

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9358 HOUSE LABOR & COMMERCE

3/24/97

Revised SS on 14^{sb}

Laina will deliver to
committee members

Pls replace in your
committee packets

J.

3/27/97

TP 4 line 5 "Two" is now
"One" due to address
received 3/26/97.

revised SS

Do you want ^{Laina} to deliver to
committee members?

Pls call:
Laina
3892

MAR 25 1997

9:40 A.M.

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

Senate Labor & Commerce, 1/28/97, 1:30 p.m.

Senate Health, Education & Social Services, 2/3/97, 9:00 a.m.

Senate Rules, 3/11/97, 10:48 a.m.

S B

75

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SB 75

Revision Date: _____ Department: Commerce and Economic Development
 Title: An Act relating to the regulation of accountants; BRU: Occupational Licensing
and providing for an effective date. Component: Operations
 Sponsor: Senate Rules Committee
 Requestor: Senate Labor and 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0
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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						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: \$ 0.0

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
 SB 75 increases the minimum requirements for CPA examination candidates, and recognizes use of the "EA" designation for Enrolled Agents. New funds are not required to implement this bill.

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

Phone: 465-2144
 Date: 2/10/97
 Date: 2-16-97

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: March 7, 1997

FURTHER REFERRALS:

Date of Committee Action: 3/19/97

The LABOR AND COMMERCE Committee considered:

CSSB 75(STA)

CS FOR SENATE BILL NO. 75(STA)

REGULATION OF ACCOUNTANTS

"An Act relating to the regulation of accountants; and providing for an effective date."

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

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____ APPROVES PREVIOUS: (Dept/Date) _____
 fiscal note(s) _____ fiscal note(s) _____
 zero fiscal note(s) _____ zero fiscal note(s) DCE

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John J. Condeelis</i>			<input checked="" type="checkbox"/>	
<i>George Sanders</i>			<input checked="" type="checkbox"/>	
<i>Bob Murray</i>	<input checked="" type="checkbox"/>			
<i>Bill Hudson</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
<i>Nimm Kotely</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE

Nimm Kotely

3/19/97

03/19/97 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:13:02 PARTICIPANT LIST (ALL PARTICIPANTS) BY:MAT
TCN:70495 SCHEDULED FOR:03/19/97 15:15 TO 17:30 FOR:MAT
PUBLIC HEARING HOUSE LABOR & COMMERCE
LOCATION:MATSU
ALL ITEMS MR CHARLES GRIFFIN SB 75 & 140 TESTIFY

03/19/97 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
15:36:20 PARTICIPANT LIST (ALL PARTICIPANTS) BY:SIT
TCN:70495 SCHEDULED FOR:03/19/97 15:15 TO 17:30 FOR:SIT
PUBLIC HEARING HOJSE LABOR & COMMERCE
LOCATION:SITKA
SB 75 BRADLEY SHAFFER TESTIFY



Official Business

Alaska State Legislature

Senate

Rules Committee

State Capitol
Juneau, AK. 99801-1182

MAR 10 1997

MEMORANDUM

DATE: March 8, 1997

TO: Rep. Norman Rokeberg, Chairman
House Labor & Commerce Committee

FROM: Senator Tim Kelly, Chairman *TDK*
Senate Rules Committee *(TB)*

SUBJ: Request For Committee Hearing - SB 75

I would appreciate your scheduling a hearing for SB 75, the bill to strengthen the standards for making application to sit for the CPA examination in Alaska. Because of Alaska's requirement to merely have a baccalaureate degree in order to apply for the exam, there has been an unusual and dramatically increasing number of applicants, most of whom are foreigners, and most of whom will not be candidates for Alaska licensure.

A lesser issue addressed by SB 75 is to allow the use of the professional designation "EA" by enrolled agents, unlicensed accountants and tax practitioners who are enrolled to practice tax-related business by the Internal Revenue Service. Official recognition of this professional designation must be made in statute.

Attached is supporting documentation for the committee files. If there are questions, please call Tim Benintendi at 3770.

TDK/tb/m13



Official Business

Alaska State Legislature

Senate

Rules Committee

State Capitol
Juneau, AK. 99801-1182

SPONSOR STATEMENT

CSSB 75 (STA) - CPA Exam Qualifications

CSSB 75 (STA) proposes to strengthen the application criteria for those planning to take the Alaska CPA examination, now held every May and November. This bill will NOT change the test itself, nor will it change the requirements for licensure in Alaska.

The need for this legislation arises from the dramatic increase in foreign applicants who come here to sit for the CPA exam, most of whom will not live and practice in Alaska, and many of whom have no background in accounting. The unusual number of foreign applicants could substantially impact the Division of Occupational Licensing, and the licensing examiner, who is shared with two other boards.

Currently, our requirements call merely for a baccalaureate degree, not an accounting degree, nor any accounting experience. Ours are the lowest standards in the country. Previously, Montana, also with low requirements for application, raised its criteria by emergency order to stem the same problem. Where Alaska usually seats several dozen for the exam, there were over 500 candidates for the test last November, and the test being given in May, 1997 may have as many as eight-hundred candidates.

The Alaska State Board Of Public Accountancy uses the uniform certified public accounting examination, the same as used in every other jurisdiction in the country. With such a large number of casual applicants taking the test, issues of security for the national exam and possible liability arise.

Section 1 of CSSB 75 (STA) would institute new standards for those applying to take the CPA exam in Alaska. In addition to a bac-

calaureate degree or its equivalent, one would need at least an accounting concentration of study, and either a minimum number of accounting credit hours, or one year of experience under the direct supervision of a CPA. For those pursuing a degree in accounting, they would need to be within the final year of the degree program.

Section 2 of the bill would address a lesser and unrelated issue, that of allowing the use of the designation "EA" by enrolled agents. Enrolled agents are unlicensed accountants or tax practitioners who are enrolled by the Internal Revenue Service to engage in tax-related business. Official recognition of this professional designation must be made in statute.

Sections 3 and 4 were products of the Senate State Affairs hearing, which simply provided for those test-takers who have already completed at least two portions, to sit for the remaining portions after the effective date, and enjoy the criteria they began under prior to the requirements changing.

Section 5 provides for a changed effective date, now June 1st, 1997. This was changed from an immediate date because it was felt that we could not fairly nor realistically impact the May 1997 test on such a short notice. The changes in this bill will be in place well ahead of the November 1997 exam.

The bill is supported by Division of Occupational Licensing, the Alaska State Board of Public Accountancy, the Alaska Society of Certified Public Accountants, and the Alaska Society of Independent Accountants. If there are questions, contact Tim Benintendi at 3770.

ALASKA STATE BOARD OF PUBLIC ACCOUNTANCY

BOARD RECOMMENDATIONS FOR PROPOSED REGULATIONS

The State of Alaska is the only jurisdiction providing the AICPA exam without any minimum education or work experience requirements. The present regulations require a lower standard to sit for the exam than required to become licensed as a certified public accountant.

The lower standards provide the opportunity for applicants to sit for the exam in Alaska rather than other jurisdictions. Historically 150 applicants sit for the CPA exam twice a year. The number of applicants approved for the November 1996 exam is approximately 750. The dramatic increase is the result of Alaska's lower standards to sit for the exam.

The Board's primary concerns with the increase are twofold:

1. The State is legally bound to administer the exam and meet very high standards of security. Every effort of the administration is to prevent disclosure of the contents of the exam. The board is concerned applicants may take the exam to obtain first hand knowledge of the contents of the exam and to share the information with other interested parties.

The board is committed to the administration of the exam for individuals who want to become licensed as a certified public accountant.

2. Transcripts of the applicants from other jurisdictions reveal little or no accounting and auditing classes. The applications reveal that most of these applicants are not employed in public accounting nor intend to become licensed as a certified public accountant.

The board is committed to the administration of the exam for individuals who have obtained certain educational or work experience that demonstrates their intent to become licensed as a certified public accountant.

The proposed statute change provides the board the authority to define the minimum educational or experience requirements for application to sit for the exam by regulation.

The proposed regulation changes will provide the minimum educational or work experience.

The State will benefit from providing the minimum educational or work experience requirements to sit for the exam. The State will be in conformity with other jurisdictions by adopting these changes. There will not be any additional cost to the State from the adoption of these changes.

Accounting Consultants of Alaska, Inc.

Kirk W. Brown, CPA • Jamie L. Berge, Associate
203 West 15th Avenue, Suite 107 • Anchorage, Alaska 99501
Telephone (907) 278-3770 • FAX (907) 278-2650 • Alaska Toll Free (800) 278-3770

February 10, 1997

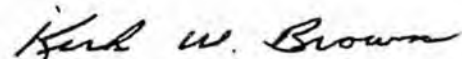
To: Senator Tim Kelly
(907) 465-3822 (FAX 907-465-3756)

Dear Tim:

I wish to inform you that I am in support of SB75 and would appreciate your support also. Last year I helped proctor the CPA exam in Anchorage and noted that we were deluged with foreign applicants. It is my understanding that this bill would not unreasonably restrict local applicants from taking the exam but would eliminate those not serious in obtaining their CPA certificate for practicing in the US.

Thank you for your support. Let me know when you get back to Anchorage.

Cordially,



Kirk W. Brown, CPA

cc Chuck Griffin
745-3239 (FAX 745-6038)



Alaska Society of Independent Accountants

Organized September 1, 1972

3055 College Rd • Fairbanks, Alaska 99709 • (907) 561-1302 • (907) 456-3330

February 7, 1997

BOARD OF DIRECTORS

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456-3330
Fax 474-9815

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Fax 283-2088

NSPA State Director
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Rex Cruse
Fairbanks, Alaska
456-1211
Fax 456-6180

Mr. Charles Griffin, CPA
Chair, Alaska State Board of Public Accountancy
Division of Occupational Licensing
Department of Commerce and Economic Development
P.O. Box 670
Palmer, Alaska 99645

Dear Mr. Griffin:

The Board of Directors of the Alaska Society of Independent Accountants has reviewed Senate Bill No. 75 relating to the qualifications to sit for the CPA exam and the use of the abbreviation EA as it related to the designation "Enrolled Agent" as defined by the Internal Revenue Service.

We understand the need to increase the Alaskan requirements to sit for the CPA exam and that this statute will bring our state into closer conformity with other jurisdictions. We do not believe that this bill will adversely affect the qualified Alaskans who wish to sit for the CPA exam.

We are very much in favor of the change to Sec. 08.04.540 relating to the use of "EA" as it relates to an individual who is enrolled to practice before the Internal Revenue Service. As I am sure you are aware, many of our members are enrolled to practice before the Internal Revenue Service and have the designation "Enrolled Agent" and "EA".

The Board of Directors of the Alaska Society of Accountants unanimously voted to support Senate Bill No. 75 and authorized this letter of support at a Special Board Meeting called, by telephone, on February 4, 1997. If we can be of any additional assistance as this bill moves through the legislature, please let us know.

Sincerely,

Sharon A. Blackwell, President
Alaska Society of Independent Accountants

CC: REX CRUSE

CHARLES R. GRIFFIN

CERTIFIED PUBLIC ACCOUNTANT

P O BOX 670 • PALMER, ALASKA 99645
TELEPHONE (907) 745-3239

February 4, 1997
VIA FAX 907-465-3756

Senator Tim Kelly, Chairman
Senate Rules Committee
Alaska State Legislature
State Capitol, Room 101
Juneau, Alaska 99801-1182

Re: Senate Bill No. 75 (CPA Exam Qualifications)

Dear Chairman Kelly:

Thank you! - the Alaska State Board of Public Accountancy and I sincerely appreciate your valued assistance in introducing SB 75. This bill, amending only two sections of our Accountancy Act, will solve our current examination crisis - we are simply being overwhelmed by foreign examination applicants.

Alaska currently has the lowest standards for examination applicants in that we simply require a baccalaureate degree. Our current statutes do not require accounting courses or experience prior to taking the examination. And it is well settled that we cannot consider residency in establishing qualifications or fees.

Our Board was swamped by foreign (mostly Japanese) applicants for the November 1996 examination. We soon learned that the State of Montana, apparently the former state of choice, adopted emergency rules in May 1996 and for the November 1996 exam began requiring residency as well a degree with an accounting concentration. Our Board has been deluged by foreign applicants since the Montana rules were first noticed.

Our Board utilizes the uniform certified public examination which is offered each May and November by all of the U.S. accounting jurisdictions. It is a nondisclosed, secure examination and we are committed to administer it in Alaska. Under our current statutes, however, our Board counsel (AAG) advised us that we must simply accommodate all applicants who meet our requirements.

Thus for November 1996 we received 560 new applications and examined 507 candidates. We typically receive about 75 new applications and examine about 160 candidates. I enclose our examination statistics for 1995 and 1996 and you will clearly see the increase is staggering. We have already received over 100 additional new applications and are anticipating some 800+ candidates for the May 1997 exam.

We are extremely concerned that our current standards admit a very large number of candidates who will never be true candidates for licensure. A security breach could jeopardize this national examination, potentially subject our Board to liability for loss or damages, or prevent us from being able to offer the examination in the future.

Senator Tim Kelly, Chairman -2-
Senate Rules Committee
Alaska State Legislature

February 4, 1997

Re: Senate Bill No. 75 (CPA Exam Qualifications)

In addition, we are concerned that this volume of examination activity - processing applications, arranging sites, scheduling candidates, finding qualified proctors, and Board member site administration - is substantially impacting both our Licensing Examiner (whom we share with two other Boards) and the Division of Occupational Licensing. As a result, the service to Alaskan examination and licensing applicants, our licensees and the public is suffering.

Please note that Section 1 of the bill, repealing and reenacting AS 08.04.150, is not exclusionary. This bill does not change or increase the requirements for licensure in Alaska. This bill would only increase the qualifications required to take our examination to such an extent that it would exclude most of our foreign applicants. Alaska's accounting education requirement will still be among the lowest in the nation but we did not wish to set the requirement at the top and exclude many of our Alaskan applicants. We believe this bill will serve both the Board and all bona fide candidates for licensure.

We also believe that this bill should not require a fiscal note in that our fee setting is reviewed biennially and the application and examination processes are consistently priced on a break even basis.

Section 2 of the bill is a minor statutory change required in order to allow "enrolled agents" to use the designation "EA". We have recognized the term "enrolled agent" in the Board's regulations. We clearly recognize that the use of "EA" is not misleading or deceptive in this context and is used by a number of unlicensed accountants or tax practitioners who are, in fact, enrolled to practice by the Internal Revenue Service. The use of the abbreviation "EA" is however governed by statute and we seek your legislative grace for this change.

These two provisions are unanimously and enthusiastically sought, endorsed and supported by the State Board of Public Accountancy as well as the Alaska Society of CPA's. I would also expect that Director Reardon of Occupational Licensing will be supportive. I again express the Board's appreciation for your time and effort in getting this legislation introduced.

We look forward to participating in the committee hearing process and will be pleased to respond should you or any of your fellow legislators have any questions or desire any additional information.

Very truly yours,



Charles R. Griffin, CPA, Chairman
Alaska State Board of Public Accountancy

**ALASKA STATE BOARD OF PUBLIC ACCOUNTANCY
 EXAMINATION STATISTICS
 MAY 1995 THROUGH NOVEMBER 1996**

	May-95	Nov-95	May-96	Nov-96
New Exam Applications Approved	<u>72</u>	<u>70</u>	<u>79</u>	<u>560</u>
Exam Candidates Scheduled	188	211	198	704
No Shows	<u>-38</u>	<u>-32</u>	<u>-31</u>	<u>-197</u>
Candidates Examined	<u>150</u>	<u>179</u>	<u>167</u>	<u>507</u>
Candidates Examined:				
Alaskan	87	89	91	94
Foreign	54	80	68	392
Out of State	9	10	8	21
Total	<u>150</u>	<u>179</u>	<u>167</u>	<u>507</u>
Candidates Passed All 4 Parts	5.33%	6.14%	4.19%	5.52%
Candidates Failed All 4 Parts	37.33%	39.10%	41.31%	61.73%
Examination Section Pass Rates:				
AUD	21.32%	25.00%	25.85%	13.54%
LPR	18.32%	20.26%	24.67%	17.17%
FARE	36.58%	35.25%	33.07%	25.26%
ARE	36.58%	27.06%	23.25%	17.08%



ALASKA SOCIETY OF CPAs
341 W. TUDOR #105
ANCHORAGE, AK 99503
(907) 562-4334
800-478-4334
FAX (907) 562-4025

JAN - 4 1997

January 2, 1996

Charles Griffin, CPA
Chair, Alaska Board of Public Accountancy
Division of Occupational Licensing
P.O. Box 670
Palmer, Alaska 99645

Dear Mr. Griffin:

The Board of Directors of the Alaska Society of Certified Public Accountants has reviewed the statute and regulations proposed by the Board of Public Accountancy to increase the Alaskan requirements to sit for the CPA exam. We understand the recent developments which prompted your call for change. Several of our members were involved with the administration of the November 1996 exam. The tremendous increase in applicants did cause considerable problems. The ability of our state to administer the exam under conditions of high security must be a priority concern.

We believe the statute and regulations changes outlined in your proposal should be adopted. The statute change will give the Board the authority to regulate the exam through education and experience regulations. This will not only allow the Board to act in the current situation, but will also provide the statutory authority to react to future problems that might arise. The revised educational/experience regulations will bring our state into closer conformity with other jurisdictions with minimum impact on Alaskans who plan to sit for the exam. Alaskan students majoring in accounting will continue to be qualified to sit for the exam in the final semester of their baccalaureate programs. We believe your proposal will provide a practical and fair solution to our current exam administration problems.

The Board of Directors of the Alaska Society of Certified Public Accountants unanimously voted to support your proposal at our December 6, 1996 Board meeting and authorized this letter of public support. We stand ready to provide any additional support that might be necessary as this proposal moves through the legislative process.

On another matter, we are in receipt of the December 17, 1996 "Regulations Notice" from Regulation Specialist, Joanne Cummings regarding various other regulation changes including Quality Review regulations. We worked closely with you as these Quality Review regulations were drafted and are pleased to see them moving through your due process procedures. We continue to strongly support the adoptions of these Quality Review requirements.

Please contact us if we can be of any further assistance with regard to any of the matters referred to in this letter. We appreciate the opportunity to work with you as you strive to administer the Accountancy Statute and Regulations to protect the public interest.

Sincerely,

Alaska Society of CPAs

Alaska Society of Certified Public Accountants, Inc.

cc: Mark Schnieter

Japanese count on taking CPA exam here

By Margaret Thomas
Staff writer, The Paper

State officials are scrambling to accommodate a sudden surge in the number of people planning to take the certified public accountant licensing exam in Alaska next month. And here's the weird part: Almost 80 percent of the applicants are Japanese.

Some 700 people have applied to take the two-day test in Alaska, with 295 of them scheduled to sit in Juneau. Organizers here have reserved the Centennial Hall ballroom to make room for the crowd. Last time the twice-yearly test was offered in Juneau, 15 people signed up.

The recent influx is a result of the prestige that Japanese businesses attach to passing

the U.S. exam, combined with an emergency change in Montana regulations that made Alaska the easiest place to qualify for the test. Now, Alaska's Board of Public Accountancy is pushing to close the door here, too.

The problem is that most of the foreign test takers have no intention of fulfilling up to three years of work experience required to become licensed, practicing CPAs in Alaska. Worse yet, the change in Montana law could make Alaska a target for "ringers" — those who just want a peek at the standardized test in order to help their clients cheat.

"Alaska currently has the lowest requirements for eligibility to sit for the exam,"

said Chuck Griffin, head of the state Public Accountancy Board. "The more people we let in who will have no ultimate chance of being licensed, it seems the greater our exposure is."

Officials at the state Division of Occupational Licensing worry too that application fees won't cover the cost of processing more paperwork, renting larger facilities and hiring extra proctors for administering the test to so many, said state licensing supervisor Judy Weske. "We will have to look at our costs for this exam and compare it to what we charge candidates."

Montana had the least-restrictive exam eligibility requirements in the country, until this year. Applicants were not required to

meet education, experience or residency requirements before taking the test, which is administered at the same time nationwide and in three U.S. protectorates.

More than 800 applicants signed up for the May test in Helena, said Sue Criswell, administrator for the Montana Board of Public Accountants. Many of them were from Japan and other foreign countries.

What made the crowd so daunting was the fact that national rules for administering the test had undergone a major change. In the past, the national organization that publishes the exam rewrote the questions every six months. Students and teachers were allowed to use old versions of the test to

Please turn to page 7

CPA exam

Continued from page 3

prepare. No more.

The American Institute of Certified Public Accountants decided it would be fairer if the test was always the same. The change also would allow the institute to cut the costs of continually writing, pre-testing and evaluating new exam questions.

The result is a level of anxiety over security that is normally reserved for shipments of jewels, furs and bundles of big bills. Security guards now deliver the exams to testing sites in armored trucks.

Montana officials stationed armed guards at exits during that state's first "non-disclosed" test in May. Monitors were assigned to the bathrooms and chaperons accompanied anyone who wanted to step outside for a smoke during the 15½-hour, two-day test.

Officials in every test jurisdiction sweat over the possible consequences of a breach. The institute could declare exam scores invalid nationwide and have to begin the expensive process of developing a new test. The jurisdiction that allowed the leak could be held liable for those costs and lose its authorization to give future exams.

Once Montana officials understood the implications, they moved quickly to cull candidates who have no intention of getting

licensed. The state board approved emergency regulations requiring applicants to complete a minimum number of accounting and other business credits before taking the test.

Overnight, there was a new reason for foreigners to come to Alaska. A bachelor's degree in any subject is all that's required to take the test here. "Word travels fast among the different nationalities," said Criswell. "They publicize it all over the country."

Representatives of state and national CPA organizations are unclear about why the Japanese and other foreigners value a versing in U.S. tax law. There are probably a variety of reasons, said Martha Renaud of the New York City-based National Association of State Boards of Accountancy. "It's a mark of status to be able to pass the exam, whether you actually

plan to practice in the U.S. or not."

State licensing examiner Steve Snyder knew he was in for it when Tokyo's Tanoramon Accounting School phoned to request 60 applications for the Alaska CPA exam last spring. Calls from several other Japanese accounting schools followed. The din of desk clerks shouting half-speed English into the phone became common at the division's Juneau office this summer and soon an avalanche of applications threatened to bury Snyder.

"It's a lot more overwhelming," said Snyder of his job these days. "I don't have a lot of time to do other things that need to be done."

Division director Catherine Reardon has reassigned a half-time employee to help Snyder dig out. Division officials also have contacted the state attorney general's office for an opinion on whether it's legal to charge foreign candidates more than Americans to take the test.

"They're not supporting the superstructure that everyone else pays for," said Reardon. "We're protecting our licensees from carrying extra costs."

The Alaska Supreme Court already has nixed state residency requirements, but the Alaska CPA board is devising another strategy for diverting the stampede, said

chairman Griffin. Board members will petition the Legislature to add new exam eligibility requirements — they're suggesting 15 semester hours in accounting subjects, or a year of relevant work experience.

Griffin doesn't anticipate trouble, but it's unlikely a new law and matching regulations could be in effect before test time in May. Not everyone is in a hurry.

The Westmark Juneau, next to the Centennial Hall test site, is already more than three-quarters full for Nov. 6-7. Admits Weske, "It's certainly great for the Juneau economy."

THE PAPER
JUNEAU
10-4-98

S B

8 8

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 3
Bill Version: CSSB 88 (L&C)
(S) Publish Date: 4-25-97

Revision Date: _____
Title: An Act relating to the Board of Public Accountancy;
extending the termination date...
Sponsor: Senate Rules
Requestor: Senate State Affairs

Department: Commerce and Economic Development
BRU: Occupational Licensing
Component: Operations

COMPONENT SERIAL NO. 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES						
---------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY 97) cost: \$ 139.5

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CSSB 88(L&C) extends the Board of Public Accountancy to June 30, 2001 and makes other amendments to AS 08.04. Funding for continuation of the board in the amount of \$139.5 is included in the department's FY 98 operating budget request; therefore, new funds are not required to implement this bill. 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: 4/3/97
Date: 4-3-97

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HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: April 30, 1997

FURTHER REFERRALS:

Date of Committee Action: 5/5/97

The LABOR AND COMMERCE Committee considered:

CSSB 88(L&C)

CS FOR SENATE BILL NO. 88(L&C)

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 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) _____ zero fiscal note(s) DCED

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>John J. Casadevall</i>	✓			
<i>Tommy Sanders</i>	✓			
<i>Bill Hudgens</i>	✓			
<i>Tom Kelly</i>	✓			
<i>Tom Blipes</i>			✓	

CHAIR'S SIGNATURE *Tom Kelly*

5-5-97

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) 253-8191
FAX: (907) 253-2918

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

Labor and Commerce Committee

MAY 1, 1997

Note to House Labor and Commerce Committee Members re SB 88 (Board of Public Accountancy):

For further information on this subject, please see your committee files on HB 140 (Board of Public Accountancy) which passed out of the House Labor and Commerce Committee on March 21, 1997.

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1
Bill Verson: CS SB 89(L+C)
(S) Publish Date: 3/26/97

Revision Date: _____ Department: Commerce and Economic Development
Title: An Act relating to regulation of barbers and BRU: Occupational Licensing
hairdressers; extending the termination date of the Board... Component: Operations
Sponsor: Senate Rules
Requestor: Senate 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY 97) cost: \$ 223.1

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SB 89 extends the Board of Barbers and Hairdressers to June 30, 2003 and makes other amendments to AS 08.13. Funding for continuation of the board in the amount of \$223.1 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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HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: April 22, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/25/97

The LABOR AND COMMERCE Committee considered:

CSSB 89(L&C)

CS FOR SENATE BILL NO. 89(L&C)

BARBERS AND HAIRDRESSERS

“An Act relating to regulation of barbers and hairdressers; extending the termination date of the Board of Barbers and Hairdressers; 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
<i>John C. ...</i>			✓	
<i>John ...</i>			✓	
<i>John ...</i>			✓	
<i>Bill ...</i>	✓			
<i>John ...</i>	✓			

CHAIR'S SIGNATURE *[Signature]* 4-25-97

STATE OF ALASKA
Boards and Commissions

BARBERS AND HAIRDRESSERS

BOARD: Board of Barbers and Hairdressers

BOARD IDENTIFICATION NUMBER: 011

DEPARTMENT: DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

AUTHORITY: AS 08.13.010

STATUS: Active

SUNSET DATE: June 30, 1997

REQUIREMENTS: Legislative Confirmation

PROHIBITIONS: Cannot serve more than all or part of two consecutive terms.

TERM: 4 years

DESCRIPTION: 5 members appointed by the Governor: 2 licensed barbers, 2 licensed hairdressers and 1 public member; serve at the pleasure of Governor.

FUNCTION: Regulates and controls applications, licenses, and permits of barbers, hairdressers, and cosmetologists; examines applicants.

CHAIR: Governor may select.

SPECIAL FACTS: Annual report to Governor. Members serve until a successor is appointed. An appointment to fill a vacancy is for the remainder of the unexpired term. A member who has served all or part of two successive terms may not be reappointed unless four years have elapsed since the person has last served. Serve at the pleasure of the Governor.

COMPENSATION: Standard Travel and Per Diem. No additional compensation.

MEETINGS: As often as necessary to conduct its business.

FOR FURTHER INFORMATION CONTACT: Ms. Cindy Evans, Licensing Examiner, Division of Occupational Licensing, DCED, P.O. Box 110806 M/S 0800, Juneau, AK, 99811 0806, Phone: 907 465 2547 E-mail address: Cindy_Evans@commerce.state.ak.us

STATE OF ALASKA
Boards and Commissions

Membership Roster
BARBERS AND HAIRDRESSERS (011)

Member	Appointed	Reappointed	Term Exp.
Vacant Public			07/01/96
Lawrence R. Krupa Barber 3394 Badger Road North Pole, AK 99705	04/08/94		07/01/97
Mariann Stoffel Hairdresser 1352 Pioneer Peak Drive Wasilla, AK 99687	10/09/91	07/01/93	07/01/97
Sheryl L. Sutton Barber 205 Seward Street Juneau, AK 99801	07/30/96		07/01/00
Barbara Watkins Hairdresser 1017 San Fernando, Apt. 2 Anchorage, AK 99508	08/14/91		07/01/95

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

No. 1

Bill Version: CSSB 91 (LCC)

(S) Publish Date: 3-19-97

Revision Date: _____
 Title: An Act relating to the regulation of physical therapists
and physical therapy assistants; extending the term date....
 Sponsor: Senate Rules
 Requestor: Senate Labor & Commerce

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations
 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						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY 97) cost: \$ 53.2

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SB 91 extends the State Physical Therapy and Occupational Therapy Board to June 30, 2003 and makes other amendments to AS 08.84. Funding for continuation of the board in the amount of \$53.2 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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HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: February 13, 1997

FURTHER REFERRALS:

Date of Committee Action: 4/18/97

The LABOR AND COMMERCE Committee considered:

HB 134

HOUSE BILL NO. 134

BARBERS AND HAIRDRESSERS

"An Act relating to regulation of barbers and hairdressers; extending the termination date of the Board of Barbers and Hairdressers; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB 134(24C) 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) DCED zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Tom Brice</i>	<input checked="" type="checkbox"/>			
<i>Joe Khan</i>	<input checked="" type="checkbox"/>			
<i>Bill Hudson</i>	<input checked="" type="checkbox"/>			
<i>John C. Cavanaugh</i>	<input checked="" type="checkbox"/>			
<i>Tom Kotely</i>	<input checked="" type="checkbox"/>			

CHAIR'S SIGNATURE John C. Cavanaugh 4-17-97

STATE OF ALASKA
Boards and Commissions

PHYSICAL/OCCUPATIONAL THERAPY

BOARD: State Physical Therapy and Occupational Therapy Board

BOARD IDENTIFICATION NUMBER: 079

DEPARTMENT: DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

AUTHORITY: AS 08.84.010

STATUS: Active

SUNSET DATE: June 30, 1997

REQUIREMENTS: Legislative Confirmation

PROHIBITIONS: Cannot serve more than all or part of two consecutive terms.

TERM: 4 years

DESCRIPTION: 7 members appointed by the Governor: 1 licensed physician; 3 licensed physical therapists or 2 physical therapists and a physical therapy assistant; 2 licensed occupational therapists or 1 occupational therapist and 1 occupational therapy assistant; and 1 lay member with no direct financial interest in health care industry.

FUNCTION: Issues licenses and permits, adopts regulations for physical and occupational therapists.

CHAIR: Board selects.

SPECIAL FACTS: Serve at the pleasure of the Governor. Members serve until a successor is appointed. An appointment to fill a vacancy is for the remainder of the unexpired term. A member who has served all or part of two successive terms may not be reappointed unless four years have elapsed since the person has last served.

COMPENSATION: Standard Travel and Per Diem.

MEETINGS: 2 times per year; 4 days maximum.

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Fleming, Licensing Examiner, Division of Occupational Licensing, DCED, P.O. Box 110806 M/S 0800, Juneau, AK, 99811 0806, Phone: 907 465 2551, Fax: 907 465 2974 E-mail address: Wanda_Fleming@commerce.state.ak.us

STATE OF ALASKA
Boards and Commissions

Membership Roster
PHYSICAL/OCCUPATIONAL THERAPY (079)

Member	Appointed	Reappointed	Term Exp.
Dee Berline Occupational Therapist 6705 Lunar Drive Anchorage, AK 99504	05/15/96		01/01/00
Arlene C. Gerety Public 2138 Churchill Drive Anchorage, AK 99517	09/03/92		09/01/96
Cary S. Keller Physician 169 Eagle Ridge Road Fairbanks, AK 99709	10/13/92		09/01/96
Ann P. Mattson Occupational Therapist 1125 Slim Williams Way Juneau, AK 99801	01/20/94		01/01/98
Mary Pomeroy-Horne Physical Therapist 1730 Greendale Drive Anchorage, AK 99504	10/03/89	10/08/93	09/01/97
Leslio F. Schwartz Physical Therapist Petersburg Medical Center P.O. Box 589 Petersburg, AK 99833	10/06/95		09/01/98
Lawrence W. Seethaler Physical Therapist 2518 East Tudor Road Anchorage, AK 99507	09/03/92		09/01/96

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

March 22, 1997

SUBJECT: CSSB 91(L&C)

TO: Senator Loren Leman
Attn: Annette

FROM: Terri Lauterbach
Legislative Counsel



Enclosed is a corrected CS for SB 91 for the Senate Labor and Commerce Committee.

The addition of a new paragraph (3) in AS 08.84.032(b), and the renumbering of the subsequent paragraphs, probably makes the references in AS 08.84.065(a)(1)(B) inaccurate. Currently, AS 08.84.065(a) reads as follows:

- (a) The board may issue a nonrenewable temporary permit to an applicant for licensure by acceptance of credentials or by examination who
 - (1) meets the requirements of
 - (A) AS 08.84.030(a)(1) or (b)(1); or
 - (B) AS 08.84.032(a)(2) and (4) or *(b)(2) and (3)*; and
 - (2) pays the required fee.

The issue for consideration is whether, in light of the new paragraph (3) in AS 08.84.032(b), the reference italicized above should be "(b)(2) and (4)" or "(b)(2) - (4)".

Please let me know if I can be of further assistance.

TML:glc
97-201.glc

Enclosure

CS FOR SENATE BILL NO. 91(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

1 "An Act relating to the regulation of physical therapists, physical therapy
2 assistants, occupational therapists, and occupational therapy assistants; extending the
3 termination date of the State Physical Therapy and Occupational Therapy Board;
4 and providing for an effective date."

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

6 * **Section 1.** AS 08.03.010(c)(16) is amended to read:

7 (16) State Physical Therapy and Occupational Therapy Board
8 (AS 08.84.010) -- June 30, 2001 [1997];

9 * **Sec. 2.** AS 08.84.030(b)(1) is amended to read:

10 (b) To be eligible for licensure by the board as an occupational therapist or
11 occupational therapy assistant, an applicant, unless a graduate of a foreign school of
12 occupational therapy located outside the United States, shall

13 (1) have successfully completed a curriculum of occupational therapy
14 approved by the Committee of Allied Health Education and Accreditation of the

1 American Medical Association or [, AND] the American Occupational Therapy
2 Association [APPROPRIATE TO THE LICENSE BEING SOUGHT];

3 (2) submit proof of successful completion and supervised field work
4 approved by the board

5 (A) for an occupational therapist, a minimum of six months of
6 supervised field work;

7 (B) for an occupational therapy assistant, a minimum of two
8 months of supervised field work;

9 (3) pass, to the satisfaction of the board, an examination prepared by
10 a national testing service approved by the board or an examination recognized by the
11 American Occupational Therapy Association to determine the applicant's fitness for
12 practice as an occupational therapist or an occupational therapy assistant, or be entitled
13 to licensure without examination under AS 08.84.060; and

14 (4) meet qualifications for licensure established in regulations adopted
15 by the board under AS 08.84.010(b).

16 * Sec. 3. AS 08.84.032 is amended to read:

17 **Sec. 08.84.032. Foreign-trained applicants.** (a) To be eligible for licensure
18 by the board as a physical therapist or physical therapy assistant, an applicant who is
19 a graduate of a school of physical therapy that is located outside of the United States
20 shall

21 (1) have completed, to the satisfaction of the board, a resident course
22 of study and professional instruction equivalent to that provided by a school approved
23 by the Council on Medical Education and Hospitals of the American Medical
24 Association or the American Physical Therapy Association, and furnish documentary
25 evidence of compliance with this paragraph, translated, if necessary, into the English
26 language by a person verifying the accuracy of the translations;

27 (2) have completed, to the satisfaction of the board, an internship under
28 the continuous direction and immediate supervision of a physical therapist in an
29 institution that ordinarily provides physical therapy and is approved by the board, for
30 that period of time specified by the board, and furnish documentary evidence of
31 compliance with this paragraph;

1 (3) at the discretion of the board, demonstrate an ability to
 2 effectively speak English through an interview with [PASS AN ORAL
 3 EXAMINATION ADMINISTERED BY] a member of the board;

4 (4) have met applicable requirements under the federal Immigration and
 5 Nationality Act (8 U.S.C. 1101 et seq.), unless a United States citizen;

6 (5) pass the examination administered by the board under
 7 AS 08.84.030(a)(2); and

8 (6) pay the fee required under AS 08.84.050.

9 (b) To be eligible for licensure by the board as an occupational therapist or
 10 occupational therapy assistant, an applicant who is a graduate of a school of
 11 occupational therapy that is located outside of the United States shall

12 (1) have completed, to the satisfaction of the board, a resident course
 13 of study and professional instruction equivalent to that provided by a curriculum
 14 approved by the Committee of Allied Health Education and Accreditation of the
 15 American Medical Association or [AND] the American Occupational Therapy
 16 Association, and have furnished documentary evidence of compliance with this
 17 paragraph, translated, if necessary, into the English language by a person verifying the
 18 accuracy of the translations;

19 (2) have completed, to the satisfaction of the board, supervised field
 20 work equivalent to that required under AS 08.84.030(b);

21 (3) at the discretion of the board, demonstrate an ability to
 22 effectively speak English through an interview with a member of the board;

23 (4) have met applicable requirements under 8 U.S.C. 1101 - 1503
 24 (Immigration and Nationality Act) unless a United States citizen;

25 (5) [(4)] pass an examination administered or approved by the board
 26 under AS 08.84.030; and

27 (6) [(5)] pay the fee required under AS 08.84.050.

28 * Sec. 4. AS 08.84.150(b) is amended to read:

29 (b) A person may not provide services that the person describes as
 30 occupational therapy without being licensed under this chapter unless the person is

31 (1) a student in an accredited occupational therapy program or in a

1 supervised field work program;

2 (2) a graduate of a foreign school of occupational therapy fulfilling the
3 internship requirement of AS 08.84.032, and then only unless under the continuous
4 direction and immediate supervision of an occupational therapist;

5 (3) an occupational therapist or occupational therapy assistant employed
6 by the United States Government while in the discharge of official duties;

7 (4) granted a limited permit under AS 08.84.075;

8 (5) licensed under this title and uses occupational therapy skills, in the
9 practice of the profession for which the license is issued; or

10 (6) employed as a teacher or teacher's aide by an educational institution
11 and is required to use occupational therapy skills during the course of employment, if

12 (A) the occupational therapy skills are used under a program
13 implemented by the employer and developed by a licensed occupational
14 therapist;

15 (B) the employer maintains direct supervision of the person's
16 use of occupational therapy skills; and

17 (C) the person does not represent to

18 (i) be an occupational therapist or occupational therapy
19 assistant; and

20 (ii) practice occupational therapy.

21 * Sec. 5. This Act takes effect July 1, 1997.

CS FOR SENATE BILL NO. 91(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

1 "An Act relating to the regulation of physical therapists, physical therapy
2 assistants, occupational therapists, and occupational therapy assistants; extending the
3 termination date of the State Physical Therapy and Occupational Therapy Board;
4 and providing for an effective date."

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

6 * Section 1. AS 08.03.010(c)(16) is amended to read:

7 (16) State Physical Therapy and Occupational Therapy Board
8 (AS 08.84.010) -- June 30, 2001 [1997];

9 * Sec. 2. AS 08.84.030(b)(1) is amended to read:

10 (b) To be eligible for licensure by the board as an occupational therapist or
11 occupational therapy assistant, an applicant, unless a graduate of a foreign school of
12 occupational therapy located outside the United States, shall

13 (1) have successfully completed a curriculum of occupational therapy
14 approved by the Committee of Allied Health Education and Accreditation of the

1 American Medical Association or [, AND] the American Occupational Therapy
2 Association [APPROPRIATE TO THE LICENSE BEING SOUGHT];

3 (2) submit proof of successful completion and supervised field work
4 approved by the board

5 (A) for an occupational therapist, a minimum of six months of
6 supervised field work;

7 (B) for an occupational therapy assistant, a minimum of two
8 months of supervised field work;

9 (3) pass, to the satisfaction of the board, an examination prepared by
10 a national testing service approved by the board or an examination recognized by the
11 American Occupational Therapy Association to determine the applicant's fitness for
12 practice as an occupational therapist or an occupational therapy assistant, or be entitled
13 to licensure without examination under AS 08.84.060; and

14 (4) meet qualifications for licensure established in regulations adopted
15 by the board under AS 08.84.010(b).

16 * Sec. 3. AS 08.84.032 is amended to read:

17 **Sec. 08.84.032. Foreign-trained applicants.** (a) To be eligible for licensure
18 by the board as a physical therapist or physical therapy assistant, an applicant who is
19 a graduate of a school of physical therapy that is located outside of the United States
20 shall

21 (1) have completed, to the satisfaction of the board, a resident course
22 of study and professional instruction equivalent to that provided by a school approved
23 by the Council on Medical Education and Hospitals of the American Medical
24 Association or the American Physical Therapy Association, and furnish documentary
25 evidence of compliance with this paragraph, translated, if necessary, into the English
26 language by a person verifying the accuracy of the translations;

27 (2) have completed, to the satisfaction of the board, an internship under
28 the continuous direction and immediate supervision of a physical therapist in an
29 institution that ordinarily provides physical therapy and is approved by the board, for
30 that period of time specified by the board, and furnish documentary evidence of
31 compliance with this paragraph;

1 (3) at the discretion of the board, demonstrate an ability to
 2 effectively speak English through an interview with [PASS AN ORAL
 3 EXAMINATION ADMINISTERED BY] a member of the board;

4 (4) have met applicable requirements under the federal Immigration and
 5 Nationality Act (8 U.S.C. 1101 et seq.), unless a United States citizen;

6 (5) pass the examination administered by the board under
 7 AS 08.84.030(a)(2); and

8 (6) pay the fee required under AS 08.84.050.

9 (b) To be eligible for licensure by the board as an occupational therapist or
 10 occupational therapy assistant, an applicant who is a graduate of a school of
 11 occupational therapy that is located outside of the United States shall

12 (1) have completed, to the satisfaction of the board, a resident course
 13 of study and professional instruction equivalent to that provided by a curriculum
 14 approved by the Committee of Allied Health Education and Accreditation of the
 15 American Medical Association or [AND] the American Occupational Therapy
 16 Association, and have furnished documentary evidence of compliance with this
 17 paragraph, translated, if necessary, into the English language by a person verifying the
 18 accuracy of the translations;

19 (2) have completed, to the satisfaction of the board, supervised field
 20 work equivalent to that required under AS 08.84.030(b);

21 (3) have met applicable requirements under 8 U.S.C. 1101 - 1503
 22 (Immigration and Nationality Act) unless a United States citizen;

23 (4) pass an examination administered or approved by the board under
 24 AS 08.84.030; and

25 (5) pay the fee required under AS 08.84.050.

26 * Sec. 4. AS 08.84.150(b) is amended to read:

27 (b) A person may not provide services that the person describes as
 28 occupational therapy without being licensed under this chapter unless the person is

29 (1) a student in an accredited occupational therapy program or in a
 30 supervised field work program;

31 (2) a graduate of a foreign school of occupational therapy fulfilling the

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internship requirement of AS 08.84.032, and then only unless under the continuous direction and immediate supervision of an occupational therapist;

(3) an occupational therapist or occupational therapy assistant employed by the United States Government while in the discharge of official duties;

(4) granted a limited permit under AS 08.84.075;

(5) licensed under this title and uses occupational therapy skills in the practice of the profession for which the license is issued; or

(6) employed as a teacher or teacher's aide by an educational institution and is required to use occupational therapy skills during the course of employment, if

(A) the occupational therapy skills are used under a program implemented by the employer and developed by a licensed occupational therapist;

(B) the employer maintains direct supervision of the person's use of occupational therapy skills; and

(C) the person does not represent to

(i) be an occupational therapist or occupational therapy assistant; and

(ii) practice occupational therapy.

* Sec. 5. This Act takes effect July 1, 1997.

Alaska State Legislature

Senate



Official Business

State Capitol
Juneau, AK. 99801-1182

Senate Labor & Commerce Committee

Memo

TO: Senator Lyda Green, Chair
Senate State Affairs Committee

FROM: Senator Loren Leman, Chair
Senate Labor & Commerce Committee

DATE: April 9, 1997

RE: Technical Amendment to SB 91: Physical & Occupational Therapy

Due to amendments adopted by the Senate Labor and Commerce Committee, a technical change is required to the Labor and Commerce Committee Substitute for SB 91. Attached is a copy of the amendment.

In the section of the bill dealing with physical therapists or physical therapy assistants, the addition of paragraph (3) in AS 08.84.032 (b) and the renumbering of the subsequent paragraphs makes the references in AS 08.84.065(a)(1)(B) inaccurate.

AS 08.84.065 addresses temporary permits for physical therapists or physical therapy assistants. It requires foreign trained applicants for temporary permits to have:
AS 08.84.032 (a) (2) - completed an approved residency and
AS 08.84.032 (a)(4) - met Immigration requirements

OR

AS 08.84.032(b)(2) - completed supervised field work and
AS 08.84.032(b)(3) - met Immigration requirements

Please consider adopting the requested amendment to make AS 08.84.065 technically correct.

A M E N D M E N T

OFFERED IN THE SENATE

TO: CSSB 91(L&C)

1 Page 3, following line 27:

2 Insert a new bill section to read:

3 "* Sec. 4. AS 08.84.065(a) is amended to read:

4 (a) The board may issue a nonrenewable temporary permit to an applicant for
5 licensure by acceptance of credentials or by examination who

6 (1) meets the requirements of

7 (A) AS 08.84.030(a)(1) or (b)(1); or

8 (B) AS 08.84.032(a)(2) and (4) or (b)(2) and (4) [(b)(2) AND

9 (3)]; and

10 (2) pays the required fee."

11 Renumber the following bill sections accordingly.

Senate Labor & Commerce Committee

MEMO

TO: Terri Lauterbach, Attorney
Legal Services
via fax: 2029 this page only

FROM: Annette Kreitzer, Aide to
Senate Labor & Commerce Committee

DATE: March 18, 1997

RE: CS for SB 91 (L&C)

Please prepare a FINAL CS for SB 91 (L&C). The committee passed the bill today with the following amendments:

- 1) Page 1, Line 7:
DELETE [2003]
Insert 2001
- 2) Page 1, Line 2:
Insert in title occupational therapists and occupational therapy assistants;
- 3) Page 1, Line 8:
New Section 2: Amend AS 08.84.030(b)(1)
(1) have successfully completed a curriculum of occupational therapy approved by the Committee of Allied Health Education and Accreditation of the American Medical Association, or [AND] the American Occupational Association [APPROPRIATE TO THE LICENSE BEING SOUGHT];

Renumber following sections

- 4) Page 2, Line 17:
New Section 4: Amend AS 08.84.032(b)(1)
(1) have completed, to the satisfaction of the board, a resident course of study and professional instruction equivalent to that provided by a curriculum approved by the Committee of Allied Health Education and Accreditation of the American Medical Association or [AND] the American Occupational Therapy Association, and have furnished documentary evidence of compliance with this paragraph, translated, if necessary, into the English language by a person verifying the accuracy of the translations;
(2) have completed, to the satisfaction of the board, supervised field work equivalent to that required under AS 08.84.030(b);
(3) at the discretion of the board, demonstrate an ability to effectively speak English through an interview with a member of the board;

renumber the following sections

- 5) Page 2, Add New Section 5: Amend AS 08.84.150(b) to read:
A person may not provide services that the person describes as occupational therapy without being licensed under this chapter unless the person is.....

*make
bill
AS*

*revising
for*

SB

110

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB 110(L&C)

Revision Date: January 20, 1998
 Title: An Act relating to licensure of landscape architects.
 Sponsor: Senator Mackie
 Requestor: Senate Finance

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations

COMPONENT SERIAL NO. 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	5.4	5.4	4.6	4.6	4.6	4.6
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	6.4	6.4	5.6	5.6	5.6	5.6

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

CHANGE IN REVENUES	12.8	0.0	11.2	0.0	11.2	0.0
--------------------	------	-----	------	-----	------	-----

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	6.4	6.4	5.6	5.6	5.6	5.6
1006 GF/MHTIA						
Other 1091 Designated PR						
TOTAL	6.4	6.4	5.6	5.6	5.6	5.6

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note assumes that registration of landscape architects will be accomplished by adding one non-voting member to the Board of Registration for Architects, Engineers and Land Surveyors (AELS); and that examination for landscape architects will be administered once annually by a testing agency. Additionally, no out-of-state travel is included in this fiscal note, and no funding for investigative services. However, if numerous complaints are received and investigative services become necessary, additional funding will be required at such time. An explanation of the costs identified above are attached.

Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
 Approved by Commissioner: Deborah B. Sedwick
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 1/20/98
 Date: _____

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. CSSB 110(L&C)

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

PERSONAL SERVICES **\$ 0.0**

TRAVEL **\$ 0.0**

No travel is anticipated.

CONTRACTUAL SERVICES **\$ 5.4**

Contractual Services are based on the following (underlined) costs-

Proctor Fees:

One three-day exam, 8 hours per day. The proctor fee is \$10 per hour x 8 hours = \$80 x 3 days = \$240;

Regulations:

- One public notice printed in three newspapers, estimated at \$200 per paper x 3 = \$600;
- Printing of regulations consisting of 6 pages, back-to-back, at \$12 per 100 x 6 pages = \$72 x 3.5 (to produce 350 copies) = \$252;
- Postage for 350 pieces x .32 = \$112;

Daily communication costs = \$1,000;

Room rental for three days of examinations at \$600 per day x 3 days = \$1,800;

Membership fees = \$1,400.

After the first two years, it is anticipated that costs associated with public noticing and printing of regulations will cease.

SUPPLIES **\$ 1.0**

TOTAL: **\$ 6.4**

CSSB 110(L&C), continued

REVENUE: In accordance with AS 08.01.065, all licensees are required to pay the costs of regulating their profession. In accordance with Section 3 of the bill, licensees under the Board of Architects, Engineers, Land Surveyors, and Landscape Architects will pay fees to cover the costs identified in this fiscal note.

This program is intended to be funded entirely by *General Fund/Program Receipts* from licensing fees.

02/02/98
15:14:39

LEGISLATIVE TELECONFERENCE NETWORK SYSTEM
PARTICIPANT LIST (ALL PARTICIPANTS)
TCN:80204 SCHEDULED FOR:02/02/98 15:15 TO 17:00
PUBLIC HEARING HOUSE LABOR & COMMERCE

LTN1150
BY:ANC
FOR:ANC

LOCATION: ANCHORAGE

SB 110

DWAYNE

ADAMS

TESTLEY

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

February 11, 1998

SUBJECT: Landscape Architecture (HCS CSSB 110(L&C); version "Q")

TO: Representative Norman Rokeberg
Attn: Shirley Armstrong

FROM: Terri Lauterbach
Legislative Counsel *Terri Lauterbach*

Enclosed is the HCS you requested.

At the direction of your staff, I have not made any changes in sec. 26, pending clarification of the language proposed in your faxed transmittal (dated 2/6, faxed 2/10) and pending the committee's decision about the general thrust of sec. 26 itself.

If I can be of further assistance, please advise.

TML:glc
98-076.glc

Enclosure

Cowley moved no obligation

*2/11/98
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actual
W/for
cook*

0-LS0634\Q
Lauterbach
2/11/98

HOUSE CS FOR CS FOR SENATE BILL NO. 110(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS MACKIE, Kelly, Taylor

REPRESENTATIVE Mulder

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensure of landscape architects; relating to exemptions from
2 laws regulating the practice of architecture, engineering, and land surveying; and
3 relating to fees collected by the Board of Registration for Architects, Engineers,
4 and Land Surveyors."

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

6 * Section 1. AS 08.01.065(c) is amended to read:

7 (c) Except as provided in (f) of this section. the [THE] department shall
8 establish fee levels under (a) of this section so that the total amount of fees collected
9 for an occupation approximately equals the actual regulatory costs for the occupation.
10 The department shall annually review each fee level to determine whether the
11 regulatory costs of each occupation are approximately equal to fee collections related
12 to that occupation. If the review indicates that an occupation's fee collections and
13 regulatory costs are not approximately equal, the department shall calculate fee
14 adjustments and adopt regulations under (a) of this section to implement the

1 adjustments. In January of each year, the department shall report on all fee levels and
2 revisions for the previous year under this subsection to the office of management and
3 budget. If a board regulates an occupation covered by this chapter, the department
4 shall consider the board's recommendations concerning the occupation's fee levels and
5 regulatory costs before revising fee schedules to comply with this subsection. In this
6 subsection, "regulatory costs" means costs of the department that are attributable to
7 regulation of an occupation plus

8 (1) all expenses of the board that regulates the occupation if the board
9 regulates only one occupation;

10 (2) the expenses of a board that are attributable to the occupation if the
11 board regulates more than one occupation.

12 * Sec. 2. AS 08.01.065 is amended by adding a new subsection to read:

13 (f) Notwithstanding (c) of this section, the department shall establish fee levels
14 under (a) of this section so that the total amount of fees collected by the State Board
15 of Registration for Architects, Engineers, and Land Surveyors approximately equals the
16 total regulatory costs of the department and the board for all occupations regulated by
17 the board. The department shall set the fee levels for the issuance and renewal of a
18 certificate of registration issued under AS 08.48.211 so that the fee levels are the same
19 for all occupations regulated by the board.

20 * Sec. 3. AS 08.48.061(c) is amended to read:

21 (c) The board may make expenditures from appropriated funds for any purpose
22 that is reasonably necessary for the proper performance of its duties under this chapter.
23 This may include the expenses of the board delegates to meetings of councils of
24 architect examiners, engineering examiners, [OR] land surveyor examiners, or
25 landscape architect examiners, or any of their subdivisions. The total amount of
26 warrants issued in payment of the expenses incurred under this chapter may not exceed
27 the amount of money appropriated by the legislature.

28 * Sec. 4 AS 08.48.071(f) is amended to read:

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

- 1 (1) the number of architects, engineers, [AND] land surveyors, and
2 landscape architects registered over a five-year period;
- 3 (2) the rate of passage of examinations administered by the board;
- 4 (3) the number of persons making application for registration as a
5 professional architect, engineer, [OR] land surveyor, or landscape architect over a
6 five-year period;
- 7 (4) an account of registration fees collected under AS 08.01.065;
- 8 (5) a measure of the correspondence workload of any licensing
9 examiner employed by the department to carry out this chapter.

10 * **Sec. 5.** AS 08.48.111 is amended to read:

11 **Sec. 08.48.111. Power to revoke, suspend, or reissue certificate.** The board
12 may suspend, refuse to renew, or revoke the certificate of or reprimand a registrant or
13 corporation who is found guilty of (1) fraud or deceit in obtaining a certificate; (2)
14 gross negligence, incompetence, or misconduct in the practice of architecture,
15 engineering, [OR] land surveying, or landscape architecture; or (3) a violation of this
16 chapter, a regulation adopted under this chapter, or the code of ethics or professional
17 conduct as adopted by the board. The code of ethics or professional conduct shall be
18 distributed in writing to every registrant and applicant for registration under this
19 chapter. This publication and distribution of the code of ethics or professional conduct
20 constitutes due notice to all registrants. The board may revise and amend its code and,
21 upon doing so, shall immediately notify each registrant in writing of the revisions or
22 amendments. The board may, upon petition of the registrant or corporation, reissue
23 a certificate if a majority of the members of the board vote in favor of the reissuance.

24 * **Sec. 6.** AS 08.48.171 is amended to read:

25 **Sec. 08.48.171. General requirements and qualifications for registration.**
26 An applicant for registration as an architect, engineer, [OR] land surveyor, or
27 landscape architect must be of good character and reputation and shall submit
28 evidence satisfactory to the board of the applicant's education, training, and
29 experience. However, an applicant for registration as a land surveyor may not be
30 required to submit evidence of more than eight years of any combination of education,
31 experience, or training.

1 * Sec. 7. AS 08.48.181 is amended to read:

2 **Sec. 08.48.181. Registration upon examination.** Except as provided in
3 AS 08.48.191, for registration as a professional architect, professional engineer, [OR]
4 professional land surveyor, or professional landscape architect, a person shall be
5 examined in this state in accordance with the regulations of procedure and standards
6 adopted by the board under AS 44.62 ([THE] Administrative Procedure Act
7 [(AS 44.62)]). The procedure and standards shall at least meet the requirements
8 adopted by recognized national examining councils for these professions.

9 * Sec. 8. AS 08.48.191 is amended by adding a new subsection to read:

10 (d) A person holding a certificate of registration authorizing the person to
11 practice landscape architecture in a state, territory, or possession of the United States,
12 the District of Columbia, or a foreign country, that in the opinion of the board meets
13 the requirements of this chapter, based on verified evidence, may upon application, be
14 registered under the regulations of the board. A person holding a certificate of
15 qualification issued by the Council of Landscape Architectural Registration Boards
16 may upon application be registered under regulations of the board.

17 * Sec. 9. AS 08.48.201(a) is amended to read:

18 (a) Application for registration as a professional architect, a professional
19 engineer, [OR] a professional land surveyor, or a professional landscape architect
20 shall

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

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

24 (3) contain five references, three of whom must be architects for
25 architectural registration, engineers for engineering registration, [AND] land surveyors
26 for land surveying registration, and landscape architects for landscape architectural
27 registration, having personal knowledge of the applicant's architectural, engineering,
28 [OR] land surveying, or landscape architectural education, training, or experience.

29 * Sec. 10. AS 08.48.211 is amended to read:

30 **Sec. 08.48.211. Certificate of registration.** (a) An applicant who fulfills the
31 requirements set out by the board shall be awarded a certificate of registration as a

1 professional architect, engineer, [OR] land surveyor, or landscape architect,
2 authorizing the holder to offer or perform architectural, engineering, [OR] land
3 surveying, or landscape architectural services or work for the public, or to certify or
4 sign architectural, engineering, [OR] land surveying, or landscape architectural
5 documents. Certificates of registration issued under this section shall be inscribed on
6 their face in a manner determined by the board.

7 (b) The certificate of registration sealed by the board is prima facie evidence
8 that the person named in it is entitled to all rights and privileges of a professional
9 architect, professional engineer, [OR] professional land surveyor, or professional
10 landscape architect while the certificate remains unrevoked or unexpired.

11 * Sec. 11. AS 08.48.215(a) is amended to read:

12 (a) On retiring from practice and payment of an appropriate one-time fee, an
13 individual who is a registrant in good standing with the board may apply for the
14 conversion of a certificate of registration to a retired status registration. An individual
15 holding a retired status registration may not practice architecture, engineering, [OR]
16 land surveying, or landscape architecture in the state. A retired status registration
17 is valid for the life of the registration holder and does not require renewal.

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

19 Sec. 08.48.221. Seals. Each registrant may obtain a seal of the design
20 authorized by the board, bearing the registrant's name, registration number, and the
21 legend, "Registered Professional Architect," "Registered Professional Engineer," [OR]
22 "Registered Professional Land Surveyor," or "Registered Professional Landscape
23 Architect," as appropriate. When a registrant issues final drawings, specifications,
24 surveys, plats, plates, reports, or similar documents, the registrant shall sign the
25 documents and stamp the documents with the seal. The board shall adopt regulations
26 governing the use of seals by the registrant. An architect, engineer, [OR] land
27 surveyor, or landscape architect may not affix or permit a seal and signature to be
28 affixed to an instrument after the expiration of a certificate or for the purpose of aiding
29 or abetting another person to evade or attempt to evade a provision of this chapter.
30 The registrant, by affixing the registrant's seal to final drawings, specifications,
31 surveys, plats, plates, reports, and other similar documents, and signing them, certifies

1 that these documents were prepared by or under the registrant's direct supervision,
2 unless the registrant certifies on the face of the document to the extent of the
3 registrant's responsibility.

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

5 (a) This chapter does not prevent a corporation from offering architectural,
6 engineering, [OR] land surveying, or landscape architectural services; however, the
7 corporation shall file with the board

8 (1) an application for a certificate of authorization upon a form to be
9 prescribed by the board and containing information required to enable the board to
10 determine whether the corporation is qualified in accordance with the provisions of this
11 chapter to offer to practice architecture, engineering, [OR] land surveying, or
12 landscape architecture in this state;

13 (2) a certified copy of a resolution of the board of directors of the
14 corporation designating persons holding certificates of registration under this chapter
15 as responsible for the practice of architecture, engineering, [OR] land surveying, or
16 landscape architecture by the corporation in this state and providing that full
17 authority to make all final architectural, engineering, [OR] land surveying, or
18 landscape architectural decisions on behalf of the corporation with respect to work
19 performed by the corporation in this state is granted by the board of directors to the
20 persons designated in the resolution; however, the filing of this resolution does not
21 relieve the corporation of any responsibility or liability imposed upon it by law or by
22 contract;

23 (3) a designation in writing setting out the name of one or more
24 persons holding certificates of registration under this chapter who are in responsible
25 charge of each major branch of the architectural, engineering, [OR] land surveying, or
26 landscape architectural activities in which the corporation specializes in this state;
27 if a change is made in the person in responsible charge of a major branch of the
28 architectural, engineering, [OR] land surveying, or landscape architectural activities,
29 the change shall be designated in writing and filed with the board within 30 days after
30 the effective date of the change.

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

1 (b) Upon filing with the board the application for certificate of authorization,
2 certified copy of resolution, affidavit, and designation of persons specified in this
3 section, the board shall, subject to (c) of this section, issue to the corporation a
4 certificate of authorization to practice architecture, engineering, [OR] land surveying,
5 or landscape architecture in this state upon a determination by the board that

6 (1) the bylaws of the corporation contain provisions that all
7 architectural, engineering, [OR] land surveying, or landscape architectural decisions
8 pertaining to architectural, engineering, [OR] land surveying, or landscape
9 architectural activities in this state will be made by the specified architect, engineer,
10 [OR] land surveyor, or landscape architect in responsible charge, or other registered
11 architects, engineers, [OR] land surveyors, or landscape architects under the direction
12 or supervision of the architect, engineer, [OR] land surveyor, or landscape architect
13 in responsible charge;

14 (2) the application for certificate of authorization states the type of
15 architecture, engineering, [OR] land surveying, or landscape architecture practiced
16 or to be practiced by the corporation;

17 (3) the applicant corporation has the ability to provide architectural,
18 engineering, [OR] land surveying, or landscape architectural services;

19 (4) the application for certificate of authorization states the professional
20 records of the designated person who is in responsible charge of each major branch of
21 architectural, engineering, [OR] land surveying, or landscape architectural activities
22 in which the corporation specializes;

23 (5) the application for certificate of authorization states the experience
24 of the corporation, if any, in furnishing architectural, engineering, [OR] land surveying,
25 or landscape architectural services during the preceding five-year period;

26 (6) the applicant corporation meets other requirements related to
27 professional competence in the furnishing of architectural, engineering, [OR] land
28 surveying, or landscape architectural services as may be adopted by the board in
29 furtherance of the objectives and provisions of this chapter.

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

31 (d) The certificate of authorization shall specify the major branches of

1 architecture, engineering, [OR] land surveying, or landscape architecture of which
2 the corporation has designated a person in responsible charge as provided in this
3 section. The certificate of authorization shall be conspicuously displayed in the place
4 of business of the corporation, together with the names of persons designated as being
5 in responsible charge of the professional activities.

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

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

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

18 (f) A corporation authorized to offer architectural, engineering, [OR] land
19 surveying, or landscape architectural services under this chapter, together with its
20 directors and officers for their own individual acts, is responsible to the same degree
21 as the designated individual registered architect, engineer, [OR] land surveyor, or
22 landscape architect, and shall conduct its business without misconduct or malpractice
23 in the practice of architecture, engineering, [OR] land surveying, or landscape
24 architecture as defined in this chapter.

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

26 (g) If the board, after a proper hearing, finds that a corporation holding a
27 certificate of authorization has committed misconduct or malpractice, the board shall
28 suspend or revoke the certificate of authorization. The board shall also suspend or
29 revoke the certificate of registration of any registered individual architect, engineer,
30 [OR] land surveyor, or landscape architect who, after a proper hearing, is found by
31 the board to have participated in committing the misconduct or malpractice.

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

2 **Sec. 08.48.251. Partnerships.** This chapter does not prevent the practice of
3 architecture, engineering, [OR] land surveying, or landscape architecture by
4 partnership if all of the members of the partnership are architects, engineers, [OR] land
5 surveyors, or landscape architects legally registered under this chapter.

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

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

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

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

20 * **Sec. 22.** AS 08.48.291 is amended to read:

21 **Sec. 08.48.291. Violations and penalties.** A person who practices or offers
22 to practice architecture, engineering, [OR] land surveying, or landscape architecture
23 in the state without being registered or authorized to practice in accordance with the
24 provisions of this chapter, or a person presenting or attempting to use the certificate
25 or the seal of another, or a person who gives false or forged evidence of any kind to
26 the board or to a member of the board in obtaining or attempting to obtain a
27 certificate, or a person who impersonates a registrant, or a person who uses or attempts
28 to use an expired or revoked or nonexistent certificate, knowing of the certificate's
29 status, or a person who falsely claims to be registered and authorized to practice under
30 this chapter, or a person who violates any of the provisions of this chapter, is guilty
31 of a misdemeanor and upon conviction is punishable by a fine of not more than

1 \$10,000, or by imprisonment for not more than one year, or by both.

2 * Sec. 23. AS 08.48.311 is amended to read:

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

7 * Sec. 24. AS 08.48.321 is amended to read:

8 Sec. 08.48.321. **Evidence of practice.** A person practices or offers to practice
9 architecture, engineering, [OR] land surveying, or landscape architecture who

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

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

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

21 * Sec. 25. AS 08.48.331 is amended to read:

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

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

26 (2) workers in building trades crafts, earthwork, grounds keeping, or
27 nursery operations, and superintendents, supervisors, or inspectors in the performance
28 of their customary duties;

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

1 (4) an employee or a subordinate of a person registered under this
2 chapter if the work or service is done under the direct supervision of a person
3 registered under this chapter;

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

10 (6) a person preparing drawings or specifications for

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

13 (B) farm or ranch buildings and their grounds, unless the
14 public health, safety, or welfare is involved;

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

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

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

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

29 (9) a person who is employed by a postsecondary educational
30 institution to teach engineering, [OR] architectural, or landscape architectural
31 courses; in this paragraph, "postsecondary educational institution" has the meaning

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given in AS 14.48.210;

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

(11) a person while involved in revegetation, restoration, reclamation, rehabilitation, or erosion control for disturbed land;

(12) a person while maintaining or directing the placement of plant material;

(13) a person designing or preparing plans and specifications for the person's own use with respect to property owned by the person.

* Sec. 26. AS 08.48.331 is amended by adding a new subsection to read:

(b) The requirement to be registered as a landscape architect under this chapter only applies to a person who practices an aspect of landscape architecture that the board has determined affects the public health or safety.

* Sec. 27. AS 08.48.341(4) is amended to read:

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

* Sec. 28. AS 08.48.341 is amended by adding new paragraphs to read:

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

(17) "practice of landscape architecture" means professional services or creative work in site investigation, reconnaissance, research, planning, design, and preparation services related to drawings and construction documents, observation of construction, and location, arrangement, and design of incidental and necessary tangible objects and features for the purpose of

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

(B) location and construction of aesthetically pleasing and

1 functional approaches for structures, roadways, and walkways;

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

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

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

8 * Sec. 29. AS 08.48.351 is amended to read:

9 Sec. 08.48.351. **Short title.** This chapter may be cited as the Architects,
10 Engineers, [AND] Land Surveyors, and Landscape Architects Registration Act.

11 * Sec. 30. TRANSITION. Notwithstanding this Act, a person may practice landscape
12 architecture without a certificate of registration issued under AS 08.48 until 60 days after the
13 first examination for landscape architects administered in the state under AS 08.48.181, as
14 amended by this Act, has been graded.

15 * Sec. 31. TEMPORARY BOARD MEMBER. After considering recommendations made
16 by the Alaska chapter of the American Society of Landscape Architects, the governor shall
17 appoint a landscape architect to the Board of Registration for Architects, Engineers, and Land
18 Surveyors. The person appointed under this section

19 (1) must have been a resident in the state for three consecutive years
20 immediately preceding appointment:

21 (2) serves in an advisory, nonvoting capacity on the board;

22 (3) is not entitled to receive state money for per diem or travel expenses for
23 work as a board member;

24 (4) serves a term that expires June 30, 2001; and

25 (5) must be registered as a landscape architect under AS 08.48 by the date
26 determined under sec. 30 of this Act.

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE MEMBERS:

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REPRESENTATIVE JOHN COWDERY, VICE CHAIRMAN
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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: Legislative Legal Services
Attn: Terri Lauterbach

FROM: Representative Norman Rokeberg *NR FAX 2029*

DATE: February 6, 1998

SUBJECT: HL&C CS for CSSB 110(L&C) – Licensing of Landscape Architects

Please prepare a House Labor and Commerce Committee substitute for CSSB110(L&C) am, Version 0-LS0634P.a. The bill will be up on Wednesday, February 11, 1998, at 3:15 pm.

Attached are the changes to be included in the new CS for SB 110.

1 \$10,000, or by imprisonment for not more than one year, or by both.

2 * Sec. 23. AS 08.48.311 is amended to read:

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

7 * Sec. 24. AS 08.48.321 is amended to read:

8 **Sec. 08.48.321. Evidence of practice.** A person practices or offers to practice
9 architecture, engineering, [OR] land surveying, or landscape architecture who

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

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

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

21 * Sec. 25. AS 08.48.331 is amended to read:

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

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

26 *add* (2) workers in building trades crafts, *earthwork, groundskeeping,* superintendents, supervisors, or
27 inspectors in the performance of their customary duties; *nursery operations;*

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

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

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

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

9 (6) a person preparing drawings or specifications for

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

12 (B) farm or ranch buildings, ^{and for their grounds,} unless the public health, safety, or
13 welfare is involved;

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

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

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

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

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

31 (10) an officer or employee of an individual, firm, partnership,

1 association, utility, or corporation, who practices engineering involved in the operation
2 of the employe.'s business only, and further provided that neither the employee nor
3 the employer offers engineering services to the public; exclusions under this paragraph
4 do not apply to buildings or structures whose primary use is public occupancy;

5 * Sec. 26. AS 08.48.331 is amended by adding a new subsection to read:

6 (b) The requirement to be registered as a landscape architect under this chapter
7 only applies to a person who practices an aspect of landscape architecture that the
8 board has determined affects the public health or safety;

9 * Sec. 27. AS 08.48.341(4) is amended to read:

10 (4) "certificate of authorization" means a certificate issued by the board
11 authorizing a corporation to provide professional services in architecture, engineering,
12 [OR] land surveying, or landscape architecture through individuals legally registered
13 by the board;

14 * Sec. 28. AS 08.48.341 is amended by adding new paragraphs to read:

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

16 (17) "practice of landscape architecture" means professional service or creative
17 work in site investigation, reconnaissance, research, planning, design, and
18 preparation services related to drawings and construction documents,
19 observation of construction, and location arrangement, and design of incidental
and necessary tangible objects and features for the purpose of

20 ~~(18)~~

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

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

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

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

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

31 * Sec. 29. AS 08.48.351 is amended to read:

*insert
amendment
NO. PA. 1
2/4/98*

add

*within public right of way,
on school grounds, or public
lands or on sites that provide
public access, except as
otherwise
except
by law.*

1 association, utility, or corporation, who practices engineering involved in the operation
2 of the employer's business only, and further provided that neither the employee nor
3 the employer offers engineering services to the public; exclusions under this paragraph
4 do not apply to buildings or structures whose primary use is public occupancy;

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amendment
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2/4/98*

add

*within public rights of way,
on school grounds, or public
lands or sites that provide
public access, except as
otherwise provided
by law*

[scribble]

✓



Peterson Tower
510 L Street, Suite 101
Anchorage, AK 99501
Ph: (907) 276-5885, Fax: (907) 276-5887
E-Mail: ldn@corecom.net

02-04-98 08:03:05

Memorandum

Date: February 4, 1998
To: Shirley Armstrong
From: Dwayne Adams
Subject: SB110

Shirley,

Attached are changes I suggest in response to the committees comments. Let me or Sharon Macklin know if you have questions.

Thanks for your and Rep. Rokeberg's help.

Changes proposed to CSSB110(L&C)am SB0110C

Page 10, Line 26

(2) workers in building trades crafts, earthwork, groundskeeping, nursery operations, superintendents, supervisors, or inspectors in the performance of their customary duties.

(Note: This should address much of Rep. Cowdery's concern about those in the trades)

Page 11, Line 9

(6) a person preparing drawings or specifications for

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

(B) farm or ranch buildings and their grounds, unless public health, safety, or welfare is involved;

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

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

(Note: These changes should also assist in addressing Rep. Cowdery's concerns.)

Page 11, Line 23

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

(Note: These changes should also assist in addressing Rep. Cowdery's concerns.)

Page 12, Line 6

(b) The requirement to be registered as a landscape architect under this chapter applies only to the definition of landscape architecture as it affects the public health and safety within public rights-of-way, on school grounds, on public lands, or on sites that provide for public access except as otherwise exempted.

(Note: This makes this requirement parallel to Page 11, Line 23 above. The determination may then be made by administrative regulation, by the AELS Board, or by a court of law, as appropriate, just as is applicable to the other professions.)

Also, add:

(c) The requirement to be registered as a landscape architect under this chapter does not apply to those in revegetation and reclamation work acting within their technical or formal training in the earth or biological sciences. Neither shall this act be construed to prohibit those engaged in nursery occupations or as gardeners or landscape contractors from preparing planting plans and items incidental thereto provided the project scope does not jeopardize the public health and safety. Neither shall this act be construed to prevent the practice of any other legally recognized profession as governed by applicable law.

Page 12, Line 16

(17) "practice of landscape architecture "means professional service or creative work in site investigation, reconnaissance, research, planning, design, and preparation services related to drawings and construction documents, observation of construction, and location arrangement, and design of incidental and necessary tangible objects and features for the purpose of

(A)...

(B)...

(C)...

(D)...

LEGAL SERVICES

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STATE OF ALASKA

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FAX (907) 465-2029
Mail Stop 3101

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Juneau, Alaska 99801-2105

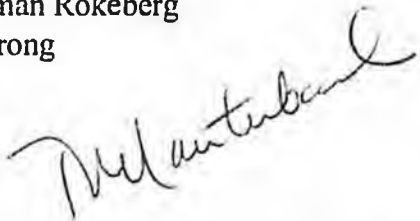
MEMORANDUM

February 4, 1998

SUBJECT: Amendments for CSSB 110(L&C)am

TO: Representative Norman Rokeberg
Attn: Shirley Armstrong

FROM: Terri Lauterbach
Legislative Counsel



Enclosed is an amendment you requested for SB 110. It addresses items 3 - 5 at the bottom of your memorandum.

The language in paragraph (11), added by the amendment, is problematical. What is "disturbed land?" Without further definition, it could be argued that any land that a person digs in or walks on is disturbed. This exemption seems to vitiate most of the aspects of the definition of landscape architecture identified in (17)(A), (C) and (D) on page 12 of the bill.

The language in paragraph (12), added by the amendment, is also problematical. The definition of landscape architecture specifically includes "maintaining...plantings." If you do not wish for this activity to be covered, why not remove the term from the definition on page 12?

The language of paragraph (13), added by the amendment, overlaps with the exemption already provided in paragraph (6)(A) on page 11 of the bill. Maybe the language in (6)(A) should be expanded to property owned by a person rather than occupied by the person, and include more than single-family residences. Is paragraph (13) supposed to be limited to landscaping or should it be general (as is)?

I have not included item 1 from the bottom of your memo in the enclosed amendment because I do not know how you wish to clarify section 26. I need further instructions.

I have not included item 2 in the amendment because I have not found any definition "used by the State of Alaska" for the term "affects public health or safety." The phrase "public health or safety" occurs twice in the Alaska Statutes (AS 27.21.240 and AS 39.90.140), in both places undefined. I also looked for separate definitions of "public health" and "public safety" and found none.

Representative Norman Rokeberg

February 4, 1998

Page 2

Please let me know how you wish to proceed on these matters.

TML:jdr

98-064

Enclosure

LEGAL SERVICES

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STATE OF ALASKA

02-74-98P03163 20

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Mail Stop 3101


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Juneau, Alaska 99801-2105

MEMORANDUM

February 4, 1998

SUBJECT: Landscape Architecture (CSSB 110(L&C) am)

TO: Representative Norman Rokeberg
Attn: Shirley Armstrong

FROM: Terri Lauterbach
Legislative Counsel 

You have asked how users of landscape architectural services would be affected by CSSB 110(L&C)am and whether individuals or small businesses who have "landscaping businesses" would have to be registered if the bill is enacted into law.

In answer to the first part of your question, I do not see anything in the bill that relates to the users of landscape architectural services. Only the provider of the service has the duty to register and would be in violation of the law if not registered (and not exempt).

In answer to the second part of your question, an individual or business that practices landscape architecture would have to become registered if the law passes and the board determines that the individual's or business' practice includes aspects of landscape architecture that affect the public health or safety. I do not understand the statement in your memo that says "it is not [the sponsor's] intention to prevent homeowners gardening [sic] or small businesses from continuing the status quo [of not being registered]." Maybe I'm missing something in the definition of "practice of landscape architecture" or maybe the definition is missing something, but if individuals and businesses that practice aspects of landscape architecture are not covered by this bill, then I guess I don't know who is. The "public health or safety" provision in AS 08.48.331(b) will cover only some people, but it is not clear who will be covered.

It could be the definition that needs work, rather than the list of exemptions.

TML:jdr
98-063.jdr

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSSB 110(L&C)am

1 Page 12, line 4, following "occupancy":

2 Insert ":

3 (11) a person while involved in revegetation, restoration, reclamation,
4 rehabilitation, or erosion control for disturbed land;

5 (12) a person while maintaining or directing the placement of plant
6 material;

7 (13) a person designing or preparing plans and specifications for the
8 person's own use with respect to property owned by the person"

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STATE OF ALASKA

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Mail Stop 3101

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

MEMORANDUM

February 4, 1998

SUBJECT: Sec. 26 of CSSB 110(L&C) am (Landscape Architecture)

TO: Representative Norman Rokeberg
Attn: Shirley Armstrong

FROM: Terri Lauterbach
Legislative Counsel *Terri Lauterbach*

You have requested a legal analysis of the effect of the change made in sec. 26 of SB 110 by the Senate floor amendment, which replaced the old language with the following:

The requirement to be registered as a landscape architect under this chapter only applies to a person who practices an aspect of landscape architecture that the board has determined affects the public health or safety.

The "old language" was as follows:

The requirement to be registered as a landscape architect under this chapter does not apply to a person who practices only an aspect of landscape architecture that the board has determined does not affect the public health, safety, or welfare.

There are two changes of note: (1) deletion of the word "welfare," and (2) reversal of the process for determining whether a person must register or not.

The deletion of the term "welfare" may or may not have a significant practical effect, depending on how the board would have chosen to interpret the term. Arguably, the public welfare is fairly synonymous with health and safety concerns. But, to the extent that "welfare" implies improvement rather than just prevention of problems, "welfare" was, arguably, broader than "health and safety", so the deletion of "welfare" may have affected the size of the category being described. That is, there may have been practices of landscape architecture that would have been regulated under the old sec. 26 because of their effect on public welfare that will not be regulated under the new sec. 26 because the board will decide that a health or safety concern is not involved.

Representative Norman Rokeberg

February 4, 1998

Page 2

The second change is probably the more significant of the two. In reversing the language from "does not apply [if] does not affect" to "only applies [if does] affect," the language creates a situation where no registration will be required for landscape architecture until the board determines that there's an effect on public health or safety. The old language required everyone practicing landscape architecture, as defined in the bill, to register unless exempted by the board. Under the new language, the board will have to act (presumably by regulations, or will it be ad hoc case-by-case?) in order for there to be any registration requirement for anyone. Under the old language, the law set the registration requirement, and the board would have had to act to delineate exemption categories. Essentially, the new language leaves it up to the board to decide whether SB 110 will have any effect in this area and who it will affect.

I have some doubts about whether a court will find that there has been sufficient legislative guidance to the board under the new language so as to avoid improper delegation of legislative power. Under the new language, the board must act to give the law any meaning at all. Without action by the board, the legislature's apparent intent to require at least someone to be registered can be totally thwarted.

Additionally, under the new language, there may be public confusion about whether registration is necessary or not. The law will be on the books indicating a registration requirement, but, since sec. 26 makes that requirement dependent on board action, people will be needing to check regularly as to whether the board has determined that any aspects of landscape architecture are actually subject to the registration requirement.

Let me know if you have further questions about this issue.

TML:glc
98-049.glc