personal-service workers, such as manicurists and pedicurists. To date, there have been no reports of transmission of blood-borne diseases to or from a personal service worker, according to CDC.

Nail Infections

More common nail problems, dermatologists report, are infections from bacteria, such as *Staphylococcus*; fungi, such as *Candida* (also known as yeast); and skin viruses, such as warts.

Bacterial and fungal infections frequently result from artificial nails, whether applied at home or in a salon. A bump or knock to a long artificial nail may cause it to lift from the natural nail at the base, leaving an opening for dirt to get in. If the nail is reglued without

proper cleaning (with rubbing alcohol, for example), bacteria or fungi may grow between the nails and spread into the natural nail.

Also, as the natural nail grows, an opening develops between the natural nail and artificial nail. If this space is not filled in regularly, it can increase the chances for infection.

A fungal infection can take hold when an acrylic nail is left in place too long—such as three months or more—and moisture accumulates under the nail.

Bacterial, fungal and viral infections also can occur from using insanitary nail implements, especially in a salon, where the same implements are used on many people.

Unclean implements are especially dangerous if the skin around the nail is broken. This can occur with overzealous

manicuring—if, for example, too much of the cuticle is cut or pushed back too far. If the cuticle is cut or separated from the fingernail, infectious agents can get into the exposed area. This is why dermatologists recommend leaving cuticles intact.

Symptoms of an infection include pain, redness, itching, and pus in or around the nail area. Yellow-green, green, and green-black nail discolorations are signs of a *Pseudomonas* bacterial infection. A blue-green discoloration signals a fungal infection.

If an infection appears while wearing artificial nails, they should be removed and the area cleaned thoroughly with soap and water. If symptoms persist, the person should consult a doctor, who may prescribe a topical or oral anti-infective medicine.

There are no approved nonprescription products to treat fungal nail infections, and over-the-counter products to treat other types of fungal infections should not be used for nail infections. In a review of OTC antifungal products, FDA found that fungal infections of the nails respond poorly to topical therapy, partly because of the nail's thickness. So, in 1993, the agency ruled that any OTC product labeled, represented or promoted as a topical antifungal to treat fungal infections of the nail is a new drug and must be approved by FDA before marketing. This rule, which went into effect in 1994, does not include prescription antifungal products.

Despite the rule, some companies continue to sell unapproved OTC nail products, such as nail glues, with antifungal claims. FDA has warned these companies it might take legal action if they don't stop selling the products.

Allergies and Other Hazards

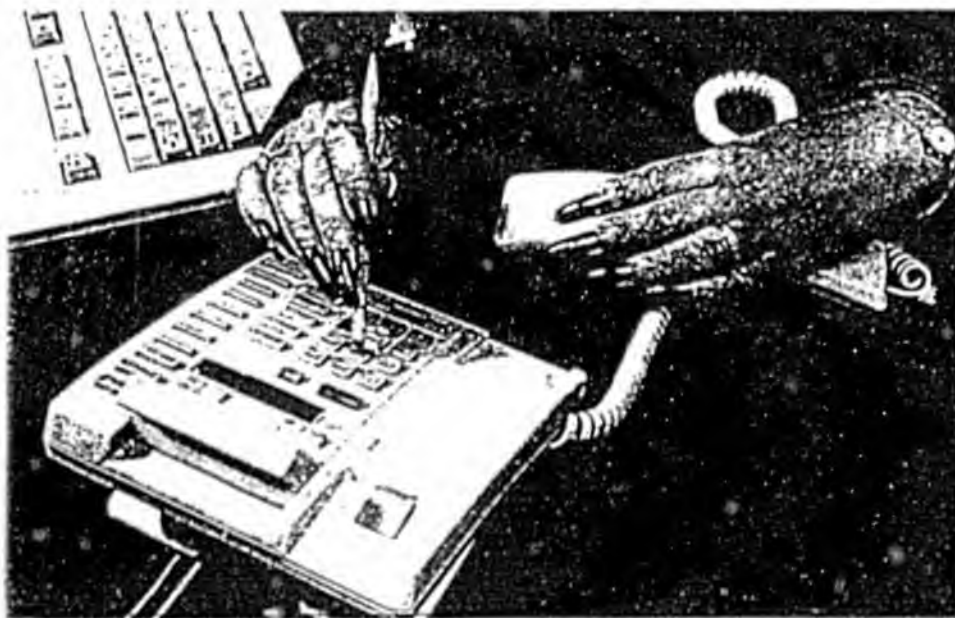
Other common problems associated with nail products are allergic reactions, such as contact dermatitis, a skin rash characterized by redness and itching and sometimes tiny blisters that ooze. (See "Contact Dermatitis: Solutions to Rash Mysteries" in the May 1990 *FDA Consumer*.)

Certain nail ingredients are known for their tendency to cause allergic reactions. Residual traces of the basic building blocks of acrylic resins ("acrylates")

Precautions for Artificial Nails

- If there is any question about sensitivity to the materials in artificial nails, have one nail done as a test and wait a few days to see if a reaction develops.
- Never apply an artificial nail if the natural nail or skin around it is infected or irritated. Let the infection heal first.
- Read the directions for do-it-yourself nails before applying them, and follow the directions carefully. Save the ingredient list for your doctor in case you have an allergic reaction or other injury.
- Treat your artificial nails with care. They may be stronger than your own, but they still can break and separate. Try not to bump or knock them. Find new ways to do ordinary tasks, like using a pencil to dial or depress the numbers on the phone.
- If an artificial nail separates, dip the fingertip into rubbing alcohol to clean the space between the natural and artificial nails before reattaching the artificial nail. This will help prevent infection.
- Never use household glues for nail repairs. Use only products intended for nail use, and follow directions.
- Don't wear artificial nails for longer than three months at a time. Remove them for one month to give nails a rest.
- Keep nail glues and other poisonous substances out of the reach of children. ■

—P.K.



Reporting Adverse Nail Product Reactions

Doctors, nail technicians, and consumers should report adverse reactions from nail products to the nearest FDA office, listed in the blue section of the telephone book. Or, write to:

Food and Drug Administration
Center for Food Safety and Applied Nutrition
Office of Cosmetics and Colors (HFS-100)
1015 C St., S.W.
Washington, DC 20204

used in artificial nails, for example, can cause redness, swelling and pain in the nail bed. In some cases, the reaction is so severe that the natural nail separates from the nail bed, and although a new nail usually grows in, it may be imperfect if the nail root has been damaged.

Nail strengtheners that contain "free formaldehyde" may cause an irritation or reaction, as can certain other chemicals in nail glues and polishes.

In the late 1970s, use of methyl methacrylate, then a common ingredient in artificial nail products, resulted in FDA receiving a number of reports of injuries and allergic reactions, including damage and deformity of fingernails and contact dermatitis. The ingredient now is rarely used because of legal action against a former manufacturer of methyl methacrylate-containing products and numerous seizures and recalls of such products. Methyl methacrylate has since been replaced with other chemicals, such as ethyl methacrylate. However, according to John Bailey, Ph.D., acting director of FDA's office of cosmetics and colors, the replacement chemicals have never been fully studied for safety, and they may be as harmful as methyl methacrylate.

"Our current guidance is that products containing ethyl methacrylate should be used only by trained nail technicians under conditions that minimize exposure and skin contact because of their potential to cause allergies," he said.

Whatever the cause, allergic reactions usually take place where the product has been applied or where it has inadvertently come in contact with other skin surfaces, such as the face, eyelids and neck.

When the offending agent is no longer used, reactions clear up. Sometimes, the user can identify the chemical causing the allergic reaction and avoid it.

Though rare, some nail products can cause illness and even death, particularly if ingested by children. In 1987, a 16-month-old toddler died of cyanide poisoning after swallowing a mouthful of solvent used to remove sculptured artificial fingernails. At least one other youngster was rushed to the emergency room for intensive care after swallowing a similar product. These products

Selecting a Safe Nail Salon

To help you decide if a salon provides sanitary nail services, nail and public health experts suggest considering the following:

- Is the salon licensed? Licenses often are posted. If you don't see one, ask.
- Are the nail technicians licensed? These licenses also are usually posted. Ask if you don't see one for your technician.
- How are nail implements sanitized? Autoclaving (heat sterilization) is best, says Ralph Daniel, M.D., a dermatologist in Jackson, Miss. But most states allow chemical sterilizing as long as the implements are immersed in the solution for at least 10 minutes between custom-

ers. Ask the technician what the salon's practices are. If they're using a chemical solution, check the product's label for words like "germicidal" to indicate that it is strong enough to kill bacteria. If in doubt, bring your own implements, Daniel suggests.

- Is there a pre-service scrub? Both the nail technician and the client should wash their hands with an antimicrobial soap before nail work begins.
- Is each customer given a fresh bowl of soapy water to soak their nails in and is a new nail file used for each customer? Both practices should be followed.
- Is the facility neat and clean? Paul Kechijian, M.D., a clinical associate professor of dermatology and chief of

the nail section at New York University, compares selecting a salon to selecting a restaurant. "Ask yourself when you walk in: Would you want to eat there?" he says.

- Is there a strong smell of fumes? If there is, it's a sign that the facility is poorly ventilated, says John Bailey, Ph.D., acting director of FDA's office of cosmetics and colors. Inhaling the fumes from nail products can make you sick.

If you have a complaint about a salon providing nail services, contact your state board of cosmetology. ■

—P.K.

contained acetonitrile, a chemical that breaks down into cyanide when swallowed. Since 1990, the Consumer Product Safety Commission has required household glue removers containing more than 500 milligrams of acetonitrile in a single container to carry child-resistant packaging. This includes glue removers for artificial nails.

Nail products also can be dangerous if they get in the eyes. And they can easily catch on fire if exposed to the free flame of the pilot light of a stove, a lit cigarette, or even the heating element of a curling iron.

Consumers should read labels of nail products carefully and heed any warnings.

Healthy Nails

From current consumer habits, one might surmise that the main function of nails is to look good. But nails serve several physiological purposes: They enhance fine touch and fine motor skills and protect the fingers and toes. Doctors also may examine them for indications of serious underlying diseases; for example, clubbed nails (a condition in

which fingers or toes thicken and the nails wrap around them) is a classic sign of chronic lung and heart disorders. For those reasons, it's important to keep nails healthy.

With proper care and precautions, nails can be both healthy and attractive. ■

Paula Kotowski is a member of FDA's public affairs staff.

SCULPTURE QUIK ARTIFICIAL NAIL REMOVER

- Dissolves all sculptured nails, gels, wraps, and glue.
- Economical, can be used for several removers.

WARNING: FLAMMABLE. KEEP AWAY FROM HEAT AND FLAME. DO NOT INGEST, INHALE OR GET INTO EYES. MAY BE HARMFUL OR FATAL IF INGESTED. IF INGESTED, OR EYE CONTACT OCCURS, GET IMMEDIATE MEDICAL HELP. KEEP OUT OF THE REACH OF CHILDREN. DO NOT USE IF FINGERS OR NAILS ARE RED, INFLAMED OR INFECTED.

INGREDIENTS: Acetone, Gamma Butyrolactone, PPG-15 Stearyl Ether, Matricaria Chamomilla Extract.



The dangers listed on the label of this artificial nail remover apply to many nail products.

States Participating In National Testing

(as of June 1992)

Basle	Montana	Estheticians
Cosmetology	Nebraska	Alabama
Alabama	Nevada	Alaska
Alaska	New Hampshire	Arizona
Arizona	New Mexico	Arkansas
Delaware	North Carolina	Delaware
District of Columbia	North Dakota	District of Columbia
Georgia	Oklahoma	Georgia
Guam	Pennsylvania	Idaho
Idaho	Rhode Island	Illinois
Illinois	South Carolina	Indiana
Indiana	Tennessee	Louisiana
Kansas	Texas	Maine
Louisiana	Virginia	Maryland
Maine	West Virginia	Mississippi
Maryland		Nebraska
Mississippi	Manicurists	Nevada
Missouri	Alabama	New Mexico
Montana	Arizona	Pennsylvania
Nebraska	Arkansas	Rhode Island
Nevada	Delaware	South Carolina
New Hampshire	District of Columbia	Tennessee
New Jersey	Georgia	Vermont
New Mexico	Idaho	Wisconsin
North Carolina	Indiana	
North Dakota	Kansas	Electrology
Ohio	Louisiana	Idaho
Oklahoma	Maine	Kansas
Pennsylvania	Maryland	Montana
Rhode Island	Mississippi	Nevada
South Carolina	Missouri	New Mexico
South Dakota	Montana	Ohio
Tennessee	Nevada	Utah
Vermont	New Hampshire	
Virginia	New Jersey	
West Virginia	New Mexico	
	North Carolina	
Instructors	Ohio	
Alabama	Oklahoma	
Alaska	Pennsylvania	
Arizona	Rhode Island	
Delaware	South Carolina	
District of Columbia	Tennessee	
Georgia	Texas	
Guam	Vermont	
Idaho	Virginia	
Indiana	West Virginia	
Louisiana		
Maine	Managers	
Minnesota	District of Columbia	
Mississippi	North Dakota	
Missouri	Pennsylvania	

States having Licensed Manicurists

State	Hours
Alabama	300
Arizona	300
Arkansas	350
California	350
Colorado	350
Delaware	250
District of Columbia	125
Florida	120
Georgia	none
Hawaii	350
Idaho	300
Indiana	300
Iowa	40
Kansas	350
Kentucky	300
Louisiana	500
Maine	200
Maryland	100
Massachusetts	100
Michigan	300
Minnesota	350
Mississippi	250
Missouri	350
Montana	350
Nevada	500
New Hampshire	150
New Jersey	200
New Mexico	500
North Carolina	150
North Dakota	150
Ohio	200
Oklahoma	300
Oregon	350
Pennsylvania	200
Rhode Island	300
South Carolina	300
Tennessee	300
Texas	250
Virginia	150
Vermont	150
Washington	500
West Virginia	400
Wisconsin	300
Wyoming	350

Total for 44 States

1—None	4—200 hours
1—40 hours	3—250 hours
2—100 hours	11—300 hours
1—120 hours	11—350 hours
1—125 hours	1—400 hours
4—150 hours	2—500 hours

Mariann Stoffel
1352 Pioneer Peak Dr.
Wasilla, Ak. 99654
January 13, 1996

Representative Brice
Legislative Office Bldg
Juneau, Alaska

Dear Representative Brice:

I am writing in regards to house bill 73 referring to
"An Act relating to the licensure of manicurists"

First of all I'd Like to thank you for drafting this bill. As
a Hairdresser working in the industry for nearly 30 years it
is a wonder to me that manicuring ever was taken away from
the regulation of the Board of Barbers and Hairdressers.

I have been serving on the Barber and Hairdresser board since
Nov. 1992 (I was confirmed by the Legislature in '93) ever
since that time the licensing of manicurist in the State of
Alaska has been on our agenda. We have heard testimonies of
others in our industry who come from all over the State to
testify of the need to regulate manicurist. The primary need
is to protect the public from those practicing without proper
training and sanitary skills.

In our March 5th and 6th Board meetings we discussed at
length House Bill 73 I can assure you the the Board is
unanimous in favor of this bill.

If you have any further questions please do not hesitate to
contact me.

Sincerely,

Mariann Stoffel

Mariann Stoffel
Chair. Board of
Barbers and Hairdressers

NEW CONCEPTS BEAUTY SCHOOL, INC.
3677 COLLEGE ROAD UNIT IV
FAIRBANKS, AK. 99709

JAN. 11, 1996


ATTENTION TOM PRICE:

As the owner of New Concepts Beauty School, INC. I have supported House Bill 73 because I feel the the Health, Safety and Trust of the public has been compromised by unlicensed, untrained individuals practicing manicuring in an unsafe and unsanitary manner.

It has been frustrating when a consumer comes to me seeking advice as to whom they should contact to report a person who has caused permanent damage and disfigurement. I have to tell them there is no regulation in this area. I can compare this to a Doctor or Dentist using implements that were just used on another person.

I would ask the committee to look at this Bill seriously and "PASS IT".

Thank you



Sally S. "Sara" Eddings
President / C.O.E.