

SENATE BILL NO. 305

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY SENATOR LITTLE

Introduced: 2/14/94
Referred: L&C, FIN

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, Landscape
5 Architects, and Land Surveyors (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, Landscape
8 Architects, and Land Surveyors (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, Landscape Architects, and Land Surveyors.
12 The board shall administer the provisions of this chapter and comply with AS 44.62
13 { [THE] Administrative Procedure Act [(AS 44.62)].

14 (b) The board consists of 11 [NINE] members appointed by the governor

1 having the qualifications as set out in AS 08.48.031. The board consists of two civil
2 engineers, one land surveyor, one mining engineer, two engineers from other branches
3 of the profession of engineering, one landscape architect, two architects, and two
4 [ONE] public members [MEMBER].

5 * Sec. 4. AS 08.48.061(c) is amended to read:

6 (c) The board may make expenditures from appropriated funds for any purpose
7 that is reasonably necessary for the proper performance of its duties under this chapter.
8 This may include the expenses of the board delegates to meetings of councils of
9 architect examiners, engineering examiners, landscape architect examiners, or land
10 surveyor examiners, or any of their subdivisions. The total amount of warrants issued
11 in payment of the expenses incurred under this chapter may not exceed the amount of
12 money appropriated by the legislature.

13 * Sec. 5. AS 08.48.071(f) is amended to read:

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

17 (1) the number of architects, engineers, landscape architects, and land
18 surveyors registered over a five-year period;

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

20 (3) the number of persons making application for registration as a
21 professional architect, engineer, landscape architect, or land surveyor over a five-year
22 period;

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

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

26 * Sec. 6. AS 08.48.111 is amended to read:

27 Sec. 08.48.111. **POWER TO REVOKE, SUSPEND, OR REISSUE**
28 **CERTIFICATE.** The board may suspend, refuse to renew, or revoke the certificate of
29 or reprimand a registrant or corporation who is found guilty of (1) fraud or deceit in
30 obtaining a certificate; (2) gross negligence, incompetence, or misconduct in the
31 practice of architecture, engineering, landscape architecture, or land surveying; or (3)

1 a violation of this chapter, a regulation adopted under this chapter, or the code of
2 ethics or professional conduct as adopted by the board. The code of ethics or
3 professional conduct shall be distributed in writing to every registrant and applicant
4 for registration under this chapter. This publication and distribution of the code of
5 ethics or professional conduct constitutes due notice to all registrants. The board may
6 revise and amend its code and, upon doing so, shall immediately notify each registrant
7 in writing of the revisions or amendments. The board may, upon petition of the
8 registrant or corporation, reissue a certificate if a majority of the members of the board
9 vote in favor of the reissuance.

10 * Sec. 7. AS 08.48.171 is amended to read:

11 Sec. 08.48.171. GENERAL REQUIREMENTS AND QUALIFICATIONS FOR
12 REGISTRATION. An applicant for registration as an architect, engineer, landscape
13 architect, or land surveyor must be of good character and reputation and shall submit
14 evidence satisfactory to the board of the applicant's education, training, and
15 experience. However, an applicant for registration as a land surveyor may not be
16 required to submit evidence of more than eight years of any combination of education,
17 experience, or training.

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

19 Sec. 08.48.181. REGISTRATION UPON EXAMINATION. Except as
20 provided in AS 08.48.191, for registration as a professional architect, professional
21 engineer, professional landscape architect, or professional land surveyor, a person
22 shall be examined in this state in accordance with the regulations of procedure and
23 standards adopted by the board under AS 44.62 ([THE] Administrative Procedure Act
24 [(AS 44.62)]). The procedure and standards shall at least meet the requirements
25 adopted by recognized national examining councils for these professions.

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

27 (d) A person holding a certificate of registration authorizing the person to
28 practice landscape architecture in a state, territory, or possession of the United States,
29 the District of Columbia, or a foreign country, that in the opinion of the board meets
30 the requirements of this chapter, based on verified evidence, may upon application, be
31 registered under the regulations of the board. A person holding a certificate of

1 qualification issued by the Council of Landscape Architectural Registration Boards
2 may upon application be registered under regulations of the board.

3 * Sec. 10. AS 08.48.201(a) is amended to read:

4 (a) Application for registration as a professional architect, a professional
5 engineer, a professional landscape architect, or a professional land surveyor shall

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

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

9 (3) contain five references, three of whom must be architects for
10 architectural registration, engineers for engineering registration, landscape architects
11 for landscape architectural registration, and land surveyors for land surveying
12 registration, having personal knowledge of the applicant's architectural, engineering,
13 landscape architectural, or land surveying education, training or experience.

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

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

23 (b) The certificate of registration sealed by the board is prima facie evidence
24 that the person named in it is entitled to all rights and privileges of a professional
25 architect, professional engineer, professional landscape architect, or professional land
26 surveyor while the certificate remains unrevoked or unexpired.

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

28 Sec. 08.48.221. SEALS. Each registrant may obtain a seal of the design
29 authorized by the board, bearing the registrant's name, registration number, and the
30 legend, "Registered Professional Architect," "Registered Professional Engineer,"
31 "Registered Professional Landscape Architect," or "Registered Professional Land

1 Surveyor," as appropriate. Final drawings, specifications, surveys, plats, plates, reports,
2 and other similar documents shall, when issued, be signed and stamped with the seal.
3 The board shall adopt regulations governing the use of seals by the registrant. An
4 architect, engineer, landscape architect, or land surveyor may not affix or permit a
5 seal and signature to be affixed to an instrument after the expiration of a certificate or
6 for the purpose of aiding or abetting another person to evade or attempt to evade a
7 provision of this chapter. The registrant, by affixing the registrant's seal to final
8 drawings, specifications, surveys, plats, plates, reports, and other similar documents,
9 and signing them, certifies that these documents were prepared by or under the
10 registrant's direct supervision, unless the registrant certifies on the face of the
11 document to the extent of the registrant's responsibility.

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

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

16 (1) an application for a certificate of authorization upon a form to be
17 prescribed by the board and containing information required to enable the board to
18 determine whether the corporation is qualified in accordance with the provisions of this
19 chapter to offer to practice architecture, engineering, landscape architectural, or land
20 surveying in this state;

21 (2) a certified copy of a resolution of the board of directors of the
22 corporation designating persons holding certificates of registration under this chapter
23 as responsible for the practice of architecture, engineering, landscape architecture,
24 or land surveying by the corporation in this state and providing that full authority to
25 make all final architectural, engineering, landscape architectural, or land surveying
26 decisions on behalf of the corporation with respect to work performed by the
27 corporation in this state is granted by the board of directors to the persons designated
28 in the resolution; however, the filing of this resolution does not relieve the corporation
29 of any responsibility or liability imposed upon it by law or by contract;

30 (3) a designation in writing setting out the name of one or more
31 persons holding certificates of registration under this chapter who are in responsible

1 charge of each major branch of the architectural, engineering, landscape architectural,
2 or land surveying activities in which the corporation specializes in this state; if a
3 change is made in the person in responsible charge of a major branch of the
4 architectural, engineering, landscape architectural, or land surveying activities, the
5 change shall be designated in writing and filed with the board within 30 days after the
6 effective date of the change.

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

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

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

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

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

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

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

1 (6) the applicant corporation meets other requirements related to
2 professional competence in the furnishing of architectural, engineering, landscape
3 architectural, or land surveying services as may be adopted by the board in
4 furtherance of the objectives and provisions of this chapter.

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

6 (d) The certificate of authorization shall specify the major branches of
7 architecture, engineering, landscape architectural, or land surveying of which the
8 corporation has designated a person in responsible charge as provided in this section.
9 The certificate of authorization shall be conspicuously displayed in the place of
10 business of the corporation, together with the names of persons designated as being in
11 responsible charge of the professional activities.

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

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

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

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

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

1 (g) If the board, after a proper hearing, finds that a corporation holding a
2 certificate of authorization has committed misconduct or malpractice, the board shall
3 suspend or revoke the certificate of authorization. The board shall also suspend or
4 revoke the certificate of registration of any registered individual architect, engineer,
5 landscape architect, or land surveyor who, after a proper hearing, is found by the
6 board to have participated in committing the misconduct or malpractice.

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

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

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

13 Sec. 08.48.281. PROHIBITED PRACTICE. A person may not practice or
14 offer to practice the profession of architecture, engineering, landscape architecture,
15 or land surveying in the state, or use in connection with the person's name or
16 otherwise assume or advertise a title or description tending to convey the impression
17 that the person is a registered architect, engineer, landscape architect, or land
18 surveyor unless the person has been registered under the provisions of this chapter or
19 is a person to whom these provisions do not apply, or, in the case of a corporation,
20 unless it has been authorized under this chapter.

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

22 Sec. 08.48.291. VIOLATIONS AND PENALTIES. A person who practices
23 or offers to practice architecture, engineering, landscape architecture, or land
24 surveying in the state without being registered or authorized to practice in accordance
25 with the provisions of this chapter, or a person presenting or attempting to use the
26 certificate or the seal of another, or a person who gives false or forged evidence of any
27 kind to the board 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 uses or attempts
29 to use an expired or revoked or nonexistent certificate, knowing of the certificate's
30 status, or a person who falsely claims to be registered and authorized to practice under
31 this chapter, or a person who violates any of the provisions of this chapter, is guilty

1 of a misdemeanor and upon conviction is punishable by a fine of not more than
2 \$10,000, or by imprisonment for not more than one year, or by both.

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

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

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

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

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

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

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

21 * Sec. 24. 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 landscape architect, or engineer or the supervision of the construction of the work as
25 a supervisor or superintendent for a contractor;

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

28 (3) an officer or employee of the United States government practicing
29 architecture, engineering, landscape architecture, or land surveying as required by the
30 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, landscape architecture, or land surveying under this
6 chapter, in the performance of professional services if responsible charge of the work
7 remains with the individual, the partnership, or a designated representative of the
8 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, unless the public health, safety, or
13 welfare is involved;

14 (C) a building 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 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 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, landscape architectural, or land
29 surveying courses; in this paragraph, "postsecondary educational institution" has the
30 meaning given in AS 14.48.210.

31 * Sec. 25. AS 08.48.341(2) is amended to read:

1 (2) "board" means the State Board of Registration for Architects,
2 Engineers, Landscape Architects, and Land Surveyors;

3 * Sec. 26. AS 08.48.341(4) is amended to read:

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

8 * Sec. 27. AS 08.48.341 is amended by adding new paragraphs to read:

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

10 (17) "practice of landscape architecture" means professional service or
11 creative work in the planning of land, the design of grading, drainage, irrigation,
12 planting layout, minor site structures, and rehabilitation of disturbed land, the
13 evaluation of scenic values, the teaching of advanced landscape architectural courses
14 in institutions of higher learning, consultation, investigation, evaluation, planning,
15 design, and professional inspection and contract administration of construction of
16 public or private sitework, and landscape architectural review of drawings and
17 specifications by regulatory agencies;

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

20 * Sec. 28. AS 08.48.351 is amended to read:

21 Sec. 08.48.351. SHORT TITLE. This chapter may be cited as the Architects,
22 Engineers, Landscape Architects, and Land Surveyors Registration Act.

23 * Sec. 29. AS 14.43.310(b) is amended to read:

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

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

31 (2) three members of the Governor's Commission on the

1 Administration of Justice selected annually by the commission from among its
2 membership, for the Carroll L. "Butch" Swartz memorial scholarship;

3 (3) three members of the state Board of Registration for Architects,
4 Engineers, Landscape Architects, and Land Surveyors selected annually by the board
5 from among its engineer members, for the Harvey Golub memorial scholarship; and

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

9 * **Sec. 30.** AS 34.08.340(c) is amended to read:

10 (c) Before the transfer of control from the declarant to the association, an
11 inspection of the common areas and limited common areas subject to the association's
12 control shall be completed by

13 (1) an independent registered engineer, architect, landscape architect,
14 or land surveyor;

15 (2) an appraiser with the designation of senior residential appraiser,
16 senior real property appraiser, or senior real estate analyst of the Society of Real Estate
17 Appraisers;

18 (3) a residential member, or member of the appraisal institute, of the
19 American Institute of Real Estate Appraisers; or

20 (4) an individual with a designation established by regulation of the
21 Alaska Housing Finance Corporation for fee appraisers who certify the completion of
22 construction.

23 * **Sec. 31.** AS 34.08.700 is amended to read:

24 Sec. 34.08.700. SUBSTANTIAL COMPLETION OF UNITS. In the sale of
25 a unit for which delivery of a public offering statement is required, a contract of sale
26 may be executed, but an interest in the unit may not be conveyed until the declaration
27 is recorded, a plat or plan that accompanies the declaration is filed and recorded, and
28 the unit is substantially completed as evidenced by issuance of a certificate of
29 occupancy authorized by law or by a recorded certificate of substantial completion
30 executed by

31 (1) an independent registered engineer, architect, landscape architect,

1 or land surveyor;

2 (2) an appraiser with the designation of senior residential appraiser,
3 senior real property appraiser, or senior real estate analyst of the Society of Real Estate
4 Appraisers;

5 (3) a residential member, or member of the appraisal institute, of the
6 American Institute of Real Estate Appraisers; or

7 (4) an individual with a designation established by regulation of the
8 Alaska Housing Finance Corporation for fee appraisers who certify the completion of
9 construction.

10 * Sec. 32. AS 44.62.330(a)(4) is amended to read:

11 (4) State Board of Registration for Architects, Engineers, Landscape
12 Architects, and Land Surveyors;

13 * Sec. 33. TERMS OF NEW MEMBERS. Notwithstanding AS 08.01.035, the initial terms
14 of the two new members appointed under AS 08.48.011(b), as amended by sec. 3 of this Act,
15 are one year.

16 * Sec. 34. TRANSITION. (a) Notwithstanding this Act, a person may practice landscape
17 architecture without a certificate of registration issued under AS 08.48 until 60 days after the
18 first examination for landscape architects under AS 08.48.181, as amended by this Act, has
19 been graded.

20 (b) Notwithstanding AS 08.48.011(b), as amended by this Act, the first landscape
21 architect appointed to the State Board of Architects, Engineers, Landscape Architects, and
22 Land Surveyors need not be registered as a landscape architect under AS 08.48. The person
23 appointed under this subsection may not be reappointed without being registered under
24 AS 08.48 as a landscape architect.