

SECOND REGULAR SESSION

HOUSE BILL NO. 1852

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRANDOM (Sponsor), LICHTENEGGER,
KORMAN AND ELMER (Co-sponsors).

6037L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 327.031, RSMo, and to enact in lieu thereof one new section relating to the board for architects, professional engineers, professional land surveyors and landscape architects.

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

Section A. Section 327.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 327.031, to read as follows:

327.031. 1. The "Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects" is hereby established and shall consist of [fifteen] **fourteen** members: [a chairperson, who may be either an architect, a professional engineer, a professional land surveyor, or a landscape architect;] three architects, who shall constitute the architectural division of the board; four professional engineers, who shall constitute its professional engineering division; three professional land surveyors, who shall constitute its professional land surveying division; three landscape architects, who shall constitute its landscape architectural division; and a voting public member. **If on August 28, 2012, the term of a chairperson nominated by the governor has not expired, the board shall consist of fifteen members until the expiration of that chairperson's term.**

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

3. **Beginning August 28, 2012, or upon the expiration of a then sitting chairperson's term, whichever occurs last, the board shall, at its first meeting in each even numbered**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 **year, elect one of its members as board chairperson for a term of two years and another**
17 **one of its members as ranking vice chairperson for a term of two years. The board**
18 **chairperson and vice chairperson shall continue to serve as members of their respective**
19 **divisions with full voting rights within their division.** The chairperson shall be the
20 administrative and executive officer of the board, and it shall be his or her duty to supervise and
21 expedite the work of the board and its divisions, and, at his or her election, when a tie exists
22 between the divisions of the board, to break the tie by recording his or her vote for or against the
23 action upon which the divisions are in disagreement. Each member of the architectural division
24 shall have one vote when voting on an action pending before the board; each member of the
25 professional engineering division shall have one vote when voting on an action pending before
26 the board; each member of the professional land surveying division shall have one vote when
27 voting on an action pending before the board; and each member of the landscape architectural
28 division shall have one vote when voting on an action pending before the board. Every motion
29 or proposed action upon which the divisions of the board are tied shall be deemed lost, and the
30 chairperson shall so declare, unless the chairperson shall elect to break the tie as provided in this
31 section. Eight voting members of the board, including at least one member of each division,
32 shall constitute a quorum, respectively, for the transaction of board business.

33 4. Each division of the board shall, at its first meeting in each even-numbered year, elect
34 one of its members as division chairperson for a term of two years. Two voting members of each
35 division of the board shall constitute a quorum for the transaction of division business. [The
36 chairpersons of the architectural division, professional engineering division, professional land
37 surveying division, and landscape architectural division so elected shall be vice chairpersons of
38 the board, and when the chairperson of the board is an architect, the chairperson of the
39 architectural division shall be the ranking vice chairperson, and when the chairperson of the
40 board is a professional engineer, the chairperson of the professional engineering division shall
41 be the ranking vice chairperson, when the chairperson of the board is a professional land
42 surveyor, the chairperson of the professional land surveying division shall be the ranking vice
43 chairperson, and when the chairperson of the board is a landscape architect, the chairperson of
44 the landscape architectural division shall be the ranking vice chairperson.] The chairperson of
45 each division shall be the administrative and executive officer of his or her division, and it shall
46 be his or her duty to supervise and expedite the work of the division, and, in case of a tie vote
47 on any matter, the chairperson shall, at his or her election, break the tie by his or her vote. Every
48 motion or question pending before the division upon which a tie exists shall be deemed lost, and
49 so declared by the chairperson of the division, unless the chairperson shall elect to break such
50 tie by his or her vote.

51 5. Any person appointed to the board, except a public member, shall be a currently
52 licensed architect, licensed professional engineer, licensed professional land surveyor [or
53 registered] or licensed landscape architect in Missouri, as the vacancy on the board may require,
54 who has been a resident of Missouri for at least five years, who has been engaged in active
55 practice as an architect, professional engineer, professional land surveyor or landscape architect,
56 as the case may be, for at least ten consecutive years **as a Missouri licensee** immediately
57 preceding such person's appointment and who is and has been a citizen of the United States for
58 at least five years immediately preceding such person's appointment. Active service as a faculty
59 member while holding the rank of assistant professor or higher in an accredited school of
60 engineering shall be regarded as active practice of engineering, for the purposes of this chapter.
61 Active service as a faculty member, after meeting the qualifications required by section 327.314,
62 while holding the rank of assistant professor or higher in an accredited school of engineering and
63 teaching land surveying courses shall be regarded as active practice of land surveying for the
64 purposes of this chapter. Active service as a faculty member while holding the rank of assistant
65 professor or higher in an accredited school of landscape architecture shall be regarded as active
66 practice of landscape architecture, for the purposes of this chapter. Active service as a faculty
67 member while holding the rank of assistant professor or higher in an accredited school of
68 architecture shall be regarded as active practice of architecture for the purposes of this chapter;
69 provided, however, that no faculty member of an accredited school of architecture shall be
70 eligible for appointment to the board unless such person has had at least three years' experience
71 in the active practice of architecture other than in teaching. The public member shall be, at the
72 time of appointment, a citizen of the United States; a resident of this state for a period of one
73 year and a registered voter; a person who is not and never was a member of any profession
74 licensed or regulated pursuant to this chapter or the spouse of such person; and a person who
75 does not have and never has had a material, financial interest in either the providing of the
76 professional services regulated by this chapter, or an activity or organization directly related to
77 any profession licensed or regulated pursuant to this chapter. All members, including public
78 members, shall be chosen from lists submitted by the director of the division of professional
79 registration. The duties of the public member shall not include the determination of the technical
80 requirements to be met for licensure or whether any person meets such technical requirements
81 or of the technical competence or technical judgment of a licensee or a candidate for licensure.

82 6. The governor shall appoint the [chairperson and the other] members of the board when
83 a vacancy occurs either by the expiration of a term or otherwise, and each board member shall
84 serve until such member's successor is appointed and has qualified. [Beginning August 28, 2010,
85 the position of chairperson shall rotate sequentially with an architect, then professional engineer,
86 then professional land surveyor, then landscape architect, and shall be a licensee who has

87 previously served as a member of the board. The appointment of the chairperson shall be for a
88 term of four years which shall be deemed to have begun on the date of his or her appointment
89 and shall end upon the appointment of the chairperson's successor. The chairperson shall not
90 serve more than one term.] All [other] appointments, except to fill an unexpired term, shall be
91 for terms of four years; but no person shall serve on the board for more than two consecutive
92 four-year terms, and each four-year term shall be deemed to have begun on the date of the
93 expiration of the term of the board member who is being replaced or reappointed, as the case
94 may be. Any appointment to the board which is made when the senate is not in session shall be
95 submitted to the senate for its advice and consent at its next session following the date of the
96 appointment.

97 7. In the event that a vacancy is to occur on the board because of the expiration of a term,
98 then ninety days prior to the expiration, or as soon as feasible after a vacancy otherwise occurs,
99 **the president of the American Institute of Architects/Missouri if the vacancy to be filled**
100 **requires the appointment of an architect**, the president of the Missouri Society of Professional
101 Engineers if the vacancy to be filled requires the appointment of an engineer, the president of the
102 Missouri Society of Professional Surveyors if the vacancy to be filled requires the appointment
103 of a land surveyor, and the president of the Missouri Association of Landscape Architects if the
104 vacancy to be filled requires the appointment of a landscape architect, shall submit to the director
105 of the division of professional registration a list of five architects [or] , five professional
106 engineers, [or] five professional land surveyors, or five landscape architects as the case may
107 require, qualified and willing to fill the vacancy in question, with the recommendation that the
108 governor appoint one of the five persons so listed; and with the list of names so submitted, the
109 president of the appropriate organization shall include in a letter of transmittal a description of
110 the method by which the names were chosen. This subsection shall not apply to public member
111 vacancies.

112 8. The board may sue and be sued as the Missouri board for architects, professional
113 engineers, professional land surveyors and landscape architects, and its members need not be
114 named as parties. Members of the board shall not be personally liable either jointly or severally
115 for any act or acts committed in the performance of their official duties as board members, nor
116 shall any board member be personally liable for any court costs which accrue in any action by
117 or against the board.

118 [9. Upon appointment by the governor and confirmation by the senate of the landscape
119 architectural division, the landscape architectural council is hereby abolished and all of its
120 powers, duties and responsibilities are transferred to and imposed upon the Missouri board for
121 architects, professional engineers, professional land surveyors and landscape architects
122 established pursuant to this section. Every act performed by or under the authority of the

123 Missouri board for architects, professional engineers, professional land surveyors and landscape
124 architects shall be deemed to have the same force and effect as if performed by the landscape
125 architectural council pursuant to sections 327.600 to 327.635. All rules and regulations of the
126 landscape architectural council shall continue in effect and shall be deemed to be duly adopted
127 rules and regulations of the Missouri board for architects, professional engineers, professional
128 land surveyors and landscape architects until such rules and regulations are revised, amended or
129 repealed by the board as provided by law, such action to be taken by the board on or before
130 January 1, 2002.

131 10. Upon appointment by the governor and confirmation by the senate of the landscape
132 architectural division, all moneys deposited in the landscape architectural council fund created
133 in section 327.625 shall be transferred to the state board for architects, professional engineers,
134 professional land surveyors and landscape architects fund created in section 327.081. The
135 landscape architectural council fund shall be abolished upon the transfer of all moneys in it to
136 the state board for architects, professional engineers, professional land surveyors and landscape
137 architects.]

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