

SECOND REGULAR SESSION

# SENATE BILL NO. 780

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time February 13, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5769S.011

## 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Section A. Section 327.031, RSMo, is repealed and one new section  
2 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,  
2 Professional Land Surveyors and Landscape Architects" is hereby established and  
3 shall consist of [fifteen] **fourteen** members: [a chairperson, who may be either  
4 an architect, a professional engineer, a professional land surveyor, or a landscape  
5 architect;] three architects, who shall constitute the architectural division of the  
6 board; four professional engineers, who shall constitute its professional  
7 engineering division; three professional land surveyors, who shall constitute its  
8 professional land surveying division; three landscape architects, who shall  
9 constitute its landscape architectural division; and a voting public member. **If  
10 on August 28, 2012, the term of a chairperson nominated by the  
11 governor has not expired, the board shall consist of fifteen members  
12 until the expiration of that chairperson's term.**

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

17 3. **Beginning August 28, 2012, or upon the expiration of a then  
18 sitting chairperson's term, whichever occurs last, the board shall, at its**

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

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

41         4. Each division of the board shall, at its first meeting in each  
42 even-numbered year, elect one of its members as division chairperson for a term  
43 of two years. Two voting members of each division of the board shall constitute  
44 a quorum for the transaction of division business. [The chairpersons of the  
45 architectural division, professional engineering division, professional land  
46 surveying division, and landscape architectural division so elected shall be vice  
47 chairpersons of the board, and when the chairperson of the board is an architect,  
48 the chairperson of the architectural division shall be the ranking vice  
49 chairperson, and when the chairperson of the board is a professional engineer, the  
50 chairperson of the professional engineering division shall be the ranking vice  
51 chairperson, when the chairperson of the board is a professional land surveyor,  
52 the chairperson of the professional land surveying division shall be the ranking  
53 vice chairperson, and when the chairperson of the board is a landscape architect,  
54 the chairperson of the landscape architectural division shall be the ranking vice

55 chairperson.] The chairperson of each division shall be the administrative and  
56 executive officer of his or her division, and it shall be his or her duty to supervise  
57 and expedite the work of the division, and, in case of a tie vote on any matter, the  
58 chairperson shall, at his or her election, break the tie by his or her vote. Every  
59 motion or question pending before the division upon which a tie exists shall be  
60 deemed lost, and so declared by the chairperson of the division, unless the  
61 chairperson shall elect to break such tie by his or her vote.

62         5. Any person appointed to the board, except a public member, shall be  
63 a currently licensed architect, licensed professional engineer, licensed  
64 professional land surveyor [or registered] or licensed landscape architect in  
65 Missouri, as the vacancy on the board may require, who has been a resident of  
66 Missouri for at least five years, who has been engaged in active practice as an  
67 architect, professional engineer, professional land surveyor or landscape architect,  
68 as the case may be, for at least ten consecutive years **as a Missouri licensee**  
69 immediately preceding such person's appointment and who is and has been a  
70 citizen of the United States for at least five years immediately preceding such  
71 person's appointment. Active service as a faculty member while holding the rank  
72 of assistant professor or higher in an accredited school of engineering shall be  
73 regarded as active practice of engineering, for the purposes of this  
74 chapter. Active service as a faculty member, after meeting the qualifications  
75 required by section 327.314, while holding the rank of assistant professor or  
76 higher in an accredited school of engineering and teaching land surveying courses  
77 shall be regarded as active practice of land surveying for the purposes of this  
78 chapter. Active service as a faculty member while holding the rank of assistant  
79 professor or higher in an accredited school of landscape architecture shall be  
80 regarded as active practice of landscape architecture, for the purposes of this  
81 chapter. Active service as a faculty member while holding the rank of assistant  
82 professor or higher in an accredited school of architecture shall be regarded as  
83 active practice of architecture for the purposes of this chapter; provided, however,  
84 that no faculty member of an accredited school of architecture shall be eligible for  
85 appointment to the board unless such person has had at least three years'  
86 experience in the active practice of architecture other than in teaching. The  
87 public member shall be, at the time of appointment, a citizen of the United  
88 States; a resident of this state for a period of one year and a registered voter; a  
89 person who is not and never was a member of any profession licensed or regulated  
90 pursuant to this chapter or the spouse of such person; and a person who does not

91 have and never has had a material, financial interest in either the providing of  
92 the professional services regulated by this chapter, or an activity or organization  
93 directly related to any profession licensed or regulated pursuant to this chapter.  
94 All members, including public members, shall be chosen from lists submitted by  
95 the director of the division of professional registration. The duties of the public  
96 member shall not include the determination of the technical requirements to be  
97 met for licensure or whether any person meets such technical requirements or of  
98 the technical competence or technical judgment of a licensee or a candidate for  
99 licensure.

100           6. The governor shall appoint the [chairperson and the other] members  
101 of the board when a vacancy occurs either by the expiration of a term or  
102 otherwise, and each board member shall serve until such member's successor is  
103 appointed and has qualified. [Beginning August 28, 2010, the position of  
104 chairperson shall rotate sequentially with an architect, then professional  
105 engineer, then professional land surveyor, then landscape architect, and shall be  
106 a licensee who has previously served as a member of the board. The appointment  
107 of the chairperson shall be for a term of four years which shall be deemed to have  
108 begun on the date of his or her appointment and shall end upon the appointment  
109 of the chairperson's successor. The chairperson shall not serve more than one  
110 term.] All [other] appointments, except to fill an unexpired term, shall be for  
111 terms of four years; but no person shall serve on the board for more than two  
112 consecutive four-year terms, and each four-year term shall be deemed to have  
113 begun on the date of the expiration of the term of the board member who is being  
114 replaced or reappointed, as the case may be. Any appointment to the board which  
115 is made when the senate is not in session shall be submitted to the senate for its  
116 advice and consent at its next session following the date of the appointment.

117           7. In the event that a vacancy is to occur on the board because of the  
118 expiration of a term, then ninety days prior to the expiration, or as soon as  
119 feasible after a vacancy otherwise occurs, **the president of the American**  
120 **Institute of Architects/Missouri if the vacancy to be filled requires the**  
121 **appointment of an architect**, the president of the Missouri Society of  
122 Professional Engineers if the vacancy to be filled requires the appointment of an  
123 engineer, the president of the Missouri Society of Professional Surveyors if the  
124 vacancy to be filled requires the appointment of a land surveyor, and the  
125 president of the Missouri Association of Landscape Architects if the vacancy to  
126 be filled requires the appointment of a landscape architect, shall submit to the

127 director of the division of professional registration a list of five architects [or],  
128 five professional engineers, [or] five professional land surveyors, or five landscape  
129 architects as the case may require, qualified and willing to fill the vacancy in  
130 question, with the recommendation that the governor appoint one of the five  
131 persons so listed; and with the list of names so submitted, the president of the  
132 appropriate organization shall include in a letter of transmittal a description of  
133 the method by which the names were chosen. This subsection shall not apply to  
134 public member vacancies.

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

142           [9. Upon appointment by the governor and confirmation by the senate of  
143 the landscape architectural division, the landscape architectural council is hereby  
144 abolished and all of its powers, duties and responsibilities are transferred to and  
145 imposed upon the Missouri board for architects, professional engineers,  
146 professional land surveyors and landscape architects established pursuant to this  
147 section. Every act performed by or under the authority of the Missouri board for  
148 architects, professional engineers, professional land surveyors and landscape  
149 architects shall be deemed to have the same force and effect as if performed by  
150 the landscape architectural council pursuant to sections 327.600 to 327.635. All  
151 rules and regulations of the landscape architectural council shall continue in  
152 effect and shall be deemed to be duly adopted rules and regulations of the  
153 Missouri board for architects, professional engineers, professional land surveyors  
154 and landscape architects until such rules and regulations are revised, amended  
155 or repealed by the board as provided by law, such action to be taken by the board  
156 on or before January 1, 2002.

157           10. Upon appointment by the governor and confirmation by the senate of  
158 the landscape architectural division, all moneys deposited in the landscape  
159 architectural council fund created in section 327.625 shall be transferred to the  
160 state board for architects, professional engineers, professional land surveyors and  
161 landscape architects fund created in section 327.081. The landscape architectural  
162 council fund shall be abolished upon the transfer of all moneys in it to the state

163 board for architects, professional engineers, professional land surveyors and  
164 landscape architects.]

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