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Referred: Commerce and
Labor & Management

1 IN THE SENATE

BY THE COMMERCE COMMITTEE
BY REQUEST

2 SENATE BILL NO. 257

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST 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 10 [NINE] members appointed by the
15 governor having the qualifications as set out in AS 08.48.031. The
16 board consists of two civil engineers, one land surveyor, one mining
17 engineer, two engineers from other branches of the profession of engi-
18 neering, one landscape architect, 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 AS 08.48.081. This publication
29 constitutes due notice to all registrants. The board may revise and

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

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

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

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

12 Sec. 08.48.181. REGISTRATION UPON EXAMINATION. Except as provided
13 in AS 08.48.191 and 08.48.196, for registration as a professional archi-
14 tect, professional engineer, professional landscape architect, or pro-
15 fessional land surveyor, a person shall be examined in this state in
16 accordance with the regulations of procedure and standards adopted by
17 the board in accordance with the Administrative Procedure Act (AS 44.-
18 62), which procedure and standards shall at least meet the requirements
19 adopted by recognized national examining councils for these professions.

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

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

1 * Sec. 9. AS 08.48.201 is amended to read:

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

3 Application for registration as a professional architect, a professional
4 engineer, a landscape architect, or a professional land surveyor shall
5 (1) be on a form prescribed and furnished by the board; (2) contain
6 statements made under oath, showing the applicant's education and a
7 detailed summary of his technical experience; and (3) contain five
8 references, three of whom must be architects for architectural registra-
9 tion, engineers for engineering registration, landscape architects for
10 landscape architectural registration, and land surveyors for land sur-
11 veying registration, having personal knowledge of the applicant's archi-
12 tectural, engineering, landscape architectural, or land surveying educa-
13 tion, training or experience.

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

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

19 Sec. 08.48.211. CERTIFICATE OF REGISTRATION. (a) An applicant
20 who fulfills the requirements set out by the board shall be awarded a
21 certificate of registration as a professional architect, engineer, land-
22 scape architect, or land surveyor, authorizing the holder to offer or
23 perform architectural, engineering, landscape architectural, or land
24 surveying services or work for the public, or to certify or sign archi-
25 tectural, engineering, landscape architectural, or land surveying docu-
26 ments. Certificates or registration issued under this section shall be
27 inscribed on their face in a manner determined by the board.

28 (b) The certificate of registration sealed by the board is prima
29 facie evidence that the person named in it is entitled to all rights and
30

1 privileges of a professional architect, professional engineer, profes-
2 sional landscape architect, or professional land surveyor, while the
3 certificate remains unrevoked or unexpired.

4 * Sec. 11. AS 08.48.221 is amended to read:

5 Sec. 08.48.221. SEALS. Each registrant may obtain a seal of the
6 design authorized by the board, bearing the registrant's name, regis-
7 tration number, and the legend, "Registered Professional Architect,"
8 "Registered Professional Engineer," "Registered Professional Landscape
9 Architect," or "Registered Professional Land Surveyor," as appropriate.
10 Final drawings, specifications, surveys, plats, plates, reports and
11 other similar documents shall, when issued, be signed and stamped with
12 the seal. It is unlawful for an architect, engineer, landscape archi-
13 tect, or land surveyor to affix or permit his seal and signature to be
14 affixed to an instrument after the expiration of a certificate or for
15 the purpose of aiding or abetting another person to evade or attempt to
16 evade a provision of this chapter. The registrant, by affixing his seal
17 to final drawings, specifications, surveys, plats, plates, reports and
18 other similar documents, and signing them, certifies that these docu-
19 ments were prepared by or under his direct supervision, unless he cer-
20 tifies on the face of the document to the extent of his responsibility.

21 * Sec. 12. AS 08.48.241(a) is amended to read:

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

25 (1) an application for a certificate of authorization upon a
26 form to be prescribed by the board and containing information required
27 to enable the board to determine whether the corporation is qualified in
28 accordance with the provisions of this chapter to offer to practice
29 architecture, engineering, landscape architecture, or land surveying in

1 this state;

2 (2) a certified copy of a resolution of the board of direc-
3 tors of the corporation designating persons holding certificates of
4 registration under this chapter as responsible for the practice of
5 architecture, engineering, landscape architecture, or land surveying by
6 the corporation in this state and providing that full authority to make
7 all final architectural, engineering, landscape architectural, or land
8 surveying decisions on behalf of the corporation with respect to work
9 performed by the corporation in this state is granted by the board of
10 directors to the persons designated in the resolution; however, the
11 filing of this resolution does not relieve the corporation of any re-
12 sponsibility or liability imposed upon it by law or by contract;

13 (3) a designation in writing setting out the name of one or
14 more persons holding certificates of registration under this chapter who
15 are in responsible charge of each major branch of the architectural,
16 engineering, landscape architectural or land surveying activities in
17 which the corporation specializes in this state; if a change is made in
18 the person in responsible charge of a major branch of the architectural,
19 engineering, landscape architectural, or land surveying activities, the
20 change shall be designated in writing and filed with the board within 30
21 days after the effective date of the change.

22 * Sec. 13. AS 08.48.241(b) is amended to read:

23 (b) Upon filing with the board the application for certificate of
24 authorization, certified copy of resolution, affidavit, and designation
25 of persons specified in this section, the board shall, subject to (c) of
26 this section, issue to the corporation a certificate of authorization to
27 practice architecture, engineering, landscape architecture, or land
28 surveying in this state upon a determination by the board that

29 (1) the bylaws of the corporation contain provisions that all

1 architectural, engineering, landscape architectural, or land surveying
2 decisions pertaining to architectural, engineering, landscape architec-
3 tural, or land surveying activities in this state will be made by the
4 specified architect, engineer, landscape architect or land surveyor in
5 responsible charge, or other registered architects, engineers, land-
6 scape architects or land surveyors under his direction or supervision;

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

10 (3) the applicant corporation has the ability to provide
11 architectural, engineering, landscape architectural or land surveying
12 services;

13 (4) the application for certificate of authorization states
14 the professional records of the designated person who is in responsible
15 charge of each major branch of architectural, engineering, landscape
16 architectural, or land surveying activities in which the corporation
17 specializes;

18 (5) the application for certificate of authorization states
19 the experience of the corporation, if any, in furnishing architectural,
20 engineering, landscape architectural, or land surveying services during
21 the preceding five-year period;

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

27 * Sec. 14. AS 08.48.241(d) is amended to read:

28 (d) The certificate of authorization shall specify the major
29 branches of architecture, engineering, landscape architecture or land

1 surveying of which the corporation has designated a person in respon-
2 sible charge as provided in this section. The certificate of authori-
3 zation shall be conspicuously displayed in the place of business of the
4 corporation, together with the names of persons designated as being in
5 responsible charge of the professional activities.

6 * Sec. 15. AS 08.48.241(e) is amended to read:

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

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

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

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

29 (g) If the board, after a proper hearing, finds that a corporation

1 holding a certificate of authorization has committed misconduct or
2 malpractice, the board shall suspend or revoke the certificate of au-
3 thorization. The board shall also suspend or revoke the certificate of
4 registration of any registered individual architect, engineer, land-
5 scape architect or land surveyor who, after a proper hearing, is found
6 by the board to have participated in committing the misconduct or mal-
7 practice.

8 * Sec. 18. AS 08.48.251 is amended to read:

9 Sec. 08.48.251. PARTNERSHIPS. This chapter does not prevent the
10 practice of architecture, engineering, landscape architecture, or land
11 surveying by partnership if all of the members of the partnership are
12 architects, engineers, landscape architects, or land surveyors legally
13 registered under this chapter.

14 * Sec. 19. AS 08.48.261 is amended to read:

15 Sec. 08.48.261. STATE EMPLOYEES. The head of each principal
16 department in which there are positions necessitating use of architec-
17 tural, engineering, landscape architectural, or land surveying knowledge
18 or skills shall specify, in the job descriptions, the positions for
19 which registration under this chapter is required. This requirement for
20 any position in a department may be waived by the head of the depart-
21 ment. When the requirement is waived, the head of the department shall
22 transmit to the division of personnel a written statement to the effect
23 that the person filling the position is qualified to perform the duties
24 of that position and a statement of the reasons for waiving the re-
25 quirement, explaining why the employee was hired or was retained as an
26 employee even though not registered under this chapter. The head of the
27 department shall send a copy of the statement to the board.

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

29 Sec. 08.48.281. PROHIBITED PRACTICE. No person may practice or

1 offer to practice the profession of architecture, engineering, landscape
2 architecture, or land surveying in Alaska, as defined in this chapter,
3 or use in connection with his name or otherwise assume or advertise a
4 title or description tending to convey the impression that he is a
5 registered architect, engineer, landscape architect, or land surveyor
6 unless he has been registered under the provisions of this chapter or is
7 a person to whom these provisions do not apply, or, in the case of a
8 corporation, unless it has been authorized under this chapter.

9 * Sec. 21. AS 08.48.291 is amended to read:

10 Sec. 08.48.291. VIOLATIONS AND PENALTIES. A person who practices
11 or offers to practice architecture, engineering, landscape architecture,
12 or land surveying in Alaska without being registered or authorized to
13 practice in accordance with the provisions of this chapter, or a person
14 presenting or attempting to use the certificate or the seal of another,
15 or a person who gives false or forged evidence of any kind to the board
16 or to a member of the board in obtaining or attempting to obtain a
17 certificate, or a person who impersonates a registrant, or a person who
18 uses or attempts to use an expired or revoked or nonexistent certifi-
19 cate, knowing of the certificate's status, or a person who falsely
20 claims that he is registered and authorized to practice under this
21 chapter, or a person who violates any of the provisions of this chapter,
22 is guilty of a misdemeanor and upon conviction is punishable by a fine
23 of not more than \$10,000, or by imprisonment for not more than one year,
24 or by both.

25 * Sec. 22. AS 08.48.311 is amended to read:

26 Sec. 08.48.311. INDIVIDUAL RIGHT. The right to engage in the
27 practice of architecture, engineering, landscape architecture, or land
28 surveying is considered a personal and individual right, based on the
29 qualifications of the individual as evidenced by his certificate of

1 registration, which is not transferable.

2 * Sec. 23. AS 08.48.321 is amended to read:

3 Sec. 08.48.321. EVIDENCE OF PRACTICE. A person practices or
4 offers to practice architecture, engineering, landscape architecture, or
5 land surveying who

6 (1) practices a branch of the profession of architecture,
7 engineering, landscape architecture, or land surveying as defined in
8 AS 08.48.341;

9 (2) by verbal claim, sign, advertisement, letterhead, card,
10 or other means represents himself to be an architect, engineer, land-
11 scape architect, or land surveyor, or through the use of some other
12 title implies that he is an architect, engineer, landscape architect, or
13 land surveyor;

14 (3) holds himself out as able to perform or who does perform
15 an architectural, engineering, landscape architectural, or land survey-
16 ing service recognized by the professions covered by this chapter, and
17 specified in regulations of the board, as architectural, engineering,
18 landscape architectural, or land surveying.

19 * Sec. 24. AS 08.48.331(1) is amended to read:

20 (1) the execution as a contractor of work designed by a pro-
21 fessional architect, landscape architect, or engineer, or the super-
22 vision of the construction of this work as a foreman or superintendent
23 for a contractor;

24 * Sec. 25. AS 08.48.331(3) is amended to read:

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

28 * Sec. 26. AS 08.48.331(4) is amended to read:

29 (4) an officer or employee of the state practicing architec-

1 ture, landscape architecture, engineering or land surveying as required
2 by his official capacity and registration is not required in his job
3 description;

4 * Sec. 27. AS 08.48.331(9)(A) is amended to read:

5 (A) a building or grounds for his own use and occupancy
6 unless the public health, safety, or welfare is substantially
7 involved;

8 * Sec. 28. AS 08.48.331(12) is amended to read:

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

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

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

20 (3) "certificate of authorization" means a certificate issued
21 by the board authorizing a corporation to provide professional services
22 in architecture, engineering, landscape architecture, or land surveying
23 through individuals legally registered by the board;

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

25 (14) "landscape architect" means a professional landscape
26 architect;

27 (15) "practice of landscape architecture" means professional
28 service or creative work, the adequate performance of which requires
29 landscape architectural education, training and experience, including

1 consultation, teaching of landscape architectural courses in institu-
2 tions of higher learning, research, planning, design, preparation of
3 drawings, specifications, contract documents and supervision of con-
4 struction concerned with the preservation, enhancement, or improvement
5 of natural land features with natural and aesthetic values involved with
6 planning and design of land areas, plantings, and determination of
7 environmental problems of land;

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

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

11 Sec. 08.48.351. SHORT TITLE. This chapter may be cited as the
12 Architects, Engineers, Landscape Architects, and Land Surveyors Regis-
13 tration Act.

14 * Sec. 32. An applicant for a certificate of registration authorizing the
15 practice of landscape architecture is not required to fulfill the examination
16 requirements of AS 08.48.181 if, within one year of the effective date of
17 this Act, the applicant submits proof, satisfactory to the Board of Registra-
18 tion for Architects, Engineers, Landscape Architects and Land Surveyors of
19 education and experience, or a combination of these acquired before July 1,
20 1979, equivalent to six years of practice of landscape architecture, and
21 proof, satisfactory to the board, of a knowledge of Alaska geographical
22 considerations.

23 * Sec. 33. The governor shall appoint members to the seats created under
24 AS 08.48.011 in sec. 1 of this Act within 60 days of the effective date of
25 this Act. The provisions of this Act relating to length of term of office of
26 board members apply to members appointed to seats on the board created under
27 sec. 1 of this Act, except that the first members appointed to these seats on
28 the board shall serve for a term of one year.

29