

HOUSE BILL NO. 243

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 3/8/95

Referred: State Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to licensure of landscape architects."

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

3 * **Section 1.** AS 08.01.010(2) is amended to read:

4 (2) State Board of Registration for Architects, Engineers, [AND] Land
5 Surveyors, **and Landscape Architects** (AS 08.48.011);

6 * **Sec. 2.** AS 08.03.010(c)(3) is amended to read:

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

9 * **Sec. 3.** AS 08.48.011 is amended to read:

10 Sec. 08.48.011. BOARD CREATED. (a) There is created the State Board of
11 Registration for Architects, Engineers, [AND] Land Surveyors, **and Landscape**
12 **Architects**. The board shall administer the provisions of this chapter and comply with
13 **AS 44.62** ([THE] Administrative Procedure Act [(AS 44.62)]).

14 (b) The board consists of nine **voting** members appointed by the governor
15 having the qualifications as set out in AS 08.48.031 **and one nonvoting member**

1 appointed by the governor from persons recommended by the Alaska Chapter of
2 the American Society of Landscape Architects and having the qualifications set
3 out in AS 08.48.031. The voting members of the board consist [CONSISTS] of two
4 civil engineers, one land surveyor, one mining engineer, two engineers from other
5 branches of the profession of engineering, two architects, and one public member.

6 * **Sec. 4.** AS 08.48.031 is amended to read:

7 Sec. 08.48.031. QUALIFICATIONS. Each member of the board must have
8 been a resident in the state for three consecutive years immediately preceding
9 appointment and, except for the public member **and the nonvoting member**, must be
10 registered and have a minimum of five years of professional practice in the member's
11 respective field.

12 * **Sec. 5.** AS 08.48.061(b) is amended to read:

13 (b) Each **voting** member of the board is entitled to receive per diem and travel
14 expenses as authorized by law for other boards and commissions. **The nonvoting**
15 **member of the board is not entitled to receive either per diem or travel expenses.**

16 * **Sec. 6.** AS 08.48.061(c) is amended to read:

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

24 * **Sec. 7.** AS 08.48.071(f) is amended to read:

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

28 (1) the number of architects, engineers, [AND] land surveyors, **and**
29 **landscape architects** registered over a five-year period;

30 (2) the rate of passage of examinations administered by the board;

31 (3) the number of persons making application for registration as a

1 professional architect, engineer, [OR] land surveyor, or landscape architect over a
2 five-year period;

3 (4) an account of registration fees collected under AS 08.01.065;

4 (5) a measure of the correspondence workload of any licensing
5 examiner employed by the department to carry out this chapter.

6 * **Sec. 8.** AS 08.48.091 is amended to read:

7 Sec. 08.48.091. WRITTEN EXAMINATIONS [AND EXAMINATION FEES].

8 Except as provided in (b) of this section, written [WRITTEN] examinations shall
9 be held at least twice each year at places determined by the board unless the
10 examination administered by the board is a national examination prepared only once
11 each year, in which case the examination shall be held at least once each year. A
12 candidate failing an examination may apply for reexamination.

13 * **Sec. 9.** AS 08.48.091 is amended by adding a new subsection to read:

14 (b) The board shall administer a written examination at least once each year
15 for applicants who are seeking to be registered as landscape architects.

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

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

31 * **Sec. 11.** AS 08.48.171 is amended to read:

1 Sec. 08.48.171. GENERAL REQUIREMENTS AND QUALIFICATIONS FOR
2 REGISTRATION. An applicant for registration as an architect, engineer, [OR] land
3 surveyor, **or landscape architect** must be of good character and reputation and shall
4 submit evidence satisfactory to the board of the applicant's education, training, and
5 experience. However, an applicant for registration as a land surveyor may not be
6 required to submit evidence of more than eight years of any combination of education,
7 experience, or training.

8 * **Sec. 12.** AS 08.48.181 is amended to read:

9 Sec. 08.48.181. REGISTRATION UPON EXAMINATION. Except as
10 provided in AS 08.48.191, for registration as a professional architect, professional
11 engineer, [OR] professional land surveyor, **or professional landscape architect**, a
12 person shall be examined in this state in accordance with the regulations of procedure
13 and standards adopted by the board under **AS 44.62** ([THE] Administrative Procedure
14 Act [(AS 44.62)]. The procedure and standards shall at least meet the requirements
15 adopted by recognized national examining councils for these professions.

16 * **Sec. 13.** AS 08.48.191 is amended by adding a new subsection to read:

17 (d) A person holding a certificate of registration authorizing the person to
18 practice landscape architecture in a state, territory, or possession of the United States,
19 the District of Columbia, or a foreign country, that in the opinion of the board meets
20 the requirements of this chapter, based on verified evidence, may upon application, be
21 registered under the regulations of the board. A person holding a certificate of
22 qualification issued by the Council of Landscape Architectural Registration Boards
23 may upon application be registered under regulations of the board.

24 * **Sec. 14.** AS 08.48.201(a) is amended to read:

25 (a) Application for registration as a professional architect, a professional
26 engineer, [OR] a professional land surveyor, **or a professional landscape architect**
27 shall

- 28 (1) be on a form prescribed and furnished by the board;
- 29 (2) contain statements made under oath, showing the applicant's
30 education and a detailed summary of the applicant's technical experience; and
- 31 (3) contain five references, three of whom must be architects for

1 architectural registration, engineers for engineering registration, [AND] land surveyors
2 for land surveying registration, **and landscape architects for landscape architectural**
3 **registration**, having personal knowledge of the applicant's architectural, engineering,
4 [OR] land surveying, **or landscape architectural** education, training, or experience.

5 * **Sec. 15.** AS 08.48.211 is amended to read:

6 Sec. 08.48.211. CERTIFICATE OF REGISTRATION. (a) An applicant who
7 fulfills the requirements set out by the board shall be awarded a certificate of
8 registration as a professional architect, engineer, [OR] land surveyor, **or landscape**
9 **architect**, authorizing the holder to offer or perform architectural, engineering, [OR]
10 land surveying, **or landscape architectural** services or work for the public, or to
11 certify or sign architectural, engineering, [OR] land surveying, **or landscape**
12 **architectural** documents. Certificates of registration issued under this section shall
13 be inscribed on their face in a manner determined by the board.

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

18 * **Sec. 16.** 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. Final drawings, specifications, surveys, plats, plates,
24 reports, and other similar documents shall, when issued, be signed and stamped with
25 the seal. The board shall adopt regulations governing the use of seals by the registrant.
26 An architect, engineer, [OR] land surveyor, **or landscape architect** may not affix or
27 permit a seal and signature to be affixed to an instrument after the expiration of a
28 certificate or for the purpose of aiding or abetting another person to evade or attempt
29 to evade a provision of this chapter. The registrant, by affixing the registrant's seal
30 to final drawings, specifications, surveys, plats, plates, reports, and other similar
31 documents, and signing them, certifies that these documents were prepared by or under

1 the registrant's direct supervision, unless the registrant certifies on the face of the
2 document to the extent of the registrant's responsibility.

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

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

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

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

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

30 * **Sec. 18.** AS 08.48.241(b) is amended to read:

31 (b) Upon filing with the board the application for certificate of authorization,

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

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

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

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

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

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

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

29 * **Sec. 19.** AS 08.48.241(d) is amended to read:

30 (d) The certificate of authorization shall specify the major branches of
31 architecture, engineering, [OR] land surveying, **or landscape architecture** of which

1 the corporation has designated a person in responsible charge as provided in this
2 section. The certificate of authorization shall be conspicuously displayed in the place
3 of business of the corporation, together with the names of persons designated as being
4 in responsible charge of the professional activities.

5 * **Sec. 20.** AS 08.48.241(e) is amended to read:

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

16 * **Sec. 21.** AS 08.48.241(f) is amended to read:

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

24 * **Sec. 22.** AS 08.48.241(g) is amended to read:

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

31 * **Sec. 23.** AS 08.48.251 is amended to read:

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

5 * **Sec. 24.** AS 08.48.281 is amended to read:

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

14 * **Sec. 25.** AS 08.48.281 is amended by adding new subsections to read:

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

19 (c) Notwithstanding the definition of the "practice of landscape architecture"
20 in AS 08.48.341, a registered landscape architect may not perform or offer to perform
21 a service described as the practice of landscape architecture in AS 08.48.341 if that
22 service also requires registration as an architect or engineer unless the landscape
23 architect is also registered as an architect or engineer, as applicable.

24 * **Sec. 26.** AS 08.48.291 is amended to read:

25 Sec. 08.48.291. VIOLATIONS AND PENALTIES. A person who practices
26 or offers to practice architecture, engineering, [OR] land surveying, or landscape
27 architecture in the state without being registered or authorized to practice in
28 accordance with the provisions of this chapter, or a person presenting or attempting to
29 use the certificate or the seal of another, or a person who gives false or forged
30 evidence of any kind to the board or to a member of the board in obtaining or
31 attempting to obtain a certificate, or a person who impersonates a registrant, or a

1 person who uses or attempts to use an expired or revoked or nonexistent certificate,
2 knowing of the certificate's status, or a person who falsely claims to be registered and
3 authorized to practice under this chapter, or a person who violates any of the
4 provisions of this chapter, is guilty of a misdemeanor and upon conviction is
5 punishable by a fine of not more than \$10,000, or by imprisonment for not more than
6 one year, or by both.

7 * **Sec. 27.** AS 08.48.311 is amended to read:

8 Sec. 08.48.311. RIGHTS NOT TRANSFERABLE. The right to engage in the
9 practice of architecture, engineering, [OR] land surveying, **or landscape architecture**
10 is considered a personal and individual right, based on the qualifications of the
11 individual as evidenced by the individual's certificate of registration, which is not
12 transferable.

13 * **Sec. 28.** AS 08.48.321 is amended to read:

14 Sec. 08.48.321. EVIDENCE OF PRACTICE. A person practices or offers to
15 practice architecture, engineering, [OR] land surveying, **or landscape architecture**
16 who

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

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

23 (3) holds out as able to perform or who does perform an architectural,
24 engineering, [OR] land surveying, **or landscape architectural** service recognized by
25 the professions covered by this chapter, and specified in regulations of the board, as
26 **an** architectural, engineering, [OR] land surveying, **or landscape architectural**
27 **service**.

28 * **Sec. 29.** AS 08.48.331 is amended to read:

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

30 (1) a contractor performing work designed by a professional architect,
31 [OR] engineer, **or landscape architect** or the supervision of the construction of the

1 work as a supervisor or superintendent for a contractor;

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

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

7 (4) an employee or a subordinate of a person registered under this
8 chapter if the work or service is done under the direct supervision of a person
9 registered under this chapter;

10 (5) associates, consultants, or specialists retained by a registered
11 individual, a partnership of registered individuals, or a corporation authorized to
12 practice architecture, engineering, [OR] land surveying, **or landscape architecture**
13 under this chapter, in the performance of professional services if responsible charge
14 of the work remains with the individual, the partnership, or a designated representative
15 of the corporation;

16 (6) a person preparing drawings or specifications for

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

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

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

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

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

30 (8) a person furnishing drawings, specifications, instruments of service,
31 or other data for alterations or repairs to a building that do not change or affect the

1 structural system or the safety of the building, or that do not affect the public health,
2 safety, or welfare;

3 (9) a person who is employed by a postsecondary educational
4 institution to teach engineering, architectural, [OR] land surveying, **or landscape**
5 **architectural** courses; in this paragraph, "postsecondary educational institution" has
6 the meaning given in AS 14.48.210.

7 * **Sec. 30.** AS 08.48.341(2) is amended to read:

8 (2) "board" means the State Board of Registration for Architects,
9 Engineers, [AND] Land Surveyors, **and Landscape Architects**;

10 * **Sec. 31.** AS 08.48.341(4) is amended to read:

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

15 * **Sec. 32.** AS 08.48.341 is amended by adding new paragraphs to read:

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

17 (17) "practice of landscape architecture" means consultative,
18 investigative, reconnaissance, research, planning, design, and preparation services
19 relating to drawings and construction documents, observation of construction, and
20 location, arrangement, and design of incidental and necessary tangible objects and
21 features for the purpose of

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

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

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

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

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

1 * **Sec. 33.** AS 08.48.351 is amended to read:

2 Sec. 08.48.351. **SHORT TITLE.** This chapter may be cited as the Architects,
3 Engineers, [AND] Land Surveyors, and Landscape Architects Registration Act.

4 * **Sec. 34.** AS 14.43.310(b) is amended to read:

5 (b) To assist the administering authority in selecting eligible applicants for
6 award of each of the memorial scholarship loans under AS 14.43.250 - 14.43.325 and
7 in reviewing the memorial scholarship loan program, the following advisory
8 committees are established:

9 (1) three Alaska state troopers, each one to be selected from and to
10 represent a state trooper region of the state by the regional commander to serve for
11 three years, for the Michael Murphy memorial scholarship;

12 (2) three members of the Governor's Commission on the
13 Administration of Justice selected annually by the commission from among its
14 membership, for the Carroll L. "Butch" Swartz memorial scholarship;

15 (3) three members of the state Board of Registration for Architects,
16 Engineers, [AND] Land Surveyors, and Landscape Architects selected annually by
17 the board from among its engineer members, for the Harvey Golub memorial
18 scholarship; and

19 (4) three members of the state Board of Education, or of the staff of
20 the Department of Education, or any combination of these, selected annually by the
21 board, for the Robert L. Thomas memorial scholarship.

22 * **Sec. 35.** AS 44.62.330(a)(4) is amended to read:

23 (4) State Board of Registration for Architects, Engineers, [AND] Land
24 Surveyors, and Landscape Architects;

25 * **Sec. 36.** **TERMS OF NEW MEMBERS.** Notwithstanding AS 08.01.035, the initial term
26 of the new member appointed under AS 08.48.011(b), as amended by sec. 3 of this Act, is one
27 year.

28 * **Sec. 37.** **TRANSITION.** Notwithstanding this Act, a person may practice landscape
29 architecture without a certificate of registration issued under AS 08.48 until 60 days after the
30 first examination for landscape architects administered in the state under AS 08.48.181, as
31 amended by this Act, has been graded.