

and this Act shall be in force and effect immediately upon its passage and approval.

Approved March 9, 1939.

CHAPTER 68.

AN ACT

[S. B. 29]

To establish a Board of Engineers' and Architects' Examiners in the Territory; to provide for the registration and licensing of Engineers and Architects; to provide penalties for the violation of the provisions of this Act and to appropriate the sum of Six Hundred (\$600.00) Dollars for carrying into effect the provisions of this Act, and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Board of
Engineers and
Architects.

Section 1. Definitions and application of Act.—Definitions as used in this Act:

(1) The "board" means the "Territorial board of engineers and architects examiners" provided for by this Act.

Definitions.

(2) A person practices professional engineering within the meaning of this Act who practices any branch of the profession of engineering other than military engineering. The practice of said profession embraces the design and the supervision of the construction of public and private utilities such as railroads, bridges, structural design of buildings, highways, roads, canals, harbors, river improvements, lighthouse, wetdocks, drydocks, ships, barges, dredges, cranes, floating docks and other floating property, the design and the supervision of the construction of steam engines, turbines, internal combustion engines and other mechanical structures, electrical machinery and apparatus, and of works for

the development, transmission or application of power, the design and the supervision of mining operations and of processes and apparatus for carrying out such operations, and the design and the supervision of the construction of municipal works, irrigation works, water supply works, sewerage works, drainage works, industrial works, sanitary works, hydraulic works and structural works and other public or private utilities or works which require for their design or the supervision of their construction such experience and technical knowledge as are required in section (7) for admission to examination. The enumeration of any public or private utilities or works in this section shall not be construed as excluding any other public or private utilities or works which require such experience and technical knowledge for their design or the supervision of their construction.

(3) The execution as a contractor of work designed by a professional engineer or architect or the supervision of the construction of such work as a foreman or superintendent for such a contractor shall not be deemed to be the practice of professional engineering or architecture within the meaning of this Act.

(4) A person practices professional architecture within the meaning of this Act whose work consists of the preparation of plans, specifications or designs or supervision of the work of construction of, a building, or alteration or enlargement thereof, but shall not include work of supervision, or work of draftsmen, or students done under the immediate supervision and direction of a licensed architect and shall not include any work done, or to be done, by or under the immediate supervision of a licensed professional engineer.

(5) "Professional architect" means any person who practices professional architecture.

(6) "Professional engineer" means any person who practices professional engineering.

(7) "Certificate of registration" means the license required within the provisions of this Act.

Section 2. Registration required—Exceptions—Seal of registrant—Plans—Certification.

Registration,
seal, plans,
certification,
exceptions, etc.

(1) In order to safeguard life, health and property, any person practicing or offering to practice professional engineering or architecture in this Territory shall be required to be registered and licensed as hereinafter provided, and it shall be unlawful for any person to practice or to offer to practice professional engineering or architecture in this Territory unless such person has been duly registered and licensed under the provisions of this Act, nor shall any person practice professional engineering or architecture whose authority to practice is revoked by the board.

(2) Nothing in this Act shall be construed as requiring registration for the purpose of practicing professional engineering or architecture by an individual, firm or corporation, other than public utilities, on property owned or leased by said individuals, firm or corporation, or in which said individual, firm or corporation has an interest, estate or possessory right, or which affects exclusively the property or interest of said individual, firm or corporation, unless the public safety or health is involved.

Nothing in this Act shall be construed as prohibiting any person from engaging in leveling, surveying, the design and supervision of mining operations and of processes and apparatus for carrying out such operations or from making plans and specifications and erecting buildings or other structures or from performing operations of a similar character, except that he shall not use the title "professional engineer" or "professional architect" or any device, words, letters, or figures

indicating either of such titles, unless he shall first qualify under this Act, nor shall he use any seal or symbol provided for professional engineers or architects under this Act without having so qualified.

(3) Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name, date of registering, number of certificate, and the legend "registered professional engineer" or "registered professional architect." All professional documents, including maps, plans, designs, plats, specifications, estimates and reports issued by a registrant may be stamped with said seal during the life of registrant's license certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the license certificate of the registrant named thereon has expired or has been revoked, unless said license certificate has been renewed.

(4) After July 1, 1939, every map, plan and drawing required by law to be certified or approved by a professional engineer or architect shall be certified or approved by a professional engineer or architect duly and regularly registered by the board as required by this Act, and shall bear the date and the number of the license certificate of registration of such professional engineer or architect; and after July 1, 1939, no diploma or certificate conferred on or granted to a person other than a license certificate issued under this Act by the board or its secretary shall be lawful authority for the practice of professional engineering or architecture.

Section 3. Board of examiners. There shall be a Territorial board of engineers and architects examiners ^{Board of} ~~Examiners.~~ consisting of nine members, to be appointed by the governor. Said board to consist of two civil engineers, two mining engineers, two engineers from other branches of the profession practiced in the Territory and three architects. Of the members of the board first appointed hereunder three shall hold office until January

1, 1941, three shall hold office until January 1, 1943, and three shall hold office until January 1, 1945, and the term of office of each member so appointed shall begin on May 1, 1939. Upon the expiration of each of such terms, one term of office for each member thereafter appointed shall be six years from January first. The governor may remove any member of the board for misconduct, incapacity or neglect of duty. Vacancies in the board caused by death, resignation or removal from office shall be filled by appointment by the governor for the unexpired term. Each member of the board shall be a professional engineer or architect of at least five years active experience and of recognized good standing in his profession and shall have been a resident of this Territory for at least two years immediately preceding his appointment. Each member of said board, except the members first appointed hereunder, shall also be a registered professional engineer or architect. The members of the board shall serve without compensation.

Appointment,
oath, powers,
etc.

Section 4. Appointment—Certificate—Oath—Official Seal—Powers. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the Auditor of the Territory the constitutional oath of office. Each member of the board first appointed hereunder shall receive a certificate of registration under this Act from said board. The board may make all by-laws and rules not inconsistent with law needed in performing its duties; but no by-law or rule by which more than a majority vote is required for any special action by the board shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

Officers, duties,
meetings, etc.

Section 5. Officers — Election—Secretary—Duties—Meetings—Quorum. The board shall biennially elect from its member a president and a vice-president for the ensuing biennial term. The board shall appoint a sec-

retary who may or may not be a member of the board but who shall possess the qualifications required by this Act for members thereof. The secretary shall hold office during the pleasure of the board. The secretary shall keep on file in the office of the board a record of all certificates of registration issued, and he shall receive and account for all fees derived from the operation of this Act. He shall also perform such other duties as may from time to time be assigned to him by the board. Meetings may be called in such manner as the by-laws of the board may provide. At any meeting of the board held solely for the examination of candidates for registration three members shall constitute a quorum; but if three or more members shall not attend at the time and place fixed for such meeting; the member or members present may adjourn the meeting from time to time until a quorum be present. Provided that for the examination of architects at least two of the three members of the examining quorum shall be architects and for the examination of engineers at least two members of the three members of the examining quorum shall be engineers. At all other meetings a majority of the board shall constitute a quorum.

Section 6. Expenses—Payment—Report.

Expenses, payment, reports.

The fees derived from the operation of this Act shall be paid into a special fund in the Territorial Treasury, to be known as the engineers and architects registration fund, which is hereby created. Warrants for the payment of necessary expenses incurred by this board in the performance of their duties shall be paid by the Territorial Treasurer out of the engineers and architects registration funds upon presentation of vouchers regularly drawn and approved by the president and the secretary of the board and approved by the Territorial Auditor. On or before the first day of February in odd numbered years beginning in the year 1941, the board shall submit to the Territorial legislature a writ-

ten report of its proceedings for the preceding two years and shall file with the Governor a copy of said report together with a complete statement of the receipts and expenditures of the board for the preceding two years, verified by the oath of the secretary, and a complete list of all persons registered to practice professional engineering and architecture under this Act, with their addresses and the dates of their certificates of registration.

Qualification,
fees, etc.

Section 7. Candidates for examination—Fee—Qualifications. The board shall admit to examination any candidate who pays a fee of Twenty-five Dollars (\$25) and submits evidence verified by oath satisfactory to the board that he:

- (1) Is more than twenty-one years of age; and,
- (2) Is of good character; and,
- (3) Has been engaged upon engineering or architectural work for at least six (6) years and during that period has had charge of engineering work or architectural work as principal or assistant, for at least one year.
- (4) Or, in lieu of the third requirement specified above, is a graduate from an engineering or architectural school of recognized good reputation and has been engaged upon engineering or architectural work for at least two years and during that period has had charge of engineering or architectural work, as principal or assistant, for at least one year.

Examination.

Section 8. Examinations—General provisions.

Examinations for registration shall be held at stated or special meetings of the board at such times and at such places within the Territory in each year as the board shall determine. The scope of the examinations and the methods of procedure shall be prescribed by the board. The examinations may be either oral or written

or partly oral and partly written. As soon as practicable after the close of each examination the members of the board who shall have conducted such examination shall make and sign and file in the office of the board a certificate stating the action of the board upon the application of each candidate, whereupon the secretary of the board shall notify each candidate of the result of his examination.

Section 9. Certificates of registration—Fee—Expiration—Renewal.

Certificate of registration, fee—expiration—renewal.

(1) Upon receipt of an additional fee of Ten (\$10) Dollars the board shall issue to any applicant who has been certified as having passed the examination conducted by the board a certificate of registration signed by the president and the secretary of the board, whereupon such applicant shall be authorized to practice professional engineering or architecture as defined by this Act.

(2) The board shall from time to time examine the requirements for the registration of professional engineers and architects in other states, territories and countries and shall record those in which, in the judgment of the board, standards not lower than those provided by this Act are maintained. The secretary of the board, upon the presentation to him by any person of satisfactory evidence that such person holds a certificate of registration issued to such person by proper authority in any state, territory or country so recorded, and upon receipt by him of a fee of Twenty (\$20.00) Dollars, shall issue to such person a certificate of registration under this Act signed by the secretary, whereupon the person to whom such certificate is issued shall be entitled to all the rights and privileges conferred by a certificate issued after examination by the board.

(3) A new certificate of registration to replace any certificate lost, destroyed or mutilated, may be issued,

subject to the rules and regulations of the board. A charge of Three (\$3.00) Dollars shall be made for such reissue.

(4) All certificates of registration shall expire on the last day of December following the date of their issue or renewal and shall become invalid on that date unless renewed. Renewal may be effected at any time prior to December thirty-first by the payment of a fee of Ten (\$10.00) Dollars to the secretary of the board. The failure on the part of any registrant to renew his certificate annually prior to December thirty-first of each year, as required above, shall not deprive such person of the right of renewal thereafter but the fee to be paid for such renewal of a certificate after December thirty-first shall be increased 10 per cent for each month or a fraction of a month that the payment for renewal is delayed; provided, however that the normal fee of Ten (\$10.00) Dollars per annum shall be paid for each year or fraction thereof, after the renewal has been delayed over one year; and provided further that in no case shall the accrued fees for renewal exceed the sum of Twenty Dollars (\$20.00).

Requirement for
public work.

Section 10. Registered engineer or architect required for public work. Any engineer or architect in responsible charge of design, operation or construction of works by reason of which the public health and safety is involved, employed as assistant to a non-resident engineer or architect, shall be a registered professional engineer or architect, as provided by the laws of Alaska regulating the registration of professional engineers and architects.

Registration
without examina-
tion—time
limit—fee.

Section 11. Registration without examination—Time limit—Fee. The board shall at any time on or before January 1, 1940, issue a certificate of registration signed by the president and the secretary of the board upon due application therefor and the payment of a fee of Ten (\$10.00) Dollars to any candidate who shall submit

evidence, verified by oath and satisfactory to the board, that he is of good character, has been a resident of Alaska and has practiced professional engineering or architecture for at least two years in the Territory preceding the date of his application and during that period has had charge of engineering or architectural work as principal or assistant for at least one year. After January 1, 1940, the board shall issue certificates of registration only as hereinbefore provided.

Section 12. Registry of certificates—Revocation and reissuance of certificates—Procedure.

Registry of
certificates—
revocation—
procedure.

All certificates of registration issued by the board or its secretary shall be in such form as the by-laws of the board may prescribe. Before any certificate of registration is issued by the board or its secretary, it shall be numbered and recorded in a book kept for that purpose in the office of the board and the number of the certificate shall be noted on the certificate. In all actions or proceedings in any court such record or a transcript of any part thereof certified by the secretary of the board to be a true copy shall be entitled to admission in evidence.

The board shall have power at any time to inquire into the identity of any person claiming to be a registered professional engineer or architect and after due service of a notice, in writing, require him to prove to the satisfaction of the board that he is the person authorized to practice professional engineering or architecture under the certificate of registration by virtue of which he claims the privilege of this Act. When the board finds that a person claiming to be a professional engineer or architect registered under this Act is not in fact the person to whom the certificate of registration was issued, it shall reduce its findings to writings and file them in its office. Such findings shall be prima facie evidence that the person mentioned therein is

falsely impersonating a professional engineer or architect of a like or different name.

The board may receive complaints or information relative to violation of this Act, and such complaints and information shall be treated as confidential by the board if the persons filing such complaints or information so request; provided, however, that all complaints or information thus filed and treated as confidential shall be carefully investigated by the board.

The board may revoke a certificate of registration of a professional engineer or architect for fraud or deceit in his practice or in the securing of his certificate or for the conviction of crime involving moral turpitude. Proceedings for the revocation of a certificate of registration shall be begun by filing with the board a written charge or charges against the accused. These charges may be preferred by any person or corporation or the board may on its own motion direct its secretary to prefer such charges. When charges are preferred against a professional engineer or architect registered under the provisions of this Act, the board shall designate not less than three of its members as a committee to hear and determine said charges. A time and place for the hearing shall be fixed by said committee and a copy of the charges, together with a notice of the time and place for the hearing, shall be served upon the accused or his counsel at least ten days before the date fixed for said hearing. The said committee shall make a written report of its findings and recommendations and shall forthwith submit the same to the board. If the board shall find that said professional engineer or architect has been guilty of any fraud or deceit in his practice or has been guilty of any fraud or deceit by which he was admitted to practice, or has been convicted of crime involving moral turpitude, it shall revoke his certificate of registration. A two-thirds vote of all the members of the board shall be necessary

for this action. The action of the board shall be recorded in the same manner as certificates of registration are recorded and the name of the person whose certificate of registration is so revoked shall be stricken from the list of registered professional engineers and architects and he shall be disqualified from practicing as professional engineer or architect.

The board may reissue a certificate of registration to any person whose certificate has been revoked, but only after the expiration of one year from the date of such revocation, for reasons which the board shall by a two-thirds vote of all its members determine to be satisfactory.

Section 13. Board deemed officers of Territory—^{Members of Board are officers of Territory.} Duty of attorney general. The members of the board or of any committee thereof and the secretary of the board in granting, withholding, revoking or reissuing a certificate of registration shall be deemed to be acting as officers of the Territory and it shall be the duty of the attorney-general to represent and appear for them or any of them because of any such act.

Section 14. Certificate prima facie evidence.—^{Certificate—prima facie evidence.} Every unrevoked certificate issued as provided in this Act shall be presumptive evidence in all courts and places that the person named therein is legally registered.

Section 15. Unlawful acts—Penalty. Any person who, not being legally authorized to practice professional engineering or architecture within this Territory according to the provisions of this Act, and so registered according to law, advertise to practice, or hold himself out as authorized to practice professional engineering, or shall use in connection with his name or otherwise assume, use or advertise any title or designation tending to convey the impression that he is a professional engineer or architect and any person who shall buy, sell or fraudulently obtain any certificate of registration or who shall aid or abet such buying, selling, or fraud-

ulently obtaining or who shall practice, or attempt to advertise to practice or hold himself out as authorized to practice professional engineering or architecture under cover of any certificate obtained or issued fraudulently or unlawfully or under fraudulent representations or mistake of fact in a material regard, and any such person who shall practice, or attempt to advertise to practice, or hold himself out as authorized to practice professional engineering or architecture under a false or assumed name or who shall falsely impersonate any professional engineer or architect or former professional engineer or architect of a like or different name, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than \$25 nor more than \$500, or imprisonment not to exceed six months.

Application and
enforcement
of Act.

Section 16. Application of Act—Enforcement.

(1) This Act shall not apply to any engineer or architect working for the United States government; nor to any professional engineer or architect employed as an assistant to an engineer or architect registered under this Act.

(2) Services of professional engineers or architects in the United States military service shall be considered as the practice of professional engineering or architecture in determining the experience of applicants.

(3) Any registered professional engineer or architect not a resident of or having no established place of business in this Territory possessing the qualifications as required by this Act may practice professional engineering or architecture for a reasonable time, to be fixed by the board, but not to exceed 30 days; provided, however, that such person shall have filed an application for registration as a professional engineer or architect and shall have paid the fee provided for in this Act.

Section 17. That the sum of Six Hundred (\$600.00) Dollars is hereby appropriated out of the Territorial Treasury, from funds not otherwise appropriated, to be placed in the engineers and architects registration fund as provided by this Act. ^{Appropriation.}

Section 18. An emergency is hereby declared to exist and this Act shall be in full force and effect from and after the date of its passage and approval. ^{Emergency.}

Approved March 9, 1939.

CHAPTER 69.

AN ACT

[S. B. 45]

To authorize and direct the Territorial Board of Road Commissioners to expend a sum not to exceed Ten Thousand (\$10,000.00) Dollars, for the purpose of opening and maintaining the Richardson Highway between Valdez and Willow Creek, and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That the Territorial Board of Road Commissioners is hereby authorized and directed to expend out of the monies appropriated for the biennium ending March 31, 1941, for the construction and maintenance of roads, trails, bridges, and ferries and which may be allotted to the Third Judicial Division, the sum of Ten Thousand (\$10,000.00) Dollars, or so much thereof that may be necessary, for the purpose of opening the Richardson Highway between Valdez and Willow Creek as early as possible in the spring of each year and of maintaining the same in that condition to as late a date as possible in the fall of each year in order to grant ^{Appropriation for road between Valdez and Willow Creek.}