

Alaska State Legislature

Session:
State Capitol
Juneau, AK 99801
Phone: (907) 465-2995
Fax: (907) 465-6592



Interim:
716 W 4th Avenue, Suite 300
Anchorage, AK 99501-2133
Phone: (907) 269-0250
Fax: (907) 269-0249

Representative Lesil McGuire

Chair, Judiciary Committee

Sponsor Statement

HB 268

"An Act relating to an exemption for specialty contractors under the laws regulating architects, engineers, land surveyors, and landscape architects."

I have introduced [HB 268](#) by request of the State Board of Registration for Architects, Engineers and Land Surveyors ([AELS Board](#)), the regulatory board responsible to ensure minimum competency of design professionals it regulates and to ensure that the public health, safety and welfare is met. The AELS Board is also responsible for overseeing the scope of work practices of those professionals.

There currently exists an exemption for specialty contractors in [AS.08.48.331](#) that reads:

"... (7) a specialty contractor licensed under [AS.08.18](#) while engaged in the business of construction contracting or designing systems for work within the specialty to be performed or supervised by the specialty contractor, or a contractor preparing shop or field drawings for work that the specialty contractor has contracted to perform."

The AELS Board is concerned, and its investigators have indicated, that specialty contractors are using this statutory exemption to go beyond specialty contracting and actually perform the design work without licensed professionals on non-residential projects. The work could encompass non-residential facilities such as commercial, civic, and educational uses, and should be designed by registered architects and engineers. The AELS Board believes the statutory exemption has created a loophole that allows specialty contractors to perform work beyond their expertise and believe there may be serious public health and/or safety concerns when a building used by the general public is designed without the expertise of registered Alaskan architects and engineers.

The Board's investigators indicated that there have been numerous incidents of construction of non-residential projects that did not have an engineer or an architect involved in the design process. The AELS Board wants specialty contractors to be able to perform specialty contractor residential work and to be able to produce shop drawings for non-residential work based upon designs created by professional architects, engineers or landscape architects.