

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9295 HOUSE LABOR & COMMERCE

12/17/96  
from Pete Kott

\_\_\_\_ BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reporting and other requirements relating to certain  
2 employment accidents; and providing for an effective date."

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

4 \* Section 1. AS 18.60.058 is amended to read:

5           Sec. 18.60.058. Reporting of injuries and illnesses. (a) In the event of an  
6 employment accident that is fatal to one or more employees or that results in the  
7 in-patient [OVERNIGHT] hospitalization of one or more employees, the employer  
8 shall report the accident orally by telephone[, TELEGRAM, RADIO,] or in person to  
9 the nearest office of the division of labor standards and safety or by telephone to the  
10 federal toll-free number provided by the division. The report must relate: the name  
11 of the establishment, the location of the accident, time of the accident, a contact  
12 person, a phone number, a brief description [THE CIRCUMSTANCES] of the  
13 accident, the number of fatalities or hospitalized employees, and the extent of any  
14 injuries. Except as provided in (b) of this section, the [THE] report must be made

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immediately but in no event later than eight [24] hours after receipt by the employer of information that the accident has occurred.

(b) If, after the deadline for reporting set in (a) of this section, the employer first receives information of a fatality or the in-patient hospitalization of one or more employees resulting from an employment accident, the employer shall make the report required by (a) of this section immediately, but in no event later than eight hours, after receipt by the employer of the information of the fatality or in-patient hospitalization. The report under this subsection must be made in the manner, and contain the information, specified in (a) of this section. This subsection does not apply to an employer who, more than 30 days after an employment accident, first received information that the accident resulted in the fatality or the in-patient hospitalization of one or more employees.

(c) In the event of an employment accident that is reportable under (a) of this section [FATAL TO ONE OR MORE EMPLOYEES OR THAT RESULTS IN THE OVERNIGHT HOSPITALIZATION OF TWO OR MORE EMPLOYEES,] equipment, material, or product related to the injury or fatality may not be moved or altered until clearance is given by the department, except when compliance with this requirement would interfere for an unreasonable length of time with work or create additional hazards. If equipment, material, or products must be moved or altered before department clearance, the employer shall submit a detailed investigative report of the accident to the division.

\* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

# LEGAL SERVICES

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

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


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

## MEMORANDUM

January 29, 1997

**SUBJECT:** Bill draft relating to boiler, pressure vessel, and elevator standards  
(Work Order 20-LS0423\A)

**TO:** Representative Norman Rokeberg, Chair  
House Labor and Commerce Committee  
Attn: Shirley Armstrong

**FROM:**   
Theresa Bannister  
Legislative Counsel

This memo accompanies a draft of the bill that you requested relating to boiler, pressure vessel, and elevator standards. With regard to the elevator inspection standards, I suggest that you indicate in the bill who publishes the National Standard Practice for the Inspection of Elevators and Escalators. This addition would make the reference to the publication more specific and avoid any possible confusion with another publication with a similar title.

If I may be of further assistance, please advise.

TLB:jdr  
97-055.jdr

**HOUSE BILL NO.**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE LABOR AND COMMERCE COMMITTEE BY REQUEST**

**Introduced:  
Referred:**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to boiler and pressure vessel inspection standards; relating to**  
2 **elevator safety and inspection standards; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1. AS 18.60.315 is amended to read:**

5 **Sec. 18.60.315. Inspection standards. Unless the Department of Labor**  
6 **establishes by regulation a different edition, the most current [THE 1992] edition**  
7 **of the National Board Inspection Code Manual for Boiler and Pressure Vessel**  
8 **Inspectors constitutes the minimum boiler and pressure vessel inspection standard of**  
9 **the state for boilers and pressure vessels after they have received their initial inspection**  
10 **certificates from the Department of Labor. The Department of Labor may adopt**  
11 **regulations for the maximum practical implementation of the manual and may grant**  
12 **an exception from a specific provision of the manual when the department determines**  
13 **that the implementation of the provision would be impractical.**

14 **\* Sec. 2. AS 18.60.800(a) is amended to read:**

1           (a) Unless the Department of Labor establishes by regulation a different  
2 edition, the most current [EXCEPT AS PROVIDED IN THIS SUBSECTION, THE  
3 1990] edition of the American Society of Mechanical Engineers [A17.1 - 1990] Safety  
4 Code for Elevators and Escalators published by the American Society of Mechanical  
5 Engineers constitutes [IS ADOPTED AS] the minimum elevator safety code in the  
6 state. [SECTION 1001.1, INSPECTION AND TEST PERIODS, AND PART XXII,  
7 SHIPBOARD ELEVATORS, OF THE AMERICAN SOCIETY OF MECHANICAL  
8 ENGINEERS SAFETY CODE FOR ELEVATORS AND ESCALATORS, ARE NOT  
9 ADOPTED AS A PART OF THE MINIMUM ELEVATOR SAFETY CODE IN THE  
10 STATE.]

11 \* Sec. 3. AS 18.60.800(c) is amended to read:

12           (c) Inspections of elevators by the department shall be performed in  
13 accordance with the procedures set out in the most recent published edition of the  
14 National Standard Practice for the Inspection of Elevators and Escalators  
15 [INSPECTOR'S MANUAL FOR ELEVATORS AND ESCALATORS - ANSI/ASME  
16 A17.2 AS APPROVED IN 1988].

17 \* Sec. 4. AS 18.60.800(d) is amended to read:

18           (d) A municipality may adopt the standards established by [IN] this section or  
19 prescribe standards more stringent than those established by [IN] this section.

20 \* Sec. 5. REGULATIONS. The Department of Labor may adopt regulations to implement  
21 AS 18.60.315 and 18.60.800(a) and (c), as amended by secs. 1 - 3 of this Act. The  
22 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
23 effective date of secs. 1 - 3 of this Act.

24 \* Sec. 6. Sections 1 - 4 of this Act take effect January 1, 1998.

25 \* Sec. 7. Section 5 of this Act takes effect immediately under AS 01.10.070(c).

### SPONSOR STATEMENT

This bill relates to an employer's obligation to report to the Department of Labor, division of labor standards and safety, an occupational accident that is fatal to an employee or that results in the in-patient hospitalization of an employee.

The State of Alaska is required by 29 CFR 1953 and AS 18.60.030(6) to adopt occupational safety and health standards at least as effective as federal standards within six months of the publication date of a final rule in the Federal Register. A change to the rule for reporting occupational injuries and illnesses was published in Federal Register, Volume 59, Number 63, April 1, 1994, which requires that incidents resulting in the in-patient hospitalization of three or more employees, or a fatality, be reported orally within eight hours. (The former federal rule required reporting of five or more hospitalizations, but many states, including Alaska, had adopted more stringent requirements.) The State of Alaska currently requires reporting within 24 hours of occurrence of one or more in-patient hospitalizations or a fatality. The changes for the State of Alaska include reduction of the reporting period, addition of a requirement that the report be made orally, and addition of a federal toll-free number.

The bill also adds a provision requiring reporting of accidents in which an employee in-patient hospitalization or fatality occurs some time after the employer first knows of the accident itself. The employer must report such accidents within eight hours after learning that a fatality

or in-patient hospitalization occurred. The employer is not required to report such accidents if the employer first learned of the hospitalization or fatality more than 30 days after the accident.

Additionally, the bill proposes changes to conform the language of AS 18.60.058 with federal OSHA terminology.

OSHA believes that reducing the reporting period is critical for the agency to respond quickly, to inspect for hazardous conditions that may pose a risk to other workers at the work site, and to interview personnel while their recollections are more immediate and untainted by other events. The shorter reporting time also makes it more likely that the incident site will be undisturbed, affording the investigation compliance officer a better view of the work site as it appeared at the time of the incident. The eight hour criteria also coincides with a "standard work shift" for most employers and thus provides a logical cut-off point for fulfilling the reporting requirement.

In order to continue Alaska's federally approved OSHA program, it is important that the amendments proposed in this bill be enacted.

Jan-24-97 12:27 PM

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<u>Identification</u>	<u>Result</u>	<u>Pages</u>	<u>Type</u>	<u>Date</u>	<u>Time</u>	<u>Duration</u>	<u>Diagnostic</u>
2029	OK	05	Sent	Jan-24	12:24P	00:03:00	002485030022

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ALASKA STATE LEGISLATURE  
House of Representatives

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ADMINISTRATIVE REGULATION REVIEW, VICE CHAIRMAN  
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JUNEAU, AK 99801-1182  
PHONE: (907) 465-4968  
FAX: (907) 465-2040

Representative Norman Rokeberg

JUST THE FAX

Date: 1/24/97

TO: LAA Legal

FAX: 2029 Telephone 2450

FROM: Representative Norman Rokeberg

FAX: (907) 465-2040 Telephone: (907) 465-4968

Number of Pages: 5 (including this page)

Comments: Please prepare a work draft for  
the attached bills. They should be  
prepared for introduction by  
Labor and Commerce Committee Request.

Thanks  
Shirley Arden

Have A Nice Day

\_\_\_\_ BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE \_\_\_\_ RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to boiler and pressure vessel inspection standards and elevator  
2 safety and inspection standards; and providing for an effective date."

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

4 \* Section 1. AS 18.60.315 is amended to read:

5           Sec. 18.60.315. Inspection standards. Unless the Department of Labor, by  
6 regulation, specifies a different edition, the most current [THE 1992] edition of the  
7 National Board Inspection Code Manual for Boiler and Pressure Vessel Inspectors  
8 constitutes the minimum boiler and pressure vessel inspection standards  
9 [STANDARD] of the state for boilers and pressure vessels after they have received  
10 their initial inspection certificates from the Department of Labor. The Department of  
11 Labor may adopt regulations for the maximum practical implementation of the manual  
12 and may grant an exception from a specific provision of the manual when the  
13 department determines that the implementation of the provision would be impractical.

14 \* Sec. 2. AS 18.60.300(a) is amended to read:

1 (a) Unless the Department of Labor, by regulation, specifies a different  
2 edition, the most current [EXCEPT AS PROVIDED IN THIS SUBSECTION, THE  
3 1990] edition of the American Society of Mechanical Engineers [A17.1 - 1990] Safety  
4 Code for Elevators and Escalators published by the American Society of Mechanical  
5 Engineers constitutes [IS ADOPTED AS] the minimum elevator safety code in the  
6 state. [SECTION 1001.1, INSPECTION AND TEST PERIODS, AND PART XXII,  
7 SHIPBOARD ELEVATORS, OF THE AMERICAN SOCIETY OF MECHANICAL  
8 ENGINEERS SAFETY CODE FOR ELEVATORS AND ESCALATORS, ARE NOT  
9 ADOPTED AS A PART OF THE MINIMUM ELEVATOR SAFETY CODE IN THE  
10 STATE.]

11 \* Sec. 3. AS 18.60.800(c) is amended to read:

12 (c) Inspections of elevators by the department shall be performed in  
13 accordance with the procedures set out in the most recent published edition of the  
14 National Standard Practice for the Inspection of Elevators and Escalators  
15 [INSPECTOR'S MANUAL FOR ELEVATORS AND ESCALATORS - ANSI/ASME  
16 A17.2 AS APPROVED IN 1988].

17 \* Sec. 4. AS 18.60.800(d) is amended to read:

18 (d) A municipality may adopt the standards established in or under this  
19 section or prescribe standards more stringent than those established in or under this  
20 section.

21 \* Sec. 5. TRANSITION: REGULATIONS. The Department of Labor may proceed to  
22 adopt regulations to implement the provisions of AS 18.60.315 and 18.60.800, as amended by  
23 secs. 1 - 3 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure  
24 Act), but not before the effective date of secs. 1 - 3 of this Act.

25 \* Sec. 6. Section 5 of this Act takes effect immediately under AS 01.10.070(c).

26 \* Sec. 7. Sections 1 - 4 of this Act take effect January 1, 1998.

\_\_\_\_ BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE \_\_\_\_ RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reporting and other requirements relating to certain  
2 employment accidents; and providing for an effective date."

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

4 \* Section 1. AS 18.60.058 is amended to read:

5           Sec. 18.60.058. Reporting of injuries and illnesses. (a) In the event of an  
6 employment accident that is fatal to one or more employees or that results in the  
7 in-patient [OVERNIGHT] hospitalization of one or more employees, the employer  
8 shall report the accident orally by telephone[, TELEGRAM, RADIO,] or in person to  
9 the nearest office of the division of labor standards and safety or by telephone to the  
10 federal toll-free number provided by the division. The report must relate: the name  
11 of the establishment, the location of the accident, time of the accident, a contact  
12 person, a phone number, a brief description [THE CIRCUMSTANCES] of the  
13 accident, the number of fatalities or hospitalized employees, and the extent of any  
14 injuries. Except as provided in (b) of this section, the [THE] report must be made

1 immediately but in no event later than eight [24] hours after receipt by the employer  
2 of information that the accident has occurred.

3 (b) If, after the deadline for reporting set in (a) of this section, the  
4 employer first receives information of a fatality or the in-patient hospitalization  
5 of one or more employees resulting from an employment accident, the employer  
6 shall make the report required by (a) of this section immediately, but in no event  
7 later than eight hours, after receipt by the employer of the information of the  
8 fatality or in-patient hospitalization. The report under this subsection must be  
9 made in the manner, and contain the information, specified in (a) of this section.  
10 This subsection does not apply to an employer who, more than 30 days after an  
11 employment accident, first received information that the accident resulted in the  
12 fatality or the in-patient hospitalization of one or more employees.

13 (c) In the event of an employment accident that is reportable under (a) of  
14 this section [FATAL TO ONE OR MORE EMPLOYEES OR THAT RESULTS IN  
15 THE OVERNIGHT HOSPITALIZATION OF TWO OR MORE EMPLOYEES,]  
16 equipment, material, or product related to the injury or fatality may not be moved or  
17 altered until clearance is given by the department, except when compliance with this  
18 requirement would interfere for an unreasonable length of time with work or create  
19 additional hazards. If equipment, material, or products must be moved or altered  
20 before department clearance, the employer shall submit a detailed investigative report  
21 of the accident to the division.

22 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

0-LS0424A  
Cramer  
1/27/97

Rep. Rokberg  
w/ memo

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE BY REQUEST

Introduced:  
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reporting and other requirements of certain employment  
2 accidents; and providing for an effective date."

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

4 \* Section 1. AS 18.60.058 is amended to read:

5           Sec. 18.60.058. Reporting of injuries and illnesses. (a) In the event of an  
6 employment accident that is fatal to one or more employees or that results in the in-  
7 patient [OVERNIGHT] hospitalization of one or more employees, the employer shall  
8 report the accident by telephone [, TELEGRAM, RADIO,] or in person to the nearest  
9 office of the division of labor standards and safety or by telephone to the federal  
10 toll-free number provided by the division. The report must relate the name of the  
11 employer or the employer's establishment, the location of the accident, the time  
12 of the accident, a contact person and the telephone number of the contact person,  
13 a brief description [CIRCUMSTANCES] of the accident, the number of fatalities or  
14 hospitalized employees, and the extent of any injuries. The report must be made

1 immediately but in no event later than eight [24] hours after receipt by the employer  
2 of information that the accident has occurred. However, if the employer first  
3 receives information of a fatality or in-patient hospitalization eight or more hours  
4 after the accident but within 30 days after the accident, the employer must make  
5 the report within eight hours after receiving information of the fatality or  
6 hospitalization. If the employer first receives information of a fatality or in-  
7 patient hospitalization more than 30 days after the accident, the employer shall  
8 \_\_\_\_\_

9 (b) In the event of an employment accident that is reportable under (a) of  
10 this section [FATAL TO ONE OR MORE EMPLOYEES OR THAT RESULTS IN  
11 THE OVERNIGHT HOSPITALIZATION OF TWO OR MORE EMPLOYEES],  
12 equipment, material, or product related to the injury or fatality may not be moved or  
13 altered until clearance is given by the department, except when compliance with this  
14 requirement would interfere for an unreasonable length of time with work or create  
15 additional hazards. If equipment, material, or products must be moved or altered  
16 before department clearance, the employer shall submit a detailed investigative report  
17 of the accident to the division. However, this subsection does not apply to an  
18 employment accident if the employer first receives information of the fatality or  
19 in-patient hospitalization more than eight hours after the accident occurred.

20 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

# LEGAL SERVICES

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

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

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

## MEMORANDUM

January 27, 1997

**SUBJECT:** Bill draft relating to reporting employment accidents (Work Order 20-LS0424)

**TO:** Representative Norm Rokeberg, Chair  
House Labor and Commerce Committee  
Attn: Shirley Armstrong

**FROM:** Teresa B. Cramer *TBC*  
Legislative Counsel

Enclosed is the draft bill you requested, relating to reports of employment accidents. As I mentioned on the telephone, I have questions about several parts of the draft.

1. In subsection (a), the proposal you sent inserts "orally" before the phrase "by telephone." I have not done that in this draft, since it appeared to be unnecessary. However, if you want to forbid a facsimile notification, which could be considered to be made by telephone, I suppose, I will add "orally" back into the subsection.
2. In subsection (a), the draft proposes to remove reference to radio reports of accidents. Are there job sites that do not have access to a telephone where radio is the only speedy means of communication? (What about accidents on boats?) If so, should "radio" stay in the draft?
3. Note that in subsection (a), instead of requiring a report of the name of the establishment, I have required a report of the name of the employer. I made this change to be consistent with the rest of the chapter: "employer" is how this chapter refers to the business for which employees work.
4. I have combined (a) and (b) of the proposal you sent to me to avoid duplication. In my subsection (b), which is subsection (c) of the proposal you sent, I have added an exception for accidents of which the employer first learns more than eight hours after the accident happened. I believe adding this language retains the intent of the proposal you sent.
5. In subsection (b) of the enclosed draft, I have left open the reporting requirements for accidents of which the employer first learns more than 30 days after the accident happened. Please let me know how the draft should address this situation.

TBC:jdr  
97-047.jdr

\_\_\_ BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE \_\_\_ RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reporting and other requirements relating to certain  
2 employment accidents; and providing for an effective date."

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

4 \* Section 1. AS 18.60.058 is amended to read:

5       Sec. 18.60.058. Reporting of injuries and illnesses. (a) In the event of an  
6 employment accident that is fatal to one or more employees or that results in the  
7 in-patient [OVERNIGHT] hospitalization of one or more employees, the employer  
8 shall report the accident orally by telephone[, TELEGRAM, RADIO.] or in person to  
9 the nearest office of the division of labor standards and safety or by telephone to the  
10 federal toll-free number provided by the division. The report must relate: the name  
11 of the establishment, the location of the accident, time of the accident, a contact  
12 person, a phone number, a brief description [THE CIRCUMSTANCES] of the  
13 accident, the number of fatalities or hospitalized employees, and the extent of any  
14 injuries. Except as provided in (b) of this section, the [THE] report must be made

1 immediately but in no event later than eight [24] hours after receipt by the employer  
2 of information that the accident has occurred.

3 (b) If, after the deadline for reporting set in (a) of this section, the  
4 employer first receives information of a fatality or the in-patient hospitalization  
5 of one or more employees resulting from an employment accident, the employer  
6 shall make the report required by (a) of this section immediately, but in no event  
7 later than eight hours, after receipt by the employer of the information of the  
8 fatality or in-patient hospitalization. The report under this subsection must be  
9 made in the manner, and contain the information, specified in (a) of this section.  
10 This subsection does not apply to an employer who, more than 30 days after an  
11 employment accident, first received information that the accident resulted in the  
12 fatality or the in-patient hospitalization of one or more employees.

13 (c) In the event of an employment accident that is reportable under (a) of  
14 this section [FATAL TO ONE OR MORE EMPLOYEES OR THAT RESULTS IN  
15 THE OVERNIGHT HOSPITALIZATION OF TWO OR MORE EMPLOYEES,]  
16 equipment, material, or product related to the injury or fatality may not be moved or  
17 altered until clearance is given by the department, except when compliance with this  
18 requirement would interfere for an unreasonable length of time with work or create  
19 additional hazards. If equipment, material, or products must be moved or altered  
20 before department clearance, the employer shall submit a detailed investigative report  
21 of the accident to the division.

22 \* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).



Official Business

**COMMITTEE:**

HOUSE LABOR AND COMMERCE

**DATE:** February 17, 1997

**SIGN-IN**

**Subject of meeting:**

HB 117 - ELEVATOR/BOILER/PRESSURE VESSEL STDS.

PLEASE PRINT!

NAME

ADDRESS (MAILING) & (ZIP)

PHONE

REPRESENTING

DO YOU WANT TO TESTIFY?

NAME	ADDRESS (MAILING) & (ZIP)	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Dwight Perkins			Labor	<input checked="" type="checkbox"/>
AL Dwyer			Labor	<input checked="" type="checkbox"/>

FEB-17-97 TUE 16:52 P.02



Official Business

# Alaska State Legislature

HOUSE OF REPRESENTATIVES

Representative Norman Rokeberg

State Capitol  
Juneau, AK 99801-1182

## JUST THE FAX

Date: 2/14/97

TO: LAA Legal / Hon. Theresa Bennister

FAX: 2029 Telephone 2450

FROM: Representative Norman Rokeberg *Spudly*

FAX: (907) 465-2040 Telephone: (907) 465-4968

Number of Pages: 2 (including this page)

Comments: Please prepare a blank amendment  
to HB117. DOT brought this by. Bill is up 2/17/97  
Maday at 3:15pm

*Thanks*  
*Spudly*

Have A Nice Day

Adopted

1 (a) Unless the Department of Labor establishes by regulation  
2 a different edition, the most current[EXCEPT AS PROVIDED IN THIS  
3 SUBSECTION, THE 1990] edition of the American Society of Mechanical  
4 Engineers [A17.1 - 1990] Safety Code for Elevators and Escalators  
5 published by the American Society of Mechanical Engineers  
6 constitutes [IS ADOPTED AS] the minimum elevator safety code in the  
7 state. Section 1001.1, inspection and test periods, [AND PART XXII,  
8 SHIPBOARD ELEVATORS,]of the American Society of Mechanical  
9 engineers Safety Code for Elevators and Escalators [ARE]is not  
10 adopted as a part of the minimum elevator safety code in the state.

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: HB 117

1 Page 2, lines 6-10:

2 Delete "[SECTION 1001.1, INSPECTION AND TEST PERIODS, AND PART XXII,  
3 SHIPBOARD ELEVATORS, OF THE AMERICAN SOCIETY OF MECHANICAL  
4 ENGINEERS SAFETY CODE FOR ELEVATORS AND ESCALATORS, ARE NOT  
5 ADOPTED AS A PART OF THE MINIMUM ELEVATOR SAFETY CODE IN THE  
6 STATE.]"

7 Insert "However, Section 1001.1, Inspection and Test Periods, [AND PART XXII,  
8 SHIPBOARD ELEVATORS,] of the edition of the American Society of Mechanical  
9 Engineers Safety Code for Elevators and Escalators that is adopted by this subsection or  
10 established by the department under this subsection is [, ARE] not adopted as a part of  
11 the minimum elevator safety code in the state."

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPARTMENT OF LABOR

### OFFICE OF THE COMMISSIONER

P.O. BOX 21149  
JUNEAU, ALASKA 99802-1149  
PHONE: (907) 465-2700  
FAX: (907) 465-2784

February 13, 1997

The Honorable Norman Rokeberg  
Chair  
House Labor and Commerce Committee  
Alaska State Legislature  
State Capitol, Room 24  
Juneau, AK 99801-1182

Dear Representative Rokeberg:

This bill relates to safety and inspection standards for boilers and pressure vessels and elevators.

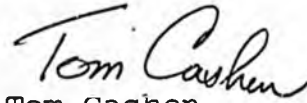
Currently, AS 18.60.315 establishes the 1992 edition of the National Board Inspection Code ("NBIC") manual for boilers and pressure vessels as the minimum inspection standards for the state. The 1992 edition is outdated because the National Board has implemented new standards in its 1995 edition. Rather than amend AS 18.60.315 to adopt that 1995 edition, the bill proposes that the statute would simply specify that the most current edition of the manual is the state inspection standard. This approach would avoid the need for a statute amendment each time the manual is updated, as well as avoid continued application of outdated standards until the statute could be amended. To allow the flexibility necessary to respond to unforeseen circumstances, the Department of Labor would be authorized to specify, by regulation, another edition of the manual.

Similarly, AS 18.60.800(a) currently establishes the 1990 edition of the American Society of Mechanical Engineers ("ASME") safety code as the minimum elevator safety standards in the state and AS 18.60.800(c) specifies a 1988 edition of ASME standards as the elevator inspection standards in the state. Since ASME revises its standards every three years, the statutory standards are significantly outdated. The bill proposes to specify in statute that the most current edition of the ASME standards is the state standard. For the safety code standards (AS 18.60.800(a)), the Department of Labor would be able to specify, by regulation, a different edition.

An additional amendment to AS 18.60.800(a) deletes the existing last sentence of that subsection, which specifically excludes certain portions of the ASME elevator safety code. The excluded portions relate to shipboard elevators. The effect of the

amendment would be assumption of responsibility by the Department of Labor for enforcement of elevator safety code standards on certain marine vessels. It had been the Department of Labor's understanding that the United States Coast Guard carried out such inspection and enforcement activities on marine vessels. The department recently became aware that that is not the case.

Sincerely,

A handwritten signature in cursive script that reads "Tom Cashen".

Tom Cashen  
Commissioner

cc: HL&C Committee Members  
Dwight Perkins, Legislative Liaison  
Al Dwyer, Director, LS&S

**HB**

**118**

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 118

Revision Date: \_\_\_\_\_

Department Affected: Labor

Title: Reporting of Employment Accidents

BRU: Labor Standards & Safety

Sponsor: House L&C

Component: Occupational Safety & Health

Requestor: House L&C

COMPONENT SERIAL NO. 970

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

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

CHANGE IN REVENUE FUND SOURCE #						
------------------------------------	--	--	--	--	--	--

**FUNDING:** (Thousands of Dollars)

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

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ 0.0

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

This legislation would shorten the time frame for an employer's reporting of an accident that is fatal to an employee or that requires in-patient hospitalization. Changes would also be made regarding the manner in which the report is to be made and information that is to be included. To maintain our state OSH program our standards must be at least as effective as federal standards. These changes will bring us into compliance with federal law. There will be no fiscal impact associated with this bill.

Prepared by: Alan W. Dwyer, Director *Al Dwyer* Phone: 465-4855  
Division: Labor Standards & Safety Date: 2/12/97

Approved by Commissioner: Tom Cashen, Commissioner  
Agency: Department of Labor *Tom Cashen* Date: 2/12/97

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(7)  
Date Referred to Committee: February 7, 1997

FURTHER REFERRALS:

Date of Committee Action: 2/17/97

The LABOR AND COMMERCE Committee considered:

HB 118

HOUSE BILL NO. 118

REPORTING OF EMPLOYMENT ACCIDENTS

"An Act relating to reporting and other requirements of certain employment accidents; and providing for an effective date."

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

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

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

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

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

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

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

zero fiscal note(s) DOL

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

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<u>Don Sanders</u>	✓			
<u>John Kachmar</u>	✓			
<u>Bill Hinds</u>	✓			
<u>Nancy Kately</u>	✓			

CHAIR'S SIGNATURE

Nancy Kately

2/17/97



Official Business

**COMMITTEE:**

LABOR AND COMMERCE

**DATE:** February 17, 1997

**SIGN-IN**

**Subject of meeting:**

HB 118 - REPORTING OF EMPLOYEMENT ACCIDENTS

PLEASE PRINT!

NAME

ADDRESS

(MAILING) & (ZIP)

PHONE

REPRESENTING

DO YOU WANT  
TO TESTIFY?

NAME	ADDRESS (MAILING) & (ZIP)	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
Dwight Perkins		465-2700	DO Labor	<input checked="" type="checkbox"/>
AL Dwyer		465-4588	DO Labor	<input checked="" type="checkbox"/>

# ALASKA STATE LEGISLATURE

## House of Representatives

COMMITTEE MEMBERS:

REPRESENTATIVE NORMAN ROKEBERG, CHAIRMAN  
REPRESENTATIVE JOHN COWDERY, VICE CHAIRMAN  
REPRESENTATIVE BILL HUDSON  
REPRESENTATIVE JOE RYAN  
REPRESENTATIVE JERRY SANDERS  
REPRESENTATIVE TOM BRICE  
REPRESENTATIVE GENE KUBINA  
COMMITTEE HEARING ROOM 17 STATE CAPITOL



INTERIM:  
716 WEST 4TH AVENUE, SUITE 640  
ANCHORAGE, AK 99501  
PHONE: (907) 258-8191  
FAX: (907) 258-2916

SESSION:  
STATE CAPITOL, ROOM 24  
JUNEAU, AK 99801-1182  
PHONE: (907) 465-4954  
FAX: (907) 465-2040

### Labor and Commerce Committee

#### MEMORANDUM

TO: Representative Pete Kott, Chairman  
House Rules Committee

FROM: Representative Norman Rokeberg *HNR*

DATE: February 20, 1997

SUBJECT: HB 118 - "An Act relating to reporting and other requirements of certain employment accidents; and providing for an effective date."

---

Please schedule HB 118 for the floor. Attached you will find a packet for your use. I would appreciate some notice so that I may be prepared to carry the bill during session debate.

This bill was requested by the Department of Labor and the House Labor and Commerce Committee introduced this bill on the department's behalf.

If you have any questions please contact myself or my staff person, Shirley Armstrong at 465-4968.

# STATE OF ALASKA

TONY KNOWLES, GOVERNOR

## DEPARTMENT OF LABOR

### OFFICE OF THE COMMISSIONER

P.O. BOX 21149  
JUNEAU, ALASKA 99802-1149  
PHONE: (907) 465-2700  
FAX: (907) 465-2784

February 13, 1997

The Honorable Norman Rokeberg  
Chair  
House Labor and Commerce Committee  
Alaska State Legislature  
State Capitol, Room 24  
Juneau, AK 99801-1182

Dear Representative Rokeberg:

This bill relates to an employer's obligation to report to the Department of Labor, division of labor standards and safety, an occupational accident that is fatal to an employee or that results in the in-patient hospitalization of an employee.

The State of Alaska is required by 29 CFR 1953 and AS 18.60.030(6) to adopt occupational safety and health standards at least as effective as federal standards within six months of the publication date of a final rule in the Federal Register. A change to the rule for reporting occupational injuries and illnesses was published in Federal Register, Volume 59, Number 63, April 1, 1994, which requires that incidents resulting in the in-patient hospitalization of three or more employees, or a fatality, be reported orally within eight hours. (The former federal rule required reporting of five or more hospitalizations, but many states, including Alaska, had adopted more stringent requirements.) The State of Alaska currently requires reporting within 24 hours of occurrence of one or more in-patient hospitalizations or a fatality. The changes for the State of Alaska include reduction of the reporting period, addition of a requirement that the report be made orally, and addition of a federal toll-free number.

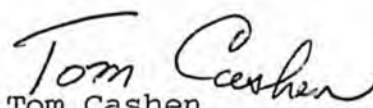
The bill also adds a provision requiring reporting of accidents in which an employee in-patient hospitalization or fatality occurs some time after the employer first knows of the accident itself. The employer must report such accidents within eight hours after learning that a fatality or in-patient hospitalization occurred. The employer is not required to report such accidents if the employer first learned of the hospitalization or fatality more than 30 days after the accident.

Additionally, the bill proposes changes to conform the language of AS 18.60.058 with federal OSHA terminology.

OSHA believes that reducing the reporting period is critical for the agency to respond quickly, to inspect for hazardous conditions that may pose a risk to other workers at the work site, and to interview personnel while their recollections are more immediate and untainted by other events. The shorter reporting time also makes it more likely that the incident site will be undisturbed, affording the investigation compliance officer a better view of the work site as it appeared at the time of the incident. The eight hour criteria also coincides with a "standard work shift" for most employers and thus provides a logical cut-off point for fulfilling the reporting requirement.

In order to continue Alaska's federally approved OSHA program, it is important that the amendments proposed in this bill be enacted.

Sincerely,

  
Tom Cashen  
Commissioner

cc: HL&C Committee Members  
Dwight Perkins, Legislative Liaison  
Al Dwyer, Director, LS&S

# STATE OF ALASKA

## DEPARTMENT OF LABOR

### LABOR STANDARDS AND SAFETY DIVISION

FEB 22 1997

TONY KNOWLES, GOVERNOR

P.O. BOX 21149  
JUNEAU, ALASKA 99802-1149  
PHONE: (907) 465-4855  
FAX: (907) 465-3584

February 19, 1997

The Honorable Norman Rokeberg  
Chair, House Labor & Commerce  
Alaska State Legislature  
State Capitol, Room 24  
Juneau, AK 99801-1182

Dear Representative Rokeberg:

This is in response to your questions concerning the Occupational Safety and Health Administration (OSHA) 800 number which is available for employers to report injuries and fatalities.

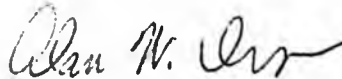
The federal number is 1-800-321-OSHA and is manned around the clock, 365 days/year by a live person at federal expense. Information received from Alaskan employers is immediately relayed to the Federal District Director in Anchorage who, in turn, contacts the AKOSH Chief or one of his Assistant Chiefs. They determine if an on-site inspection is necessary.

A slight change in the process is about to take place. The information received at the federal number will be passed on direct from Washington, D.C., to AKOSH rather than through the Federal District Director. This change is more efficient because most of the Alaska information received is within the state's jurisdiction.

Our AKOSH Chief will notify the Federal District Director of any accidents or fatalities within federal jurisdiction (maritime safety).

I hope this answers your concerns. Please feel free to contact me at 465-6008 if you have further questions.

Sincerely,



Alan W. Dwyer, Director  
Labor Standards & Safety

cc: Tom Cashen, Commissioner  
Dwight Perkins, Legislative Liaison

**HB**

**133**

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. HB 133

Revision Date: \_\_\_\_\_ Department: Commerce and Economic Development  
 Title: An Act relating to Architects, Engineers & BRU: Occupational Licensing  
Land Surveyors Component: Operations  
 Sponsor: House Rules  
 Requestor: House Labor & Commerce COMPONENT SERIAL NO. 1844

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
--------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other 1091 Designated PR						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 407.6

**POSITIONS**

FULL-TIME						
PART-TIME						
TEMPORARY						

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

HB 133 extends the Board of Registration for Architects, Engineers and Land Surveyors to June 30, 2003. Funding for continuation of the board in the amount of \$407.6 is included in the department's FY 98 operating budget request; therefore, new funds are not needed. The program is required to cover its costs with licensing fees under AS 08.01.065, and revenue generated by board fees are anticipated to cover its full operating costs.

Prepared by: Jennifer Strickler, Administrative Manager  
 Division: Occupational Licensing  
 Approved by Commissioner: William L. Hensley  
 Agency: Commerce and Economic Development

Phone: 465-2144  
 Date: 3/14/97  
 Date: 3-14-97

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03/19/97 15:13:08 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120  
MESSAGE FROM: LIOCJEN IN ANCHORAGE JNU

RE TCN: 70495 SCHEDULED FOR:03/19/97 15:15 TO 17:30  
SPONSOR: HOUSE LABOR & COMMERCE PURPOSE: PUBLIC HEARING

MESSAGE TEXT: BYRON HAYNES CALLING FROM PRUDHOE BAY  
TO T ON HB 133

03/19/97 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150  
15:16:50 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX  
TCN:70495 SCHEDULED FOR:03/19/97 15:15 TO 17:30 FOR:FBX  
PUBLIC HEARING HOUSE LABOR & COMMERCE  
LOCATION:FAIRBANKS  
HB 133 MR. PAT KALEN ACSM TESTIFY

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 14, 1997

FURTHER REFERRALS:

Date of Committee Action: 3/19/97

The LABOR AND COMMERCE Committee considered:

HB 140

HOUSE BILL NO. 140

BOARD OF PUBLIC ACCOUNTANCY

"An Act relating to the Board of Public Accountancy; extending the termination date of the Board of Public Accountancy; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB133(LHC)  the same title  a new title

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

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

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_  
 fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_  
 zero fiscal note(s) DCF \_\_\_\_\_  zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John P. ...</i>	✓			
<i>Jim Sanders</i>	✓			
<i>Joe Ryan</i>	✓			
<i>Alan Kately</i>	✓			

CHAIR'S SIGNATURE Alan Kately 3/19/97



## SENATE LABOR & COMMERCE COMMITTEE

### SECTIONAL ANALYSIS FOR HOUSE BILL 133: ARCHITECTS, ENGINEERS & SURVEYORS (B Version dated 3/17/97)

#### Section 1.

Extends the sunset date to 2001. As introduced, the sunset date would have been 2003, the Labor & Commerce Committee agreed that four years is appropriate for sunset of this board.

#### Section 2.

L&C Committee accepted the change requested by the Alaska Professional Design Council and the Architects, Engineers and Land Surveyors Board to increase the size of the board to 10 members, adding a land surveyor seat. The request also specified that one of the engineer positions be an electrical or mechanical engineer to ensure that the board has a person with the appropriate background to review those applications. The L&C Committee agreed.

#### Sections 3 and 5.

The AELS Board has not used the terms "president, vice president" for many years. The appropriate terms "chair and vice-chair" were substituted here and in Section 5. Also, in Section 3, since the board has been increased to 10, five is no longer a quorum. The board then is subject to AS 08.01.030 "A majority of the membership... constitutes a quorum".

#### Section 4.

Previous language required exams for architects, engineers and land surveyors to be given at least two times/year. The land surveyor exam is not a national exam and the number of candidates does not justify administering it twice a year. The amended language leaves the board the flexibility to administer tests MORE than once a year, as necessary for engineers and architects, and to deal with the changing complexities of the engineering and architects exams through regulation.

#### Sections 6 and 7.

Amendment added to the Senate State Affairs committee substitute would mean that land surveyors must be registered to teach in an institution of higher learning. The land surveyors sought this amendment. Because surveyors do not have a Ph.D. program, (formal education ends with a 4-year degree), it was felt that surveyors should have to be registered to teach others how to survey. Registration involves a two-day exam.

#### Section 8.

Since statutes were changed to require boards to assess fees to cover the costs of their operation, the Division of Occupational Licensing has maintained the records stated here. The Board has not been complying with these statute references and requested them removed. The audit agreed with this recommendation.

Section 9.

Transitional provision makes it clear that the changes in SB 87 do not affect current members of the AELS Board, but as the engineer seats come open, one will be designated "electrical or mechanical engineer".

Section 10.

Effective date clause.



11/13/33

**Colin Maynard, PE**  
*Vice-President*

510 L Street, Suite 200  
P.O. Box 91139  
Anchorage, AK 99509-1139

Phone: (907) 274-2236  
Fax: (907) 274-2520  
e-mail: [bbfm@alaska.net](mailto:bbfm@alaska.net)

MAR 18 1997



## General Teamsters Local 959 State of Alaska

*Affiliated with the International Brotherhood of Teamsters*

ANCHORAGE, ALASKA 99504, 4300 BONIFACE PKWY. (907) 269-4122 FAX (907) 337-6668 GERALD L. HOOD Secretary/Treasurer

FAIRBANKS, ALASKA 99707, P.O. Box 70609  
JUNEAU, ALASKA 99801, 306 Willoughby

(907) 452-2959 FAX (907) 452-5051  
(907) 586-3225 FAX (907) 586-1227

March 17, 1997

Representative Norm Rokeberg  
Chair - House Labor & Commerce  
State Capitol  
Juneau, AK 99801

Re: CS HB 133 - Architects, Engineers, Land Surveyors

Dear Representative Rokeberg:

On behalf of Teamsters Local 959 and the Technical Engineers we represent around the State of Alaska, we wish to extend our support of CS HB 133, which as we understand will include the following amendments: Sec. 08.48.331 (9) Exemptions and 08.48.341 (10) "practice of land surveying". We have worked very closely with Senator Leman's office regarding this bill and the proposed amendments, as well as with members of the AELS Board, specifically Patrick Kalen.

As such, we believe the bill will work well for industry and the members we represent. Your time, attention, and support of this bill will be greatly appreciated.

Sincerely,

TEAMSTERS LOCAL 959

Barbara Huff Tuckness  
Director - Legislative and Government Affairs

cc: Representative John Cowdery  
Representative Bill Hudson  
Representative Jerry Sanders  
Representative Joe Ryan  
Representative Eric Croft  
Representative Gene Kubina

pg\huffvrokeberg.ltr

WORK DRAFT

WORK DRAFT

WORK DRAFT

0-LS0545VB  
Lauterbach  
3/17/97

CS FOR HOUSE BILL NO. 133(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered:  
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND  
AUDIT COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to regulation of architects, engineers, and land surveyors;  
2 extending the termination date of the State Board of Registration for Architects,  
3 Engineers, and Land Surveyors; and providing for an effective date."

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

5 \* Section 1. AS 08.03.010(c)(3) is amended to read:

6 (3) State Board of Registration for Architects, Engineers, and Land  
7 Surveyors (AS 08.48.011) -- June 30, 2001 [1997];

8 \* Sec. 2. AS 08.48.011(b) is amended to read:

9 (b) The board consists of 10 [NINE] members appointed by the governor  
10 having the qualifications as set out in AS 08.48.031. The board consists of two civil  
11 engineers, two [ONE] land surveyors [SURVEYOR], one mining engineer, one  
12 electrical or mechanical engineer, one engineer [TWO ENGINEERS] from another  
13 branch [OTHER BRANCHES] of the profession of engineering, two architects, and  
14 one public member.

1 \* Sec. 3. AS 08.48.051 is amended to read:

2           **Sec. 08.48.051. Organization and meetings.** The board shall hold at least  
3 four regular meetings each year. Special meetings may be held as the bylaws of the  
4 board provide. The board shall elect or appoint annually from its members the  
5 following officers: chair, vice-chair, [PRESIDENT, VICE-PRESIDENT] and  
6 secretary. [A QUORUM OF THE BOARD CONSISTS OF NOT LESS THAN FIVE  
7 MEMBERS.]

8 \* Sec. 4. AS 08.48.091 is amended to read:

9           **Sec. 08.48.091. Written examinations.** Written examinations shall be held  
10 at least once [TWICE] each year at places determined by the board [UNLESS THE  
11 EXAMINATION ADMINISTERED BY THE BOARD IS A NATIONAL  
12 EXAMINATION PREPARED ONLY ONCE EACH YEAR, IN WHICH CASE THE  
13 EXAMINATION SHALL BE HELD AT LEAST ONCE EACH YEAR]. A candidate  
14 failing an examination may apply for reexamination in accordance with regulations  
15 adopted by the board.

16 \* Sec. 5. AS 08.48.141 is amended to read:

17           **Sec. 08.48.141. Legal counsel.** The attorney general of the state shall act as  
18 legal advisor to the board and render legal assistance upon request of its chair  
19 [PRESIDENT].

20 \* Sec. 6. AS 08.48.331 is amended to read:

21           **Sec. 08.48.331. Exemptions.** This chapter does not apply to

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

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

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

30                   (4) an employee or a subordinate of a person registered under this  
31 chapter if the work or service is done under the direct supervision of a person

1 registered under this chapter;

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

7 (6) a person preparing drawings or specifications for

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

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

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

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

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

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

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

29 (10) an officer or employee of an individual, firm, partnership,  
30 association, utility, or corporation, who practices engineering involved in the operation  
31 of the employer's business only, and further provided that neither the employee nor

1 the employer offers engineering services to the public; exclusions under this paragraph  
2 do not apply to buildings or structures whose primary use is public occupancy.

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

4 (10) "practice of land surveying" means the teaching of land  
5 surveying courses at an institution of higher learning, or any service or work the  
6 adequate performance of which involves the application of special knowledge of the  
7 principles of mathematics, the related physical and applied sciences, and the relevant  
8 requirements of law for adequate evidence of the act of measuring and locating land,  
9 geodetic and cadastral surveys for the location and monumentation of property  
10 boundaries, for the platting and planning of land and subdivisions of land, including  
11 the topography, alignment, and grades for streets, and for the preparation and  
12 perpetuation of maps, record plats, field note records, and property descriptions that  
13 represent these surveys;

14 \* Sec. 8. AS 08.48.071(c)(1) and 08.48.071(c)(2) are repealed.

15 \* Sec. 9. TRANSITION. Notwithstanding AS 08.48.011(b), as amended by sec. 2 of this  
16 Act, a person who holds a seat on the State Board of Registration for Architects, Engineers,  
17 and Land Surveyors on July 1, 1997, may serve the remainder of the person's term of office.  
18 The governor shall implement the changes made by this Act as seats on the board become  
19 vacant.

20 \* Sec. 10. This Act takes effect July 1, 1997.



Official Business

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

### Representative Norman Rokeberg

State Capitol  
Juneau, AK 99801-1182

#### JUST THE FAX

Date: 3/17/97

TO: LAA Legal / Terri Lauterbach

FAX: 2029 Telephone 2450

FROM: Representative Norman Rokeberg

FAX: (907) 465-2040 Telephone: (907) 465-4968

Number of Pages: 2 (including this page)

Comments: Please ~~also~~ prepare a New CS for  
HB133(24C) including the attached amendment  
for Am L+C - Version 0-LS0545 \ is dated 3/13/97

*Thanks  
Shirley*

*Have A Nice Day*

AMENDMENT

~~OFFERED IN SENATE LABOR & COMMERCE~~  
BY SENATOR LEMAN

TO: CS HB 133 (L&C)

New Section ~~6~~ <sup>6</sup>

AS 84.331 is amended to read:

Sec. 08.48.331 EXEMPTIONS. this chapter does not apply to

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

New Section ~~6~~ <sup>7</sup>

AS 08.48.341(10) is amended to read:

(10) "practice of land surveying" means the teaching of land surveying courses at an institution of higher learning, or any service or work the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence of the act of measuring and locating land, geodetic and cadastral surveys for the location and monumentation of property boundaries, for the platting and planning of land and subdivisions of land, including the topography, alignment, and grades for streets, and for the preparation and perpetuation of maps, record plats, field note records, and property descriptions that represent these surveys;

*and renumber*

Witnesses for HB 133 in House L&C :

Wednesday 3/19/97 @ 3:15 p.m.

Patrick Kalen, land surveyor, member of Architects, Engineers and Land Surveyors Board  
needs to be connected via teleconference at Fairbanks LIO (479-2628)

Byron Haines, Vice Chair AELS Board (Chairman is out of town), needs to be hooked up  
as an offnet from his job on the North Slope (659-4638) I will fax him a copy of HB 133  
and the amendment.

1-800-478-7612

May have additional letters of support.

**CS FOR HOUSE BILL NO. 133(L&C)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE LABOR AND COMMERCE COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND  
AUDIT COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to regulation of architects, engineers, and land surveyors;  
2 extending the termination date of the State Board of Registration for Architects,  
3 Engineers, and Land Surveyors; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* Section 1. AS 08.03.010(c)(3) is amended to read:

6 (3) State Board of Registration for Architects, Engineers, and Land  
7 Surveyors (AS 08.48.011) -- June 30, 2001 [1997];

8 \* Sec. 2. AS 08.48.011(b) is amended to read:

9 (b) The board consists of 10 [NINE] members appointed by the governor  
10 having the qualifications as set out in AS 08.48.031. The board consists of two civil  
11 engineers, two [ONE] land surveyors [SURVEYOR], one mining engineer, one  
12 electrical or mechanical engineer, one engineer [TWO ENGINEERS] from another  
13 branch [OTHER BRANCHES] of the profession of engineering, two architects, and  
14 one public member.

1 \* Sec. 3. AS 08.48.051 is amended to read:

2           **Sec. 08.48.051. Organization and meetings.** The board shall hold at least  
3 four regular meetings each year. Special meetings may be held as the bylaws of the  
4 board provide. The board shall elect or appoint annually from its members the  
5 following officers: chair, vice-chair, [PRESIDENT, VICE-PRESIDENT] and  
6 secretary. [A QUORUM OF THE BOARD CONSISTS OF NOT LESS THAN FIVE  
7 MEMBERS.]

8 \* Sec. 4. AS 08.48.091 is amended to read:

9           **Sec. 08.48.091. Written examinations.** Written examinations shall be held  
10 at least once [TWICE] each year at places determined by the board [UNLESS THE  
11 EXAMINATION ADMINISTERED BY THE BOARD IS A NATIONAL  
12 EXAMINATION PREPARED ONLY ONCE EACH YEAR, IN WHICH CASE THE  
13 EXAMINATION SHALL BE HELD AT LEAST ONCE EACH YEAR]. A candidate  
14 failing an examination may apply for reexamination in accordance with regulations  
15 adopted by the board.

16 \* Sec. 5. AS 08.48.141 is amended to read:

17           **Sec. 08.48.141. Legal counsel.** The attorney general of the state shall act as  
18 legal advisor to the board and render legal assistance upon request of its chair  
19 [PRESIDENT].

20 \* Sec. 6. AS 08.48.071(c)(1) and 08.48.071(c)(2) are repealed.

21 \* Sec. 7. TRANSITION. Notwithstanding AS 08.48.011(b), as amended by sec. 2 of this  
22 Act, a person who holds a seat on the State Board of Registration for Architects, Engineers,  
23 and Land Surveyors on July 1, 1997, may serve the remainder of the person's term of office.  
24 The governor shall implement the changes made by this Act as seats on the board become  
25 vacant.

26 \* Sec. 8. This Act takes effect July 1, 1997.



Official Business

# Alaska State Legislature

HOUSE OF REPRESENTATIVES

Representative Norman Rokeberg

State Capitol  
Juneau, AK 99801-1182

## JUST THE FAX

Date: 3/12/97

TO: LAA Legal

FAX: 2029 Telephone 2450

FROM: Representative Norman Rokeberg

FAX: (907) 465-2040 Telephone: (907) 465-4968

Number of Pages: 3 (including this page)

Comments: Please prepare a House CS for HB 133  
we will have this bill up for a hearing on Wed  
March 19th.

Thanks  
Shirley

Have A Nice Day

*House Bill No. 137 (L&C)*

~~CS FOR SENATE BILL NO. 87(L&C)~~

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:  
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE LEGISLATIVE BUDGET AND  
AUDIT COMMITTEE

A BILL

FOR AN ACT ENTITLED

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# Audit Report

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DEPARTMENT OF COMMERCE AND  
ECONOMIC DEVELOPMENT  
STATE BOARD OF REGISTRATION FOR  
ARCHITECTS, ENGINEERS, AND  
LAND SURVEYORS

---

September 17, 1996

---



Audit Control Number:

08-1441-96

Division of Legislative Audit

P.O. Box 113300, Juneau, Alaska 99811-3300

# LEGISLATIVE BUDGET AND AUDIT COMMITTEE

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## DIVISION OF LEGISLATIVE AUDIT

The Legislative Budget and Audit Committee is a permanent interim committee of the Alaska Legislature. The committee is made up of five senators and five representatives, with one alternate from each legislative chamber. The chairmanship of the committee alternates between the two chambers every legislature.

The committee is responsible for providing the legislature with audits of state government agencies. The programs and activities of state government now cost more than \$5 billion a year. As legislators and administrators try increasingly to allocate state revenues effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by the Division of Legislative Audit helps provide that information.

As a guide to all their work, the Division of Legislative Audit complies with generally accepted auditing standards established by the American Institute of Certified Public Accountants and with government auditing standards established by the U.S. General Accounting Office.

Audits are performed at the direction of the Legislative Budget and Audit Committee. Individual legislators or committees can submit requests for audits of specific programs or agencies to the committee for consideration. Copies of all completed audits are available from the Division of Legislative Audit's offices in either Anchorage or Juneau.

### BUDGET AND AUDIT COMMITTEE

Representative Terry Martin, Chairman  
Representative Con Bunde  
Representative John Davies  
Representative Gary Davis  
Representative Vic Kehring  
Representative Mark Hanley (alternate)

Senator Randy Phillips, Vice Chair  
Senator Al Adams  
Senator Steve Frank  
Senator Rick Halford  
Senator Steve Rieger  
Senator Fred Zharoff (alternate)

### DIVISION OF LEGISLATIVE AUDIT

Randy S. Welker, CPA  
Legislative Auditor  
Merie R. Jenson, CPA  
Deputy Legislative Auditor

P.O. Box 113300  
Juneau, Alaska 99811-3300

(907) 465-3830, Juneau  
(907) 561-1445, Anchorage  
(907) 465-2347, Juneau FAX

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



P. O. Box 113300  
Juneau, AK 99811-3300  
(907) 465-3830  
FAX (907) 465-2347

September 17, 1996

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT  
STATE BOARD OF REGISTRATION FOR  
ARCHITECTS, ENGINEERS AND LAND SURVEYORS


September 17, 1996

Audit Control Number

08-1441-96

The objective of the audit was to determine whether the State Board of Registration for Architects, Engineers and Land Surveyors should continue in existence. Statute 08.03.010(c)(3) terminates the board on June 30, 1997. As of July 1, 1997, the board will begin its one-year "wrap up" period and, if no action is taken by the legislature, the board will be dissolved at June 30, 1998. We recommend that the legislature extend the board until June 30, 2003.

The audit was conducted in accordance with generally accepted government auditing standards. Fieldwork procedures utilized in the course of developing the findings and discussion presented in this report are discussed in the Objectives, Scope, and Methodology section of this report.

  
Randy S. Welker, CPA  
Legislative Auditor

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## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the State Board of Registration for Architects, Engineers, and Land Surveyors to determine if it should continue in existence.

As required by statute, the legislative committee of reference is to consider this report as part of the oversight process in determining whether this board should be reestablished. The law currently specifies that the board will terminate on June 30, 1997 and will have one year from that date to conclude its affairs.

During the course of our examination, we reviewed and evaluated the following:

- Applicable statutes and regulations.
- Interviews with Department of Commerce and Economic Development, Division of Occupational Licensing personnel.
- Licensing files.
- Investigation files.
- Annual reports of the board's activities.
- Minutes of the board's meetings.
- Office of the Ombudsman on-line closed case files.
- Division of Occupational Licensing Policy and Procedures Manual.
- Contents of the board's correspondence files.
- Other relevant documents.

## ORGANIZATION AND FUNCTION

The State Board of Registration for Architects, Engineers and Land Surveyors is a regulatory board with nine members consisting of two civil engineers, one land surveyor, one mining engineer, two engineers from other branches of the engineering profession, two architects, and one public member (see inset at right for current board members).

Alaska Statute requires each board member to have been a resident in the State for three consecutive years immediately preceding appointment. Additionally, except for the public member, board members must be registered and have a minimum of five years of professional practice in their field.

Alaska Statutes 08.48.101 and 08.48.111 establish the powers of the board. They include:

1. Adopting regulations.
2. Describing the contents, conducting and establishing a minimum score for passing examinations.
3. Suspending, revoking, or refusing to issue or renew a license.
4. Issuing licenses to practice to architects, engineers, and land surveyors who meet standards of education and training determined to be necessary by the board.

The board is organized under the Department of Commerce and Economic Development, Division of Occupational Licensing (OL). OL provides the board with licensing and investigative support. The department is statutorily responsible for performing administrative duties such as receiving applications and fees, issuing licenses as authorized by the board, and providing enforcement and investigative services to the board.

### State Board of Registration for Architects, Engineers and Land Surveyors Board Members

Merle D. Jantz, Architect Board Chair  
Richard Armstrong, Electrical/Mechanical Engineer  
William W. Mendenhall, Civil Engineer/Land Surveyor  
D. Lance Mearig, Civil Engineer  
Michael J. Tauriainen, Civil Engineer  
Ernie Siemoneit, Mining Engineer  
Byron Haynes, Jr., Petroleum Engineer  
Michael H. Schwartz, Architect  
Mary Ann W. Pease, Public Member

## REPORT CONCLUSIONS

Alaska Statute 08.03.010(c)(3) terminates the State Board of Registration for Architects, Engineers, and Land Surveyors (the board) on June 30, 1997. Alaska Statute 08.03.020 provides the board one year in which to conclude its affairs if the legislature does not enact legislation for its continuance. We recommend that the legislature extend the board's termination date until June 30, 2003.

The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The board provides this service by establishing minimum educational and examination requirements that provide reasonable assurance that persons licensed are qualified. Active investigation of complaints and revocation or suspension of licenses also provides assurance that registrants act in a competent manner.

The Findings and Recommendations section of this report describes areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the board.

# CORRECTION

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



Rev. 6/98

Central Microfilm Services  
Department of Education  
State of Alaska

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The Findings and Recommendations section of this report describes areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the board.

(Intentionally left blank)

## FINDINGS AND RECOMMENDATIONS

### Recommendation No. 1

#### The legislature should consider various changes to the statutes relating to the State Board of Registration for Architects, Engineers, and Land Surveyors.

During our review we noted several areas where we believe that the legislature should consider statutory changes. These areas are continuing education, board composition, licensure by comity for architects, and the number of times an applicant may fail an examination without being required to reapply.

#### No continuing education requirements exist for architects, engineers and land surveyors

No statutory or regulatory provisions currently exist to require continuing education as a condition for registration renewal for architects, engineers and land surveyors. The purpose of requiring continuing education for licensed professionals is to demonstrate a continuing level of competency. Although continuing education is not an absolute guarantee that registrants will avoid professional obsolescence and maintain an awareness of changes taking place in the profession, it does provide a reasonable approach to formally promoting continuing competency.

While the current board supported the idea of continuing education for registrants, it does not support making continuing education mandatory. The primary reason for the board's reluctance to mandate continuing education appears to be that it is a condition for membership in a variety of state and national professional organizations. The board has expressed concerns that any provision for continuing education that it promulgates may not be consistent with the requirements of professional organizations and societies, placing an undue burden on the board's registrants. There is no legal or ethical requirement, however, for registrants to join any national or state professional society. Therefore, there is no control in place to ensure that registrants in the State are required to maintain a minimum level of competency in their field.

Review of other states' licensing requirements indicated that a majority of other states do not have continuing education requirements. Only three states require continuing education as a condition of license renewal for architects, four for engineers, and eleven for land surveyors (see Table 1). However, the national trend is toward implementing continuing education requirements to ensure continued competency. Additionally, most professional licensing boards require continuing education to assure that license renewal is based upon evidence of continued professional competency.

**Table 1: Continuing Education Requirements by State**

State	Architects	Engineers	Land Surveyors
Alabama	12 hours/year	15 hours/year	15 hours/year <sup>1</sup>
Florida	20 hours/biennium		24 hours per biennium
Iowa	20 hours/year	30 hours/biennium	30 hours per biennium
New Mexico		30 hours/biennium	30 hours per biennium
North Carolina		15 hours per year	15 hours per year
Kansas			30 hours per biennium
Maine			12 hours per biennium
Missouri			20 hours per biennium
Nebraska			30 hours per biennium
Texas			8 hours per year
Utah			24 hours per biennium

Our review also indicated that the National Council of Examiners for Engineers and Surveyors (NCEES), while not requiring members to obtain continuing education, has established guidelines for states developing continuing education requirements to follow. NCEES has done this to promote consistency in the requirements from state to state. Thus, practitioners registered in multiple states will not need to meet differing requirements for each state in which they are registered.

NCEES guidelines require 15 contact hours of instruction or presentation per year for both engineers and land surveyors. NCEES guidelines also allow, if a registrant exceeds the annual requirement in any renewal period, a maximum of 15 hours to be carried forward into the subsequent renewal period. Similarly, the American Institute of Architects (AIA) has also established minimum continuing education requirements to maintain competency as a condition of membership renewal. The AIA has begun to implement a program to require 12 to 36 hours of continuing education a calendar year, depending on the education quality level.

We recommend that an addition be made to statutes governing the board to require the implementation of continuing education for registrants in architecture, engineering, and land surveying in accordance with the guidelines and requirements for continued competency recommended by NCEES and the AIA.

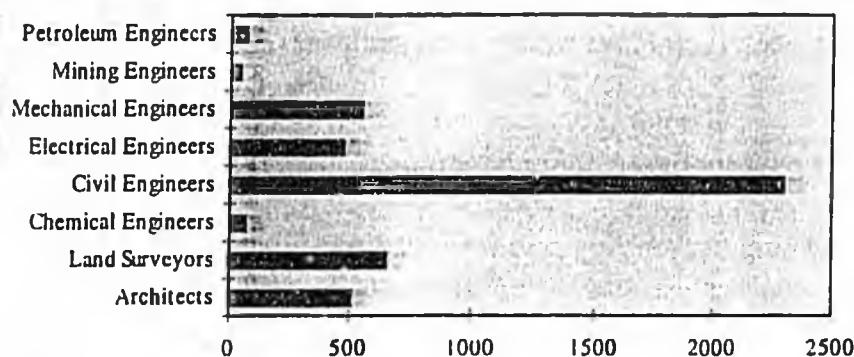
Mining engineers are disproportionately represented on the board

AS 08.48.011(b) requires that the board membership consist of two civil engineers, one land surveyor, one mining engineer, two engineers from other branches of the engineering profession, two architects, and one public member. For several years the board has supported legislation to change the board composition to no longer require a mining engineer. However, the board has not been successful in getting this legislation passed. The board has indicated that, due to the relatively few mining engineers licensed in the State, it is extremely difficult to find a mining engineer who is willing to take on the responsibilities of board membership.

<sup>1</sup> Correspondence course on Minimum Technical Standards for Land Surveyors at least every five years also required for Alabama registered land surveyors.

Mining engineers make up less than one percent (.86%) of the board's total registrants, excluding corporations authorized to provide architectural, engineering and land surveying services (see Fig 1). The current requirements for board membership result in mining engineers having a disproportionate level of representation on the board. We recommend that the legislature consider revising AS 08.48.011 to eliminate the specific requirement for a mining engineer to be appointed. The statute could be amended to increase the number of members

Fig. 1: Registrants by Type



serving on the board from branches of engineering other than civil from two to three. As a result, the board would remain the same size, but not have seats limited to narrow specialities — although nothing would preclude a mining engineer from serving on the board.

Statutory requirements for licensure by comity for architects are unclear

The current statutory requirements for licensure by comity for architects is unclear and subject to challenge. This statute, AS 08.48.191(a), states

*A person holding a certificate of registration authorizing the person to practice architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, or holding a certificate of qualification issued by the National Council of Architectural Registration Board, that, in the opinion of the board, meets the requirements of this chapter, based on verified evidence, may, upon application, be registered in accordance with the regulations of the board.*

The way the statute is written makes it unclear whether the phrase, "in the opinion of the board, meets the requirements of this chapter" relates to the registration in another jurisdiction, the National Council of Architectural Registration Board (NCARB) certification, or both. The board has interpreted the statute, through adoption of regulation 12 AAC 36.103, that the phrase relates to both registration in another jurisdiction and NCARB certification. Further, the board requires NCARB "blue book" certification as evidence that registration in another jurisdiction meets the requirements of AS 08.48.

As a result, it is not currently possible for an architect registered out of state to be licensed in Alaska without this NCARB certification. We do not find the board's interpretation of the statute to be unreasonable, however, we do understand how others, reading the existing statute, may interpret it differently. In fact, the interpretation of this statute, and whether or not the board's regulations are in conflict with the statute was recently the subject of litigation between the board and an individual who was denied licensure. The board's decision was affirmed by the court.

We suggest the section be reworded to clarify the board's authority to require NCARB certification for licensure, and the extent to which the board shall be required to provide licensure to individuals without NCARB blue book certification. NCARB certification is a nationally recognized standard for indicating that an applicant meets minimum qualifications for licensure. We suggest that the legislature consider deleting the phrase "*holding a certificate of registration authorizing the person to practice architecture in a state, territory, or possession of the United States, the District of Columbia, or a foreign country, or...*" from AS 08.48.191(a), endorsing the board's current interpretation of the statute, and to avoid further confusion in this area.

#### No limitation exists for the number of times applicants for registration may fail required exams

Applicants for registration in architecture, engineering and land surveying must meet certain education and training standards prior to being approved by the board to sit for examination. No limitation exists, however, regarding the number of times applicants can take, and fail, board administered examinations before being required to reapply or provide proof of additional training and education. Once approved, these applicants are not subject to subsequent changes in requirements to sit for these exams. As a result, there currently exist many pending files for applicants who have continued to fail exams for ten years or more, regardless of changes in requirements.

The board is currently considering a change in regulation that will set a limit on the number of times an individual may sit for an exam without being required to reapply. The board's attorney, however, has indicated that the board does not have the statutory authority to require applicants to provide proof of additional training or education acquired prior to reapplying to take exams.

We suggest the legislature consider revising AS 08.48.091 to require candidates failing the exam for five consecutive years (10 examinations) to reapply for examination and provide proof of additional training or education as deemed necessary by the board. This statutory revision will require applicants to reapply, making them subject to any changes in requirements to sit for the exam. It will also eliminate the need for additional paperwork and storage space necessary to maintain active files for individuals who are unlikely to pass examinations for registration without the benefit of additional education or training.

#### Recommendation No. 2

#### The Office of the Governor should exercise care in board member appointments to the State Board of Registration for Architects, Engineers, and Land Surveyors.

Board members are appointed by the governor, and the creation and composition of boards are defined within Alaska statutes. According to our review of FY 94 through FY 96 board appointments, an individual was recently appointed who did not meet the statutory requirements necessary to serve on the board. AS 08.48.031 states that "*[e]ach member of the board must have been a resident in the state for three consecutive years immediately preceding*

*appointment.*" This individual's resume appears to indicate that he was a resident in the state for only 1.3 years immediately preceding appointment.

We recommend the Office of the Governor carefully consider the specific statutory requirements of this board, prior to making board appointments, in order to avoid this situation in the future.

### Recommendation No. 3

The Department of Commerce and Economic Development (DCED) should include financial information in the licensing boards' annual reports, and the legislature should consider repealing AS 08.48.071(c)(1)-(2), and modifying AS 08.01.050 to require a complete statement of the receipts and expenditures of all licensing boards to be submitted annually to the legislature.

AS 08.48.071(c)(1) and (2) require that the board submit annually, at the end of the fiscal year, "a report of its transactions of the preceding year" and "a complete statement of the receipts and expenditures of the board, attested by affidavits of its president and its secretary." For FY 94 and FY 95, however, no information, other than budgetary, was included in the board's annual report regarding receipts and expenditures of the board. As of the end of our fieldwork, the FY 96 report was not yet available.

According to DCED personnel, financial information is not included in the annual reports for the other licensing boards, and it has never included it for this board either. Although the other boards do not have specific statutory guidelines requiring financial information to be included in their annual reports, DCED does track revenues and expenditures for each board on an annual basis. The spreadsheet that DCED uses identifies which boards are under and overcollecting revenues from licensees based on total Occupational Licensing (OL) expenditures. Since this information is readily available from the department, we recommend that OL include this information in the annual reports for all of the occupational licensing boards. Furthermore, we also recommend that the legislature consider repealing AS 08.48.071(c)(1)-(2), and modifying AS 08.01.050 to require that this information be submitted annually to the legislature

### Recommendation No. 4

OL should continue its efforts to adequately provide public notice of board meetings.

OL has not consistently provided adequate public notice of board meetings and examinations. AS 08.01.050 requires the department to publish notice of examinations and meetings. AS 44.62.310 requires reasonable notice for all meetings required to be open. The notice must include the date, time, and place of the meeting and, if the meeting is by teleconference, the location of any teleconferencing facilities that will be used.

OL's internal policy defines reasonable notice as at least two weeks before a regularly scheduled meeting and at least one week prior to any unplanned teleconference. We tested public notice for board meetings held during FY 94, FY 95, and FY 96. We found that three of the four teleconferences held by the board were adequately public noticed according to OL's written policies and procedures in place at the time. Additionally, no notice was given for one of the board's architectural examinations.

OL has since modified its policy for public notices. The department no longer provides public notice for teleconferences where the meeting is called for the sole purpose of making a decision on an adjudicatory proceeding. The new departmental policy would exclude most of the teleconferences noted above from public notice requirements, however, the requirements for examinations have not been changed. We believe that OL should continue its efforts to adequately public notice board meetings, examinations, and teleconferences.

## ANALYSIS OF PUBLIC NEED

### Limited Analysis

The following analyses of board activities relate to the public need factors defined in the "sunset" law, Alaska Statute 44.66.050. These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

#### *The extent to which the board, commission, or program has operated in the public interest.*

The board, through its administration of the licensure of architects, engineers, and land surveyors, has endeavored to present competent professionals to the public. There is a public need for this board because of the professional expertise required to regulate the profession. Additionally, the licensing of applicants who meet necessary qualifications is necessary to protect the public's health and welfare.

The board is responsible for adopting regulations to ensure only persons with the proper qualifications are admitted into the profession. The public also needs the board to discipline, suspend, or revoke licenses of practitioners who have committed acts listed under AS 08.48.291 and AS 08.48.295. Furthermore, licensees are required to stamp final drawings, specifications, surveys, plats, plates, reports, or similar documents with a seal bearing the registrant's name, registration number and the profession for which they are registered. By affixing this seal and signing the documents, the registrant certifies that these documents were prepared by or under the registrant's direct supervision, and that the registrant has met the minimum standards set to protect public health and welfare.

The board has established regulations governing its duties and licensure requirements, enforced the laws for issuing licenses in a uniform and consistent manner, held meetings and administered examinations in accordance with statutory requirements.

#### *The extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.*

During FY 94, FY 95, and FY 96, the board achieved its statutory requirement of meeting at least four times during the year. Teleconferences were also held to address board concerns between regularly scheduled quarterly meetings.

Board members are appointed by the governor, and the creation and composition of boards are defined within Alaska statutes. As indicated in Recommendation Nos. 1 and 2, we have some concerns with the current statutory requirements regarding board composition, as well as the qualifications of one board member. Also indicated in Recommendation No. 1, we believe that licensing requirements would be enhanced by implementation of continuing education requirements for registrants, changes in the statute regarding licensure by comity for architects, and limiting the number of times applicants may fail licensing examinations without being required to reapply and provide proof of additional training and education.

**Table 2: Status of Regulation Changes for Architects, Engineers and Land Surveyors**

*Effective March 16, 1995*

12 AAC 36.063(b)	Applicants with foreign degrees must provide translated, notarized transcripts, and evaluation of education from a board approved agency.
12 AAC 36.063(c) & (g)	At the board's discretion, credit will be given for responsible charge experience for engineers based on comparability of experience with branch in which registration is sought.
12 AAC 36.063(h)	A maximum of two years of subprofessional work experience will be accepted for up to 1/2 of the experience required.
12 AAC 36.065(a)	Professional Land Surveyor's Table of Equivalent Experience was modified to allow additional education and experience credit for graduate or doctorate degree in surveying.
12 AAC 36.065(b), (d) & (e)	Same as items 1, 2, & 3, above, applied to Land Surveyors.
12 AAC 36.070	No-shows for exams not qualifying for postponement, are not eligible for a refund of exam fee, and must reapply to take exam at a later date.
12 AAC 36.105(b)	Applicants for registration by comity must submit both verification of licensure in another jurisdiction and a council record issued by NCEES. (Prior regulations required only one).
12 AAC 36.105(d)	Applicants for engineering registration licensed in jurisdictions without comparable examination requirements, shall prove that they 1) have taken a registration exam; and 2) have at least 10 years of postregistration work experience acceptable to the board.
12 AAC 36.165(c)	Expired corporate certifications may not be reinstated.
12 AAC 36.165(d) & (e)	Reinstatement of an expired engineer registration requires the applicant has taken an acceptable exam; and has successfully completed a board approved course in arctic engineering.
12 AAC 36.990(27) - (29)	Definitions were added for A.S., B.S., and M.S. degrees.

*Effective 5/12/96*

12 AAC 36.010	Regulations were added providing for conditional approval of an application for examination or comity pending receipt of missing supporting documentation. Conditions for denial of applications were also defined.
12 AAC 36.050	The board established a three tiered approach to application deadlines: 1) 90 days prior to examination date for completed application form; 2) 10 days prior to the board meeting immediately preceding the examination date for all supporting documents; and 3) 45 days prior to the date of the examination for supporting documentation for applications receiving conditional approval from the board.

*Pending Review from Attorney General's Office*

12 AAC 36.125 & 12 AAC 36.135	New sections were added regarding requirements of corporate certificate of authorization.
12 AAC 36.195	Section was added to define the allowable titles for licensees and interns.

*Pending Public Comment*

12 AAC 36.040	Clarification of reapplication deadline for exam candidates failing or postponing an exam.
12 AAC 36.103(a)	Deletion of the requirement that an applicant for architect registration by comity submit verification of a valid registration in another jurisdiction.

The current board has been extremely active in the process of converting existing board policies into regulation. Changes in regulations were implemented effective March 1995 and May 1996. Further changes are currently under review by the Attorney General's Office, and additional changes were proposed and reviewed during the board's May 1996 meeting and are now awaiting public comment. See Table 2, on the previous page, for a description of the board's more significant regulation changes and their current status. Other regulation changes, not indicated in Table 2, were primarily housekeeping in nature.

Annual reports for FY 94 and FY 95 were submitted by the board. The deadline for submission of the FY 96 report had not yet passed as of the end of our fieldwork.

*The extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.*

A variety of changes have been made to the board's statutes in the past three years, not all of which originated with the board. The most significant changes have been: (1) the readoption of a broad exemption for employees of utilities and other organizations who practice engineering, but do not offer engineering services to the public; and (2) the adoption of a provision for retirement status for board registrants. At the time the first change was implemented, the board was in the process of drafting regulations to exempt employees of public utilities from registration, it does not appear, however, that the board supported an exemption as broad as the actual statutory change adopted. The board did support the change to provide for a retirement status for registrants.

In recent years, the board has also recommended changes to the board's composition to more closely reflect the composition of its registrants. The original bill introduced to allow for retirement status of registrants also included a modification to the board's composition to require three engineers from branches of engineering other than civil, instead of two engineers from other branches and one mining engineer (see Recommendation No. 1). This section, however, was removed before the bill was passed.

The most significant statutory change recommended by the board, however, is to remove the board from its current existence under DCED in order for it to operate autonomously. As indicated in the board's FY 95 annual report, the board desires autonomy in order to:

- a. *Gain budgetary control and reduce overall costs for administration of the AELS board.*
- b. *Hire an executive secretary as the board administrator and retain the same person for many years, thus creating continuity in action and reducing turnover.*
- c. *Attend regional and national meetings of the registration organizations, such as NCEES and NCARB, without having to battle the state for permission to receive the funding for travel.*
- d. *Hire independent investigators who would be solely committed to researching complaints about professional practice regulated by this board and investigate those cases that the board fees are most important.*

- e. Eliminate financial participation of the Department of Commerce and Economic Development activities that the board does not need or support.*
- f. Eliminate support of managerial and supervisory positions that currently oversee the licensing examiner's position.*

In the same report, the board also outlined the drawbacks and liabilities that needed to be addressed to achieve autonomy as follows:

- a. The board would need to be an entity separate from the state in order to directly collect registration fees, however, it might still need to rely upon the state for legal prosecution of cases against registrants.*
- b. Any fines levied by the board (if it were so empowered) would best flow to the state rather than the board, to avoid the perception (or potential inclination) of the board-generated income by fining individuals unfairly.*
- c. Board members might be exposed to legal action by disgruntled examinees or registrants.*
- d. Demands on board member time would likely be greater as the board would be responsible for overseeing the performance of its administrator or executive secretary.*
- e. It would need to be determined whether the board administrator/executive secretary position was one of the state employment, including state insurance and benefits, or a totally independent position.*
- f. Professional registration fees are paid once every two years with about 80% of the dues coming in the first year. Budget control would have to be closely monitored to insure that the board can operate for two years on the money received biennially.*

From review of how other states' boards are set up and the structure of various boards within the State, it appears that the board has, basically, three options in terms of where it might fit in state government. It may stay where it is, under DCED; it may be semi-autonomous, still a sub-entity under DCED, but a separate legal entity such as Alaska Public Utilities Commission (APUC); or it may be a more autonomous entity like the Alaska Bar Association.

In October 1995, the board developed a partial outline for autonomy legislation. This outline, however, remains unfinished and does not answer many of the questions regarding autonomy that are outlined above. Such as how it would be legally possible for the board to be an entity separate from the State, have the authority to tax individuals in terms of registration fees, and still rely upon the State for legal prosecution of cases against registrants, and what level of funding would be necessary to support this new, autonomous board. Additionally, this outline indicates that it is designed to establish semi-autonomy, however, it would establish a board with fees and expenditures not subject to review or approval by the legislature or any other state agency or department. This requires that the State and the legislature surrender their authority to tax individuals, in terms of licensing fees, to a body that need not answer to the State as to the reasonableness of the taxes imposed or the expenditures incurred by that body.

During the 1996 legislative session, SB 202 was introduced to provide "semi-autonomy" for the board, similar to that of APUC. This bill primarily changed AS 08.48 to replace "department" with "board", and allowed the board to contract for its own staff, including attorneys, as well as allowing the board to set per diem rates for board members. Two fiscal notes accompanied this legislation. The first removed the expenditures of the board from DCED's Division of Occupational Licensing, and the second represented the division's best estimate of the costs that will be incurred by the new, semi-autonomous board. The net increase of expenditures was expected to be \$142,957.

In a January 26, 1996 memorandum to the board, the director of the Division of Occupational Licensing discussed the assumptions made in developing the fiscal notes. The memorandum also requested input from the board and the bill sponsor to clarify the AELS activities and staff to be funded. The board chair responded that he could not support the fiscal note since it was "*clearly overstated, presumably to discourage legislation for a semi-autonomous board.*" The board chair indicated dissatisfaction with the note, indicating that the board did not require the services of a full time attorney, extensive licensing staff, a full time accounting clerk, or a full time investigator. In his view, part-time positions would be able to meet the board's needs, however, he did not provide adequate quantitative information to modify the fiscal note to what he might consider a more reasonable level of funding.

In this memorandum, the chair also requests "*that a semi-autonomous board not be attached to DCED, but rather be truly semi-autonomous as we envisioned.*" A complete plan, however, of what the board's vision of autonomy is has not, to date, been made available. Until the board has specifically addressed all of the outstanding issues regarding its plan for autonomy, we believe legislation designed to achieve this plan is premature, and we cannot support it at this time.

*The extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.*

The location, date and time of board meetings and examinations are published in newspapers around the State so that those interested can attend. However, during FY 94 through FY 96, adequate public notice of meetings and examinations was not always provided (see Recommendation No. 4).

A public comment period is listed on all meeting agendas and provided for during all board meetings.

*The extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.*

As discussed above, a public comment period is made available at all board meetings. The board has also published public notices of all proposed changes in regulations.

*The efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the Office of the Ombudsman have been processed and resolved.*

The Office of the Ombudsman listed no cases that were closed during FY 94 through FY 96, and no audits performed by the Office of the Governor were noted. Between FY 94 and current FY 96, the Division of Occupational Licensing investigated 90 complaints related to architects, engineers and land surveyors. The most common complaint was unlicensed practice (38%) with violation of professional ethics a close second (37%).

We reviewed a sample of 12 investigations. From our review we determined that the Division of Occupational Licensing and the board were investigating and resolving complaints in a timely manner, given the nature of the complaints and the budgetary constraints involved.

*The extent to which the board or commission which regulates entry into an occupation or profession has presented qualified applicants to serve the public.*

Based on the numbers reported in the board's FY 95 annual report, and the Licensing Examiner's records for FY 96, the number of active licenses/permits by category is as listed in Table 3.

The board is statutorily responsible for the issuance of all licenses. A person may apply for licensure by examination or by using past performance records. Licensure using past performance records is more commonly referred to as licensure by comity. During our testing, we found one instance where the board had licensed an individual without requiring him to pass the Alaska Land Surveyor Exam. This appeared to be an isolated error, however,

which the division had already identified and was in the process of correcting. Additionally, we also noted during our testing that the board was not ensuring that five references were being provided by applicants for licensure as is required by statute. The board relies heavily on NCARB and NCEES Council Records, however, these councils appear to only require three

Table 3: Total Registrants by Type

Category	Total	Issued in FY 96
Engineers	3,492	163
Architects	508	15
Land Surveyors	654	7
Corporate Authorizations	239	45
Total	4,893	230

references from members. The division has assured us that, from now on, all applications will contain the required five references prior to approval of the applicant for licensure.

*The extent to which state personnel practices, including affirmative action requirements have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.*

We did not find any evidence that the board was not complying with state personnel practices, or the Civil Rights or the Americans with Disabilities Acts in qualifying applicants. OL has reviewed the applications for engineers, architects, and land surveyors to determine if the questions asked are reasonable and in accordance with the above acts.

*The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.*

Please refer to the Findings and Recommendations section of this report.

(Intentionally left blank)

November 26, 1996

RECEIVED  
DEC 02 1996

Mr. Randy S. Welker, Senior Auditor  
Alaska State Legislature  
Legislative Budget  
Division of Legislative Audit  
P.O. Box 113300  
Juneau, Alaska 99811-3300

LEGISLATIVE AUDIT

RE: Preliminary Audit Report  
Department of Commerce and Economic Development  
State Board of Registration for Architects, Engineers, and Land Surveyors  
Audit Control Number: 08-1441-96

Dear Mr. Welker,

This references your letter dated November 12, 1996 addressed to Mr. Richard Armstrong concerning the above subject. Your letter was forwarded to me as the current Chairperson.

Thank you for the opportunity to comment on your findings and recommendations prior to the final report. The following comments are based on Board discussions while reviewing Michelle Daugherty's letter.

**Recommendation No. 1 - Continuing Education**

Disagree with recommendation

The Board has supported voluntary continuing education (CE), but opposed mandatory CE. The primary concern is the lack of a clear problem that can be cured with such a program. A majority of the Board favors less regulation rather than more. To implement mandatory CE without a clear "broken" condition would be more regulation and cost for limited benefit to public health, safety, and welfare. The Board is concerned with added paperwork, cost, and hassle to the registrants and the state.

Our discussions with other states (both architect and engineer boards) who currently have a mandatory program indicate major confusion and difficulty. We prefer to wait for additional experience before Alaska attempts to implement mandatory CE. The number of "basket weaving" type CE courses which have proliferated lately is also of concern.

The last paragraph in this item suggests the possibility of the NCEES and the AIA systems as a model. It is more appropriate to recommend the NCARB system rather than AIA. Both NCEES and NCARB are national organizations made up of the various state regulatory boards called member boards. Both have developed model registration laws and regulations for use by member boards. Both have developed guidelines for use by member boards should they choose to implement mandatory CE. The use of the NCEES and NCARB models would enhance the likelihood of similarity between states. While the Board works very closely with the professional societies such as AIA, it is important to keep an arms-length relationship. To adopt the AIA CE system might well create a situation where architects wanting to be registered in Alaska would be required to become an AIA member, at \$405 per year, in order to meet the CE requirement. Please revise the recommendation to delete reference to AIA and insert NCARB.

**Recommendation No. 1 - Mining Engineers representation on the Board**

Agree with recommendation

The report makes an excellent case for more proportionate representation. More important to the Board is the availability of expertise to review applications. All applications for registration are reviewed during executive session. The Board members are asked to examine information presented by the applicant to determine compliance with minimum standards for education, experience, and testing. We see very few applications for mining engineer. Additionally, mining applications can be reviewed by a civil engineer as they are closely related. The board is asked to review a much greater number of applications in other engineering disciplines such as mechanical and electrical for example. Having another engineer, other than mining, would enhance the process. The obvious choice based on the disciplines and licensed registrants would be mechanical and electrical.

**Recommendation No. 1 - Statutory requirements for comity licensure for architects**

Agree - excellent suggestion.

JANTZ ASSOCIATES