

SECOND REGULAR SESSION

HOUSE BILL NO. 1616

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON (90).

Read 1st time January 23, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4198L.011

AN ACT

To repeal sections 327.011, 327.031, and 327.081, RSMo, and to enact in lieu thereof three new sections relating to the professional board of architects, engineers, land surveyors and landscape architects.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 327.011, 327.031, and 327.081, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 327.011, 327.031, and 327.081, to read as follows:

327.011. As used in this chapter, the following words and terms shall have the meanings indicated:

(1) "Accredited degree program from a school of architecture", a degree from any school or other institution which teaches architecture and whose curricula for the degree in question have been, at the time in question, certified as accredited by the National Architectural Accrediting Board;

(2) "Accredited school of landscape architecture", any school or other institution which teaches landscape architecture and whose curricula on the subjects in question are or have been at the times in question certified as accredited by the Landscape Architecture Accreditation Board of the American Society of Landscape Architects;

(3) "Accredited school of engineering", any school or other institution which teaches engineering and whose curricula on the subjects in question are or have been, at the time in question certified as accredited by the engineering accreditation commission of the accreditation board for engineering and technology or its successor organization;

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- 15 (4) "Architect", any person authorized pursuant to the provisions of this chapter to
16 practice architecture in Missouri, as the practice of architecture is defined in section 327.091;
- 17 (5) "Board", the Missouri **professional** board for architects, [professional] engineers,
18 [professional] land surveyors and landscape architects;
- 19 (6) "Corporation", any general business corporation, professional corporation or limited
20 liability company;
- 21 (7) "Department", the department of economic development;
- 22 (8) "Division", the division of professional registration in the department of economic
23 development;
- 24 (9) "Landscape architect", any person licensed pursuant to the provisions of sections
25 327.600 to 327.635 who is qualified to practice landscape architecture by reason of special
26 knowledge and the use of biological, physical, mathematical and social sciences and the
27 principles and methods of analysis and design of the land, has demonstrated knowledge and
28 ability in such areas, and has been duly licensed as a landscape architect by the board on the basis
29 of professional education, examination and experience in landscape architecture;
- 30 (10) "Partnership", any partnership or limited liability partnership;
- 31 (11) "Person", any person, corporation, firm, partnership, association or other entity;
- 32 (12) "Professional engineer", any person authorized pursuant to the provisions of this
33 chapter to practice as a professional engineer in Missouri, as the practice of engineering is
34 defined in section 327.181;
- 35 (13) "Professional land surveyor", any person authorized pursuant to the provisions of
36 this chapter to practice as a professional land surveyor in Missouri as the practice of land
37 surveying is defined in section 327.272.

327.031. 1. The "Missouri **Professional** Board for Architects, [Professional] Engineers,
2 [Professional] Land Surveyors and Landscape Architects" is hereby established and shall consist
3 of fourteen members: a chairperson, who may be either an architect, a professional engineer or
4 a professional land surveyor; three architects, who shall constitute the architectural division of
5 the board; three professional engineers, who shall constitute its professional engineering
6 division; three professional land surveyors, who shall constitute its professional land surveying
7 division; three landscape architects, who shall constitute its landscape architecture division; and
8 a voting public member.

9 2. After receiving his or her commission and before entering upon the discharge of his
10 or her official duties, each member of the board shall take, subscribe to and file in the office of
11 the secretary of state the official oath required by the constitution.

12 3. The chairperson shall be the administrative and executive officer of the board, and it
13 shall be his or her duty to supervise and expedite the work of the board and its divisions, and,

14 at his or her election, when a tie exists between the divisions of the board, to break the tie by
15 recording his or her vote for or against the action upon which the divisions are in disagreement.
16 Each member of the architectural division shall have one vote when voting on an action pending
17 before the board; each member of the professional engineering division shall have one vote when
18 voting on an action pending before the board; the chairperson of the landscape architecture
19 division or the chairperson's designee shall have one vote when voting on an action pending
20 before the board; and each member of the professional land surveying division shall have one
21 vote when voting on an action pending before the board. Every motion or proposed action upon
22 which the divisions of the board are tied shall be deemed lost, and the chairperson shall so
23 declare, unless the chairperson shall elect to break the tie as provided in this section. Seven
24 voting members of the board and two members of each division shall constitute a quorum,
25 respectively, for the transaction of business.

26 4. Each division of the board shall, at its first meeting in each even-numbered year, elect
27 one of its members as division chairperson for a term of two years. The chairpersons of the
28 architectural division, professional engineering division and the professional land surveying
29 division so elected shall be vice chairpersons of the board, and when the chairperson of the board
30 is an architect, the chairperson of the architectural division shall be the ranking vice chairperson,
31 and when the chairperson of the board is a professional engineer, the chairperson of the
32 professional engineering division shall be the ranking vice chairperson, and when the chairperson
33 of the board is a professional land surveyor, the chairperson of the professional land surveying
34 division shall be the ranking vice chairperson. The chairperson of each division shall be the
35 administrative and executive officer of his or her division, and it shall be his or her duty to
36 supervise and expedite the work of the division, and, in case of a tie vote on any matter, the
37 chairperson shall, at his or her election, break the tie by his or her vote. Every motion or
38 question pending before the division upon which a tie exists shall be deemed lost, and so
39 declared by the chairperson of the division, unless the chairperson shall elect to break such tie
40 by his or her vote.

41 5. Any person appointed to the board, except a public member, shall be a currently
42 licensed architect, licensed professional engineer, licensed professional land surveyor or
43 registered or licensed landscape architect in Missouri, as the vacancy on the board may require,
44 who has been a resident of Missouri for at least five years, who has been engaged in active
45 practice as an architect, professional engineer, professional land surveyor or landscape architect,
46 as the case may be, for at least ten consecutive years immediately preceding such person's
47 appointment and who is and has been a citizen of the United States for at least five years
48 immediately preceding such person's appointment. Active service as a faculty member while
49 holding the rank of assistant professor or higher in an accredited school of engineering shall be

50 regarded as active practice of engineering, for the purposes of this chapter. Active service as a
51 faculty member, after meeting the qualifications required by section 327.314, while holding the
52 rank of assistant professor or higher in an accredited school of engineering and teaching land
53 surveying courses shall be regarded an active practice of land surveying for the purposes of this
54 chapter. Active service as a faculty member while holding the rank of assistant professor or
55 higher in an accredited school of architecture shall be regarded as active practice of architecture
56 for the purposes of this chapter; provided, however, that no faculty member of an accredited
57 school of architecture shall be eligible for appointment to the board unless such person has had
58 at least three years' experience in the active practice of architecture other than in teaching. The
59 public member shall be, at the time of appointment, a citizen of the United States; a resident of
60 this state for a period of one year and a registered voter; a person who is not and never was a
61 member of any profession licensed or regulated pursuant to this chapter or the spouse of such
62 person; and a person who does not have and never has had a material, financial interest in either
63 the providing of the professional services regulated by this chapter, or an activity or organization
64 directly related to any profession licensed or regulated pursuant to this chapter. All members,
65 including public members, shall be chosen from lists submitted by the director of the division
66 of professional registration. The duties of the public member shall not include the determination
67 of the technical requirements to be met for licensure or whether any person meets such technical
68 requirements or of the technical competence or technical judgment of a licensee or a candidate
69 for licensure.

70 6. The governor shall appoint the chairperson and the other members of the board when
71 a vacancy occurs either by the expiration of a term or otherwise, and each board member shall
72 serve until such member's successor is appointed and has qualified. The position of chairperson
73 shall alternate among an architect, a professional engineer and a professional land surveyor. All
74 appointments, except to fill an unexpired term, shall be for terms of four years; but no person
75 shall serve on the board for more than two consecutive four-year terms, and each four-year term
76 shall be deemed to have begun on the date of the expiration of the term of the board member who
77 is being replaced or reappointed, as the case may be. Any appointment to the board which is
78 made when the senate is not in session shall be submitted to the senate for its advice and consent
79 at its next session following the date of the appointment.

80 7. In the event that a vacancy is to occur on the board because of the expiration of a term,
81 then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs,
82 the president of the American Institute of Architects/Missouri if the vacancy to be filled requires
83 the appointment of an architect, the president of the Missouri Association of Landscape
84 Architects if the vacancy to be filled requires the appointment of a landscape architect, the
85 president of the Missouri Society of Professional Engineers if the vacancy to be filled requires

86 the appointment of an engineer, and the president of the Missouri Society of Professional
87 Surveyors if the vacancy to be filled requires the appointment of a land surveyor, shall submit
88 to the director of the division of professional registration a list of five architects or five
89 professional engineers, five landscape architects or five professional land surveyors, as the case
90 may require, qualified and willing to fill the vacancy in question, with the recommendation that
91 the governor appoint one of the five persons so listed; and with the list of names so submitted,
92 the president of the appropriate organization shall include in a letter of transmittal a description
93 of the method by which the names were chosen. This subsection shall not apply to public
94 member vacancies.

95 8. The board may sue and be sued as the Missouri **professional** board for architects,
96 [professional] engineers, [professional] land surveyors and landscape architects, and its members
97 need not be named as parties. Members of the board shall not be personally liable either jointly
98 or severally for any act or acts committed in the performance of their official duties as board
99 members, nor shall any board member be personally liable for any court costs which accrue in
100 any action by or against the board.

101 9. Upon appointment by the governor and confirmation by the senate of the landscape
102 architecture division, the landscape architectural council is hereby abolished and all of its
103 powers, duties and responsibilities are transferred to and imposed upon the Missouri
104 **professional** board for architects, [professional] engineers, [professional] land surveyors and
105 landscape architects established pursuant to this section. Every act performed by or under the
106 authority of the Missouri **professional** board for architects, [professional] engineers,
107 [professional] land surveyors and landscape architects shall be deemed to have the same force
108 and effect as if performed by the landscape architectural council pursuant to sections 327.600
109 to 327.635. All rules and regulations of the landscape architectural council shall continue in
110 effect and shall be deemed to be duly adopted rules and regulations of the Missouri **professional**
111 board of architects, [professional] engineers, [professional] landscape architects and land
112 surveyors until such rules and regulations are revised, amended or repealed by the board as
113 provided by law, such action to be taken by the board on or before January 1, 2002.

114 10. Upon appointment by the governor and confirmation by the senate of the landscape
115 architecture division, all moneys deposited in the landscape architectural council fund created
116 in section 327.625 shall be transferred to the state **professional** board for architects,
117 [professional] engineers, [professional] land surveyors and landscape architects fund created in
118 section 327.081. The landscape architectural council fund shall be abolished upon the transfer
119 of all moneys in it to the state **professional** board of architects, [professional] engineers, land
120 surveyors and landscape architects.

327.081. 1. All funds received pursuant to the provisions of this chapter shall be

2 deposited in the state treasury to the credit of the "State **Professional** Board for Architects,
3 [Professional] Engineers, Land Surveyors and Landscape Architects Fund" which is hereby
4 established. All expenditures authorized by this chapter shall be paid from funds appropriated
5 to the board by the general assembly from this fund.

6 2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in
7 this fund shall not be transferred and placed to the credit of general revenue until the amount in
8 the fund at the end of the biennium exceeds two times the amount of the appropriation from the
9 board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less
10 frequently than yearly, then three times the appropriation from the board's funds for the preceding
11 fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which
12 exceeds the appropriate multiple of the appropriations from the board's funds for the preceding
13 fiscal year.