

CS FOR SENATE BILL NO. 305(L&C)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 4/11/94  
Referred: Finance

Sponsor(s): SENATOR LITTLE

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 nine voting members appointed by the governor

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

7           \* Sec. 4. AS 08.48.031 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

7 \* Sec. 8. AS 08.48.091 is amended to read:

8 Sec. 08.48.091. WRITTEN EXAMINATIONS [AND EXAMINATION FEES].  
9 Except as provided in (b) of this section, written [WRITTEN] examinations shall  
10 be held at least twice each year at places determined by the board unless the  
11 examination administered by the board is a national examination prepared only once  
12 each year, in which case the examination shall be held at least once each year. A  
13 candidate failing an examination may apply for reexamination.

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

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

17 \* Sec. 10. AS 08.48.111 is amended to read:

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

1 \* Sec. 11. AS 08.48.171 is amended to read:

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

9 \* Sec. 12. AS 08.48.181 is amended to read:

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

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

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

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

26           (a) Application for registration as a professional architect, a professional  
27 engineer, a professional landscape architect, or a professional land surveyor 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, landscape architects  
2 for landscape architectural registration, and land surveyors for land surveying  
3 registration, having personal knowledge of the applicant's architectural, engineering,  
4 landscape architectural, or land surveying 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, landscape architect, or land surveyor,  
9 authorizing the holder to offer or perform architectural, engineering, landscape  
10 architectural, or land surveying services or work for the public, or to certify or sign  
11 architectural, engineering, landscape architectural, or land surveying documents.  
12 Certificates of registration issued under this section shall be inscribed on their face in  
13 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, professional landscape architect, or professional land  
17 surveyor 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,"  
22 "Registered Professional Landscape Architect," or "Registered Professional Land  
23 Surveyor," as appropriate. Final drawings, specifications, surveys, plats, plates, reports,  
24 and other similar documents shall, when issued, be signed and stamped with the seal.  
25 The board shall adopt regulations governing the use of seals by the registrant. An  
26 architect, engineer, landscape architect, or land surveyor may not affix or permit a  
27 seal and signature to be affixed to an instrument after the expiration of a certificate or  
28 for the purpose of aiding or abetting another person to evade or attempt to evade a  
29 provision of this chapter. The registrant, by affixing the registrant's seal to final  
30 drawings, specifications, surveys, plats, plates, reports, and other similar documents,  
31 and signing them, certifies that these documents were prepared by or under the

1 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, landscape architectural, or land surveying 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, landscape architectural, or land  
11 surveying 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, landscape architecture,  
15 or land surveying by the corporation in this state and providing that full authority to  
16 make all final architectural, engineering, landscape architectural, or land surveying  
17 decisions on behalf of the corporation with respect to work performed by the  
18 corporation in this state is granted by the board of directors to the persons designated  
19 in the resolution; however, the filing of this resolution does not relieve the corporation  
20 of any responsibility or liability imposed upon it by law or by contract;

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

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

30 (b) Upon filing with the board the application for certificate of authorization,  
31 certified copy of resolution, affidavit, and designation of persons specified in this

1 section, the board shall, subject to (c) of this section, issue to the corporation a  
2 certificate of authorization to practice architecture, engineering, landscape  
3 architecture, or land surveying in this state upon a determination by the board that

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

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

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

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

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

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

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

28 (d) The certificate of authorization shall specify the major branches of  
29 architecture, engineering, landscape architectural, or land surveying of which the  
30 corporation has designated a person in responsible charge as provided in this section.  
31 The certificate of authorization shall be conspicuously displayed in the place of

1 business of the corporation, together with the names of persons designated as being in  
2 responsible charge of the professional activities.

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

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

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

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

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

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

29 \* Sec. 23. AS 08.48.251 is amended to read:

30 Sec. 08.48.251. PARTNERSHIPS. This chapter does not prevent the practice  
31 of architecture, engineering, landscape architecture, or land surveying by partnership

1 if all of the members of the partnership are architects, engineers, landscape architects,  
2 or land surveyors legally registered under this chapter.

3 \* Sec. 24. AS 08.48.281 is amended to read:

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

12 \* Sec. 25. AS 08.48.281 is amended by adding a new subsection to read:

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

17 \* Sec. 26. AS 08.48.291 is amended to read:

18 Sec. 08.48.291. VIOLATIONS AND PENALTIES. A person who practices  
19 or offers to practice architecture, engineering, landscape architecture, or land  
20 surveying in the state without being registered or authorized to practice in accordance  
21 with the provisions of this chapter, or a person presenting or attempting to use the  
22 certificate or the seal of another, or a person who gives false or forged evidence of any  
23 kind to the board or to a member of the board in obtaining or attempting to obtain a  
24 certificate, or a person who impersonates a registrant, or a person who uses or attempts  
25 to use an expired or revoked or nonexistent certificate, knowing of the certificate's  
26 status, or a person who falsely claims to be registered and authorized to practice under  
27 this chapter, or a person who violates any of the provisions of this chapter, is guilty  
28 of a misdemeanor and upon conviction is punishable by a fine of not more than  
29 \$10,000, or by imprisonment for not more than one year, or by both.

30 \* Sec. 27. AS 08.48.311 is amended to read:

31 Sec. 08.48.311. RIGHTS NOT TRANSFERABLE. The right to engage in the

1 practice of architecture, engineering, landscape architecture, or land surveying is  
2 considered a personal and individual right, based on the qualifications of the individual  
3 as evidenced by the individual's certificate of registration, which is not transferable.

4 \* Sec. 28. AS 08.48.321 is amended to read:

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

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

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

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

17 \* Sec. 29. AS 08.48.331 is amended to read:

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

19 (1) a contractor performing work designed by a professional architect,  
20 landscape architect, or engineer or the supervision of the construction of the work as  
21 a supervisor or superintendent for a contractor;

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

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

27 (4) an employee or a subordinate of a person registered under this  
28 chapter if the work or service is done under the direct supervision of a person  
29 registered under this chapter;

30 (5) associates, consultants, or specialists retained by a registered  
31 individual, a partnership of registered individuals, or a corporation authorized to

1 practice architecture, engineering, landscape architecture, or land surveying under this  
2 chapter, in the performance of professional services if responsible charge of the work  
3 remains with the individual, the partnership, or a designated representative of the  
4 corporation;

5 (6) a person preparing drawings or specifications for

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

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

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

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

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

19 (8) a person furnishing drawings, specifications, instruments of service,  
20 or other data for alterations or repairs to a building that do not change or affect the  
21 structural system or the safety of the building, or that do not affect the public health,  
22 safety, or welfare;

23 (9) a person who is employed by a postsecondary educational  
24 institution to teach engineering, architectural, landscape architectural, or land  
25 surveying courses; in this paragraph, "postsecondary educational institution" has the  
26 meaning given in AS 14.48.210.

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

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

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

31 (4) "certificate of authorization" means a certificate issued by the board

1 authorizing a corporation to provide professional services in architecture, engineering,  
2 landscape architecture, or land surveying through individuals legally registered by  
3 the board;

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

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

6 (17) "practice of landscape architecture" means consultative,  
7 investigative, reconnaissance, research, planning, design, and preparation services  
8 relating to drawings and construction documents, observation of construction, and  
9 location, arrangement, and design of tangible objects and features for the purpose of

10 (A) preservation and enhancement of land uses and natural land  
11 features;

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

14 (C) establishing or maintaining trails, plantings, landscape  
15 irrigation, landscape lighting, and landscape grading; or

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

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

20 \* Sec. 33. 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. 34. 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. 35. AS 44.62.330(a)(4) is amended to read:

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

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

15 \* Sec. 37. TRANSITION. Notwithstanding this Act, a person may practice landscape  
16 architecture without a certificate of registration issued under AS 08.48 until 60 days after the  
17 first examination for landscape architects under AS 08.48.181, as amended by this Act, has  
18 been graded.