

1 IN THE SENATE

BY SACKETT

2 SENATE BILL NO. 416

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the State Board of Registration for
7 Architects, Engineers and Land Surveyors."

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

9 * Section 1. AS 08.48.011 is amended to read:

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

14 (b) The board consists of 11 [NINE] members appointed by the
15 governor having the qualifications as set out in sec. 31 of this chap-
16 ter. The board consists of two civil engineers, one land surveyor, one
17 mining engineer, two engineers from other branches of the profession of
18 engineering, two landscape architects, and three architects.

19 * Sec. 2. AS 08.48.051 is amended to read:

20 Sec. 08.48.051. ORGANIZATION AND MEETINGS. The board shall hold
21 at least four regular meetings each year. Special meetings may be held
22 as the bylaws of the board provide. The board shall elect or appoint
23 annually from its members the following officers: president, vice-
24 president and secretary. A quorum of the board consists of not less
25 than six [FIVE] members.

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

27 (c) The board may make expenditures from appropriated funds for
28 any purpose which is reasonably necessary for the proper performance of
29 its duties under this chapter. This may include the expenses of the

1 board delegates to meetings of councils of architect examiners, en-
2 gineering examiners, landscape architect examiners, or land surveyor
3 examiners, or any of their subdivisions. The total amount of warrants
4 issued in payment of the expenses incurred under this chapter may not
5 exceed the amount of money appropriated by the legislature.

6 * Sec. 4. AS 08.48.081 is amended to read:

7 Sec. 08.48.081. ROSTER. A complete roster showing the names and
8 last known addresses of all architects, engineers, landscape architects,
9 and land surveyors, based on the register prepared under AS 08.01.050-
10 (12), shall be published by the secretary of the board once each year,
11 or at lesser intervals as established by board regulations, and shall
12 include the registrants' authorization numbers if applicable. Copies of
13 this roster shall be mailed to each person registered, placed on file
14 with the lieutenant governor and borough and city officials, and, upon
15 request, may be distributed or sold to the public.

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

17 Sec. 08.48.111. POWER TO REVOKE, SUSPEND, OR REISSUE CERTIFICATE.
18 The board may suspend, refuse to renew, or revoke the certificate of or
19 reprimand a registrant or corporation who is found guilty of (1) fraud
20 or deceit in obtaining a certificate; (2) gross negligence, incompe-
21 tence, or misconduct in the practice of architecture, engineering, land-
22 scape architecture, or land surveying; (3) violation of this chapter, a
23 regulation adopted under it, or the code of ethics or professional
24 conduct as promulgated by the board; or (4) a crime involving moral
25 turpitude relevant to one of those professions. The code of ethics or
26 professional conduct shall be made known in writing to every registrant
27 and applicant for registration under this chapter, and shall be pub-
28 lished with the roster provided for in sec. 81 of this chapter. This
29 publication constitutes due notice to all registrants. The board may

1 revise and amend its code and, upon doing so, shall immediately notify
2 each registrant in writing of the revisions or amendments. The board
3 may, upon petition of the registrant or corporation, reissue a certifi-
4 cate if a majority of the members of the board vote in favor of the
5 reissuance.

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

7 Sec. 08.48.171. GENERAL REQUIREMENTS AND QUALIFICATIONS FOR REGIS-
8 TRATION. An applicant for registration as an architect, engineer,
9 landscape architect, or land surveyor must be of good character and
10 reputation and must submit evidence satisfactory to the board of his
11 education, training and experience.

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

13 Sec. 08.48.181. REGISTRATION UPON EXAMINATION. Except as provided
14 in sec. 191 and sec. 196 of this chapter, for registration as a pro-
15 fessional architect, professional engineer, professional landscape
16 architect, or professional land surveyor, a person shall be examined in
17 this state in accordance with the regulations of procedure and standards
18 adopted by the board in accordance with the Administrative Procedure Act
19 (AS 44.62), which procedure and standards shall at least meet the re-
20 quirements adopted by recognized national examining councils for these
21 professions.

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

23 (d) A person holding a certificate of registration authorizing him
24 to practice landscape architecture in a state, territory, or possession
25 of the United States, the District of Columbia, or a foreign country,
26 which, in the opinion of the board meets the requirements of this chap-
27 ter, based on verified evidence, may upon application, be registered in
28 accordance with the regulations of the board. A person holding a cer-
29 tificate of qualificaton issued by the Council of Landscape Architec-

1 tural Registration Boards may upon application be registered in accor-
2 dance with the regulations of the board.

3 * Sec. 9. AS 08.48 is amended by adding a new section to read:

4 Sec. 08.48.196. CURRENT PRACTITIONERS OF LANDSCAPE ARCHITECTURE.

5 An applicant for certificate of registration authorizing the practice of
6 landscape architecture is not required to fulfill the examination re-
7 quirements established under sec. 181 of this chapter if, within one
8 year of the effective date of this Act, the applicant submits proof,
9 satisfactory to the board, of education and experience, or any combina-
10 tion of these acquired before July 1, 1978 and found equivalent to six
11 years of practice of landscape architecture.

12 * Sec. 10. AS 08.48.201 is amended to read:

13 Sec. 08.48.201. APPLICATION AND FEES FOR REGISTRATION. (a)

14 Application for registration as a professional architect, a professional
15 engineer, a landscape architect, or a professional land surveyor shall
16 (1) be on a form prescribed and furnished by the board; (2) contain
17 statements made under oath, showing the applicant's education and a
18 detailed summary of his technical experience; and (3) contain five
19 references, three of whom must be architects for architectural registra-
20 tion, engineers for engineering registration, landscape architects for
21 landscape architectural registration, and land surveyors for land sur-
22 veying registration, having personal knowledge of the applicant's archi-
23 tectural, engineering, landscape architectural, or land surveying educa-
24 tion, training or experience.

25 (b) The registration fee for professional architects, professional
26 engineers, professional landscape architects, and professional land sur-
27 veyors shall be established by the board in an amount not to exceed \$100
28 and shall accompany the application for registration.

29 * Sec. 11. AS 08.48.211 is amended to read:

1 Sec. 08.48.211. CERTIFICATE OF REGISTRATION. (a) An applicant
2 who fulfills the requirements set out by the board shall be awarded a
3 certificate of registration as a professional architect, engineer, land-
4 scape architect, or land surveyor, authorizing the holder to offer or
5 perform architectural, engineering, landscape architectural, or land
6 surveying services or work for the public, or to certify or sign archi-
7 tectural, engineering, landscape architectural, or land surveying docu-
8 ments. Certificates or registration issued under this section shall be
9 inscribed on their face in a manner determined by the board.

10 (b) The certificate of registration sealed by the board is prima
11 facie evidence that the person named in it is entitled to all rights and
12 privileges of a professional architect, professional engineer, profes-
13 sional landscape architect, or professional land surveyor, while the
14 certificate remains unrevoked or unexpired.

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

16 Sec. 08.48.221. SEALS. Each registrant may obtain a seal of the
17 design authorized by the board, bearing the registrant's name, registra-
18 tion number, and the legend, "Registered Professional Architect,"
19 "Registered Professional Engineer," "Registered Professional Landscape
20 Architect," or "Registered Professional Land Surveyor," as appropriate.
21 Final drawings, specifications, surveys, plats, plates, reports and
22 other similar documents shall, when issued, be signed and stamped with
23 the seal. It is unlawful for an architect, engineer, landscape archi-
24 tect, or land surveyor to affix or permit his seal and signature to be
25 affixed to an instrument after the expiration of a certificate or for
26 the purpose of aiding or abetting another person to evade or attempt to
27 evade a provision of this chapter. The registrant, by affixing his seal
28 to final drawings, specifications, surveys, plats, plates, reports and
29 other similar documents, and signing them, certifies that these docu-

1 ments were prepared by or under his direct supervision, unless he cer-
2 tifies on the face of the document to the extent of his responsibility.

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

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

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

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

24 (3) a designation in writing setting out the name of one or
25 more persons holding certificates of registration under this chapter who
26 are in responsible charge of each major branch of the architectural,
27 engineering, landscape architectural or land surveying activities in
28 which the corporation specializes in this state; if a change is made in
29 the person in responsible charge of a major branch of the architectural,

1 engineering, landscape architectural, or land surveying activities, the
2 change shall be designated in writing and filed with the board within 30
3 days after the effective date of the change.

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

5 (b) Upon filing with the board the application for certificate of
6 authorization, certified copy of resolution, affidavit, and designation
7 of persons specified in this section, the board shall, subject to (c) of
8 this section, issue to the corporation a certificate of authorization to
9 practice architecture, engineering, landscape architecture, or land
10 surveying in this state upon a determination by the board that

11 (1) the bylaws of the corporation contain provisions that all
12 architectural, engineering, landscape architectural, or land surveying
13 decisions pertaining to architectural, engineering, landscape architec-
14 tural, or land surveying activities in this state will be made by the
15 specified architect, engineer, landscape architect or land surveyor in
16 responsible charge, or other registered architects, engineers, land-
17 scape architects or land surveyors under his direction or supervision;

18 (2) the application for certificate of authorization states
19 the type of architecture, engineering, landscape architecture or land
20 surveying practiced or to be practiced by the corporation;

21 (3) the applicant corporation has the ability to provide
22 architectural, engineering, landscape architectural or land surveying
23 services;

24 (4) the application for certificate of authorization states
25 the professional records of the designated person who is in responsible
26 charge of each major branch of architectural, engineering, landscape
27 architectural, or land surveying activities in which the corporation
28 specializes;

29 (5) the application for certificate of authorization states

1 the experience of the corporation, if any, in furnishing architectural,
2 engineering, landscape architectural, or land surveying services during
3 the preceding five-year period;

4 (6) the applicant corporation meets other requirements re-
5 lated to professional competence in the furnishing of architectural,
6 engineering, landscape architectural or land surveying services as may
7 be established and promulgated by the board in furtherance of the ob-
8 jectives and provisions of this chapter.

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

10 (d) The certificate of authorization shall specify the major
11 branches of architecture, engineering, landscape architecture or land
12 surveying of which the corporation has designated a person in respon-
13 sible charge as provided in this section. The certificate of authori-
14 zation shall be conspicuously displayed in the place of business of the
15 corporation, together with the names of persons designated as being in
16 responsible charge of the professional activities.

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

18 (e) If a corporation, organized solely by either a group of archi-
19 tects, a group of engineers, a group of landscape architects or a group
20 of land surveyors, each holding a certificate of registration under this
21 chapter, applies for a certificate of authorization, the board may, in
22 its discretion, grant a certificate of authorization to the corporation
23 based on a review of the professional records of the incorporators, in
24 place of the required qualifications set out in this section. If the
25 ownership of the corporation is altered, the corporation shall apply for
26 a revised certificate of authorization, based upon the professional
27 records of the owners, if exclusively architects, engineers, landscape
28 architects, or land surveyors, or otherwise under the qualifications
29 required by (b)(1) - (4) of this section.

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

2 (f) A corporation authorized to offer architectural, engineering,
3 landscape architectural, or land surveying services under this chapter,
4 together with its directors and officers for their own individual acts,
5 is responsible to the same degree as the designated individual regis-
6 tered architect, engineer, landscape architect, or land surveyor, and
7 must conduct its business without misconduct or malpractice in the
8 practice of architecture, engineering, landscape architecture or land
9 surveying as defined in this chapter.

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

11 (g) If the board, after a proper hearing, finds that a corporation
12 holding a certificate of authorization has committed misconduct or
13 malpractice, the board shall suspend or revoke the certificate of au-
14 thorization. The board shall also suspend or revoke the certificate of
15 registration of any registered individual architect, engineer, land-
16 scape architect or land surveyor who, after a proper hearing, is found
17 by the board to have participated in committing the misconduct or mal-
18 practice.

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

20 Sec. 08.48.251. PARTNERSHIPS. This chapter does not prevent the
21 practice of architecture, engineering, landscape architecture, or land
22 surveying by partnership if all of the members of the partnership are
23 architects, engineers, landscape architects, or land surveyors legally
24 registered under this chapter.

25 * Sec. 20. AS 08.48.261 is amended to read:

26 Sec. 08.48.261. STATE EMPLOYEES. The head of each principal
27 department in which there are positions necessitating use of architec-
28 tural, engineering, landscape architectural, or land surveying knowledge
29 or skills shall specify, in the job descriptions, the positions for

1 which registration under this chapter is required. This requirement for
2 any position in a department may be waived by the head of the depart-
3 ment. When the requirement is waived, the head of the department shall
4 transmit to the division of personnel a written statement to the effect
5 that the person filling the position is qualified to perform the duties
6 of that position and a statement of the reasons for waiving the re-
7 quirement, explaining why the employee was hired or was retained as an
8 employee even though not registered under this chapter. The head of the
9 department shall send a copy of the statement to the board.

10 * Sec. 21. AS 08.48.281 is amended to read:

11 Sec. 08.48.281. PROHIBITED PRACTICE. No person may practice or
12 offer to practice the profession of architecture, engineering, landscape
13 architecture, or land surveying in Alaska, as defined in this chapter,
14 or use in connection with his name or otherwise assume or advertise a
15 title or description tending to convey the impression that he is a
16 registered architect, engineer, landscape architect, or land surveyor
17 unless he has been registered under the provisions of this chapter or is
18 a person to whom these provisions do not apply, or, in the case of a
19 corporation, unless it has been authorized under this chapter.

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

21 Sec. 08.48.291. VIOLATIONS AND PENALTIES. A person who practices
22 or offers to practice architecture, engineering, landscape architecture,
23 or land surveying in Alaska without being registered or authorized to
24 practice in accordance with the provisions of this chapter, or a person
25 presenting or attempting to use the certificate or the seal of another,
26 or a person who gives false or forged evidence of any kind to the board
27 or to a member of the board in obtaining or attempting to obtain a
28 certificate, or a person who impersonates a registrant, or a person who
29 uses or attempts to use an expired or revoked or nonexistent certifi-

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

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

8 Sec. 08.48.311. INDIVIDUAL RIGHT. The right to engage in the
9 practice of architecture, engineering, landscape architecture, or land
10 surveying is considered a personal and individual right, based on the
11 qualifications of the individual as evidenced by his certificate of
12 registration, which is not transferable.

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

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

17 (1) practices a branch of the profession of architecture,
18 engineering, landscape architecture, or land surveying as defined in
19 sec. 341 of this chapter;

20 (2) by verbal claim, sign, advertisement, letterhead, card,
21 or other means represents himself to be an architect, engineer, land-
22 scape architect, or land surveyor, or through the use of some other
23 title implies that he is an architect, engineer, landscape architect, or
24 land surveyor;

25 (3) holds himself out as able to perform or who does perform
26 an architectural, engineering, landscape architectural, or land survey-
27 ing service recognized by the professions covered by this chapter, and
28 specified in regulations of the board, as architectural, engineering,
29 landscape architectural, or land surveying.

1 * Sec. 25. AS 08.48.321(1) is amended to read:

2 (1) the execution as a contractor of work designed by a pro-
3 fessional architect, landscape architect, or engineer, or the super-
4 vision of the construction of this work as a foreman or superintendent
5 for a contractor;

6 * Sec. 26. AS 08.48.321(3) is amended to read:

7 (3) an officer or employee of the United States government
8 practicing architecture, engineering, landscape architecture, or land
9 surveying as required by his official capacity;

10 * Sec. 27. AS 08.48.321(4) is amended to read:

11 (4) an officer or employee of the state practicing architec-
12 ture, landscape architecture, engineering or land surveying as required
13 by his official capacity and registration is not required in his job
14 description;

15 * Sec. 28. AS 08.48.321(12) is amended to read:

16 (12) an officer or employee of an individual, firm, partner-
17 ship, association or corporation which officer or employee practices
18 architecture, engineering, landscape architecture, or land surveying
19 when required by his official capacity or work duties connected with his
20 employment if the individual firm, partnership, association or corpora-
21 tion is not engaged in the business of offering architectural, engi-
22 neering, landscape architectural, or land surveying services to the
23 public.

24 * Sec. 29. AS 08.48.341(2) and (3) are amended to read:

25 (2) "board" means the State Board of Registration for Archi-
26 tects, Engineers, Landscape Architects, and Land Surveyors;

27 (3) "certificate of authorization" means a certificate issued
28 by the board authorizing a corporation to provide professional services
29 in architecture, engineering, landscape architecture, or land surveying

1 through individuals legally registered by the board;

2 * Sec. 30. AS 08.48.341 is amended by adding new paragraphs to read:

3 (14) "landscape architect" means a professional landscape
4 architect;

5 (15) "practice of landscape architecture" means professional
6 service or creative work, the adequate performance of which requires
7 landscape architectural education, training, and experience, profes-
8 sional services include but are not limited to consultation, investi-
9 gation, research, planning, design, preparation of drawings, specifi-
10 cations and contract documents, and responsible supervision or con-
11 struction management in connection with the development of land areas;
12 to the extent that the purpose of those services involve the preserva-
13 tion, enhancement, or improvement of natural land features, ground cover
14 and plantings, naturalistic and aesthetic values, or determination of
15 proper land use, refers to determination of settings, grounds and
16 approaches for buildings and structure or other improvements, the
17 determination of environmental problems of land relating to erosion,
18 flooding, blight, and other hazards, the shaping and contouring of land
19 and water forms, the setting of grades, the determination of drainage
20 and the provision of storm drainage systems where those systems do not
21 require structural design of system components, and the determination of
22 landscape irrigation systems; it does not include the design of build-
23 ings or structures with separate and self-contained purposes such as are
24 ordinarily included in the practice of architecture or engineering;

25 (16) "professional landscape architect" means a person regis-
26 tered as a professional landscape architect by the board.

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

28 Sec. 08.48.351. SHORT TITLE. This chapter may be cited as the
29 Architects, Engineers, Landscape Architects, and Land Surveyors Regis-

1 tration Act.

2 * Sec. 32. The governor shall appoint members to the seats created under
3 AS 08.48.011 in sec. 1 of this Act within 60 days of the effective date of
4 this Act. The provisions of this Act relating to length of term of office of
5 board members apply to members appointed to seats on the board created under
6 sec. 1 of this Act, except that the first members appointed to these seats on
7 the board shall serve for a term of one year.