

1 SB59  
2 115509-2  
3 By Senator Means  
4 RFD: Governmental Affairs  
5 First Read: 12-JAN-10  
6 PFD: 12/17/2009

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8 SYNOPSIS: Under existing law, persons practicing  
9 architecture are licensed and regulated by the  
10 State Board for Registration of Architects.

11 This bill would clarify the requirement for  
12 using an architect on certain project types,  
13 provide for the definition of "responsible control"  
14 over the practice, change the obsolete title of  
15 superintendents to on-site observers, provide  
16 further for grounds and notification of  
17 disciplinary actions, remove overly restrictive  
18 firm ownership and naming requirements, provide for  
19 civil penalties for violations, and change the  
20 obsolete title of secretary to executive director.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 To amend Sections 34-2-30, 34-2-32, 34-2-33,  
27 34-2-34, 34-2-35, 34-2-36, 34-2-37, 34-2-38, 34-2-40, 34-2-41,

1 and 34-2-42, Code of Alabama 1975, relating to when an  
2 architect is required; to provide for the definition of  
3 "responsible control" over the practice; change the obsolete  
4 title of superintendent to on-site observer; provide further  
5 for grounds and notification of disciplinary actions; remove  
6 overly restrictive firm ownership and naming requirements;  
7 provide for civil penalties for violations; and change the  
8 obsolete title of secretary to executive director.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 34-2-30, 34-2-32, 34-2-33,  
11 34-2-34, 34-2-35, 34-2-36, 34-2-37, 34-2-38, 34-2-40, 34-2-41,  
12 and 34-2-42, Code of Alabama 1975, are amended to read as  
13 follows:

14 "§34-2-30.

15 "For the purposes of this chapter, the following  
16 words and phrases shall have the meanings respectively  
17 ascribed by this section:

18 "(1) ARCHITECT. An individual who is legally  
19 qualified to practice architecture.

20 "(2) PRACTICE OF ARCHITECTURE. When an individual  
21 holds himself or herself out as able to render or when ~~he~~ the  
22 person does render any service by consultations,  
23 investigations, evaluations, preliminary studies, plans,  
24 specifications, contract documents and a coordination of all  
25 factors concerning the design and observation of construction  
26 of buildings or any other service in connection with the  
27 design, observation or construction of buildings located

1 within the boundaries of the state, regardless of whether such  
2 services are performed in connection with one or all of these  
3 duties, or whether they are performed in person or as the  
4 directing head of an office or organization performing them.

5 "(3) PRACTICE ARCHITECTURE or PRACTICING  
6 ARCHITECTURE. Performing or doing, or offering or attempting  
7 to do or perform any service, work, act, or thing within the  
8 scope of the "practice of architecture."

9 "An individual shall be construed to hold himself or  
10 herself out as practicing architecture when, by verbal claim,  
11 sign, advertisement, letterhead, card or any other way, ~~he~~ the  
12 individual represents himself or herself to be an architect  
13 with or without qualifying adjective, or when he or she  
14 implies that he or she is an architect through the use of some  
15 other title.

16 "(4) BUILDING. A structure consisting of foundation,  
17 walls, or supports and roof, with or without related  
18 components, systems, or other parts comprising a completed  
19 building ready for occupancy.

20 "(5) RESPONSIBLE CONTROL. Control over all phases of  
21 the practice of architecture, including, but not limited to,  
22 control over and detailed knowledge of the content of  
23 technical submissions during their preparation as is  
24 ordinarily exercised by registered architects applying the  
25 required professional standard of care.

26 "§34-2-32.

1           "(a) Nothing contained in this chapter shall  
2 prevent:

3           "(1) Employees of registered architects from acting  
4 under the instructions, or responsible control ~~or supervision~~  
5 of their employers; or,

6           "(2) The employment of ~~superintendents~~ on-site  
7 observers of the construction or alteration of buildings.

8           "(b) No person shall be required to register as an  
9 architect in order to make plans and specifications for or  
10 administer the erection, enlargement, or alteration of any  
11 building upon any farm for the use of any farmer, irrespective  
12 of the cost of such building, or any single family residence  
13 building or any utility works, structures, or building,  
14 ~~(provided that the person performing such architectural works~~  
15 ~~is employed by an electric, gas, or telephone public utility~~  
16 ~~regulated pursuant to the laws of Alabama or by a corporation~~  
17 ~~affiliated with such utility), or of any other type~~  
18 building(s) which has a total area of less than 2,500 square  
19 feet ~~and provided it is not intended for assembly occupancy,~~  
20 ~~except schools, churches, auditoriums or other buildings~~ use  
21 as a school, church, auditorium, or other building intended  
22 for the assembly occupancy of people.

23           "(c) The services of a registered architect shall be  
24 required on all buildings except those hereinabove exempted  
25 and no official of this state or of any city, town, or county  
26 herein charged with the enforcement of laws, ordinances, or  
27 regulations relating to the construction or alteration of

1 buildings, shall accept or approve any plans or specifications  
2 that are not so prepared.

3 "(d) Nothing in this chapter shall prevent  
4 registered professional engineers or their employees or  
5 subordinates under their ~~supervision or~~ responsible control  
6 from performing architectural services incidental to their  
7 engineering practice. Nothing in this chapter shall prevent  
8 registered architects or their employees or subordinates under  
9 their ~~supervising~~ responsible control from performing  
10 engineering services incidental to their architectural  
11 practice.

12 "No professional engineer shall practice  
13 architecture or use the designation "architect" or any terms  
14 derived therefrom unless that individual is registered  
15 pursuant to this chapter. No architect shall practice  
16 professional engineering or use the term "engineer" or any  
17 term derived therefrom unless that individual is also  
18 qualified and registered as an engineer.

19 "§34-2-33.

20 "(a) The board shall receive applications for  
21 registration as an architect only on forms prescribed and  
22 furnished by the board.

23 "Upon receipt of the application and the payment of  
24 a fee, as established by the board, the fee in no event  
25 exceeding two hundred fifty dollars ~~(\$200)~~ (\$250), the board  
26 shall promptly notify the applicant of examination  
27 requirements for ~~certification~~ registration, if applicable.

1           "The board may contract with an independent testing  
2 agency to prepare, grade, or conduct the examination. If the  
3 board determines the applicant requires examination, the  
4 applicant shall pay the actual cost of the examination  
5 directly to the board-authorized testing agency.

6           "(b) The board may issue to an applicant without  
7 further examination, a certificate of registration as an  
8 architect, provided the applicant holds an unexpired  
9 certificate issued to him or her by the National Council of  
10 Architectural Registration Boards, hereinafter referred to as  
11 "NCARB."

12           "(c) ~~Either of the~~ The following facts established  
13 in the application shall be regarded as prima facie "evidence"  
14 satisfactory to the board that the applicant is fully  
15 qualified to be examined for ~~certification~~ registration:

16           "(1) Graduation after a course of study of a length  
17 as the board shall by regulation determine from a school or  
18 college of architecture accredited by the National  
19 Architectural Accrediting Board, hereinafter referred to as  
20 "NAAB"; and

21           "(2) an An additional period of practical experience  
22 in architectural work under the responsible control ~~and~~  
23 ~~supervision~~ of a registered architect or architects as the  
24 board by regulation shall deem appropriate.

25           "~~(2) Acceptable combinations of education and~~  
26 ~~apprenticeship as may be established by the board. Acceptable~~  
27 ~~combinations of education and apprenticeship shall comply with~~

1 ~~the standards of education, training, and character as set~~  
2 ~~forth in Appendix "A" in the 1983 NCARB Circular of~~  
3 ~~Information Number 1. Applicants for examination who meet the~~  
4 ~~aforementioned qualification shall submit notice of intent to~~  
5 ~~sit for the examination before December 30, 1987, or 90 days~~  
6 ~~after the passage of the amendatory act, whichever time period~~  
7 ~~is longer. After that time, the only qualification for~~  
8 ~~examination acceptable to the board shall be graduation from a~~  
9 ~~NAAB accredited school or college and an additional period of~~  
10 ~~practical experience.~~

11 "Unless exempted, applicants shall take and pass the  
12 professional examination administered by the board or an  
13 independent testing agency approved by the board.

14 "(d) In determining the sufficiency of the  
15 qualifications of the applicant for registration, a majority  
16 vote of the members of the board shall be required.

17 "(e) Certificates for registration shall expire on  
18 the thirtieth day of September following their issuance or  
19 renewal and shall become invalid on that day unless renewed.

20 "Certificates of registrants who are or may be in  
21 the armed forces of the United States shall not expire until  
22 the thirtieth day of September following the discharge or  
23 final separation of the registrant from the armed forces of  
24 the United States.

25 "(f) Renewal may be effected at any time prior to or  
26 during the month of September by the payment of a fee



1 established by the board not to exceed ~~one~~ two hundred fifty  
2 dollars ~~(\$150)~~ (\$250).

3 "A penalty not to exceed the sum of seventy-five  
4 dollars (\$75) may be added to the renewal fee for failure to  
5 renew a certificate upon such terms and conditions as the  
6 board may by regulation determine. Failure to renew a  
7 certificate of registration by December 31 shall result in a  
8 lapse of registration.

9 "(g) A registrant whose certificate of registration  
10 has lapsed may have it reinstated, if in compliance with other  
11 relevant requirements, by filing a renewal form and paying, in  
12 addition to the appropriate renewal fee and late penalty, a  
13 reinstatement fee of ~~one~~ two hundred fifty dollars ~~(\$150)~~  
14 (\$250).

15 "(h) There is hereby created, for renewal of  
16 certificate purposes, a status to be known as "emeritus status  
17 architect," which shall apply to architects who have been  
18 registered for 10 consecutive years or longer, and who are 65  
19 years of age or older, and who have retired from active  
20 practice. The annual renewal of registration for emeritus  
21 status shall be renewed without payment of a fee. If an  
22 emeritus status architect subsequently wishes to practice, he  
23 or she may do so without penalty by proper application to the  
24 board.

25 "§34-2-34.

26 "The board shall have the following disciplinary  
27 powers:

1           "(1) To issue reprimands to any licensee who  
2 violates any provision of this chapter or the rules and  
3 regulations of the board; ~~or.~~

4           "(2) To levy administrative fines for serious  
5 violations of this chapter or the rules and regulations of the  
6 board of not more than \$5,000 for each day the violation  
7 continues, but in no event shall an administrative fine exceed  
8 \$25,000 total per violation; ~~or.~~

9           "(3) To refuse to issue a certificate, to suspend a  
10 certificate for a definite period or to revoke the certificate  
11 of registration of an architect who is found guilty of:

12           "a. Any fraud or deceit in obtaining a certificate  
13 of registration as determined by the board at a hearing; ~~or~~

14           "b. Gross negligence, ~~incompetency~~ incompetence, or  
15 misconduct in the practice of architecture as determined by  
16 the board at a hearing; ~~or~~

17           "c. A felony or misdemeanor involving moral  
18 turpitude by a court of competent jurisdiction; ~~or~~

19           "d. Practicing architecture in this state in  
20 violation of the standards of professional conduct established  
21 by the board; ~~or~~

22           "e. Practicing architecture in this or any other  
23 state or country in violation of the laws of that state or  
24 country; or

25           "f. Aiding or abetting any individual, partnership  
26 or corporation to engage in the practice of architecture in  
27 violation of any provisions of law.

1           "(4) Pursuant to this subdivision (3), notice of the  
2 nature of the charges placed against an architect and the time  
3 and place of hearing these charges by the board must be sent  
4 to the accused by ~~registered~~ certified mail, with return  
5 receipt requested, and addressed to his or her last known  
6 place of business, or residence, not less than ~~10~~ 30 days  
7 before the date fixed for such hearing. ~~Said~~ The notice shall  
8 inform the individual that he or she is entitled to be  
9 represented by counsel of his or her choosing at the hearing,  
10 to have witnesses testify in his or her behalf at the hearing,  
11 to confront and cross-examine witnesses at the hearing and to  
12 testify in his or her own behalf at the hearing.

13           "In all cases of reprimand, administrative fine,  
14 refusal, suspension, or revocation of a certificate of  
15 registration, or any other disciplinary action of the board,  
16 the accused may appeal to the Circuit Court of Montgomery  
17 County, Alabama. Either party, the accused or the board, has  
18 the right to appeal from the final decree of the circuit court  
19 as provided by law.

20           "§34-2-35.

21           "(a) Each registrant must obtain a seal of a design  
22 authorized by the board bearing the registrant's name, the  
23 legend "Registered Architect(s)," the words "State of Alabama"  
24 and the registrant's license registration number.

25           "~~(b) Partnerships or corporations performing~~  
26 ~~architectural services in this state must be issued annually a~~  
27 ~~certificate of authorization to practice architecture by the~~

1 board, and must submit an application and a fee not to exceed  
2 \$100.00 for a certificate of authorization. Certificates shall  
3 be valid from January 1 through December 31 of the year  
4 issued. Renewal fees shall not exceed \$100.00. Disciplinary  
5 action for corporations or partnerships shall be the same as  
6 for registered architects. The board retains the initial fee  
7 deposited as an application fee if a certificate of  
8 registration or authorization is denied an applicant.

9 "The corporation or partnership shall be responsible  
10 for the acts of its agents, employees or officers. Also, a  
11 certificate of authorization shall be required for  
12 corporations or partnerships which operate under an assumed  
13 name which does not include the proper names of any registered  
14 architects within the firm. Any architect who files articles  
15 of incorporation or any corporation which files an amendment  
16 to its articles of incorporation must file a copy of the  
17 articles of incorporation or the amendment with the board  
18 simultaneously with or within 30 days of filing same with the  
19 probate judge of the county of incorporation.

20 "~~(c)~~(b) Nothing in this chapter shall prevent a  
21 registered architect from being employed by a person, firm,  
22 partnership, corporation, or professional corporation.

23 "~~(d)~~(c) Plans, specifications, plates, and reports,  
24 and all documents prepared by an architect which are issued by  
25 a registrant must be stamped with the seal during the life of  
26 a registrant's certificate.

1           "(d) It shall be unlawful for anyone to stamp or  
2 seal any document with ~~said the~~ seal after the certificate or  
3 the registrant named thereon has expired or been suspended or  
4 revoked.

5           "(e) It shall be unlawful for an architect or any  
6 other individual to stamp, to cause to be stamped or to allow  
7 to be stamped any document or documents which were not  
8 prepared under the ~~supervision and~~ responsible control of the  
9 registered architect whose stamp is to be affixed thereon.

10           "~~(e)~~ (f) On or after July 22, 1987, it shall be  
11 unlawful: (1) to practice architecture in a branch office not  
12 under the day-to-day supervision of a registered architect, or  
13 (2) for an architect to falsely represent himself or herself  
14 as being in responsible ~~charge~~ control of architectural work  
15 or to permit his or her seal, or facsimile thereof, to be used  
16 by another for any purpose. Violations shall be penalized as  
17 provided in Section 34-2-36 ~~hereof~~.

18           "§34-2-36.

19           "(a) On or after April 28, 1999, any person who  
20 knowingly, willfully, or intentionally violates any provision  
21 of this chapter shall be guilty of a Class A misdemeanor. Each  
22 day of violation shall constitute a distinct and separate  
23 offense.

24           "(b) When it appears to the board that any person is  
25 violating any of the provisions of this chapter, the board may  
26 in its own name bring an action in the circuit court for an  
27 injunction, and ~~said the~~ court may enjoin any person from

1 violating this chapter regardless of whether the proceedings  
2 have been or may be instituted before the board or whether  
3 criminal proceedings have been or may be instituted.

4 "(c) In addition to any other provisions of law, the  
5 board may enter an order assessing a civil penalty against any  
6 nonregistered person, corporation, or other entity found  
7 guilty by the board of, but not limited to, the following  
8 violations of this chapter:

9 "(1) Engaging in the practice or offer to practice  
10 architecture in this jurisdiction without being registered in  
11 accordance with this chapter.

12 "(2) Using or employing the words "architect,"  
13 "architecture," or any modification or derivative thereof in  
14 its name or form of business activity, except as authorized in  
15 this chapter.

16 "(3) Presenting or attempting to use the certificate  
17 of registration or the seal of another registered architect to  
18 the board or a member of the board in obtaining or attempting  
19 to obtain a certificate of registration.

20 "(4) Giving false or forged evidence of any kind to  
21 the board or a member of the board in obtaining or attempting  
22 to obtain a certificate of registration.

23 "(5) Falsely impersonating another registered  
24 architect of like or different name.

25 "(6) Using or attempting to use a revoked or  
26 nonexistent certificate of registration.

1           "(7) Directing the professional judgment of a  
2 registered architect who is responsible for the practice of  
3 architecture.

4           "(d) The board shall determine the amount of the  
5 civil penalty which shall not exceed five thousand dollars  
6 (\$5,000) for each day the violation continues and shall not be  
7 greater than twenty-five thousand dollars (\$25,000) total per  
8 violation.

9           "(e) Before issuing an order under this section, the  
10 board shall provide the person written notice and the  
11 opportunity to request, within 30 days of the notice by the  
12 board, a hearing on the record.

13           "(f) Pursuant to the proceedings under this section,  
14 the board may issue subpoenas to compel the attendance and  
15 testimony of witnesses and disclosure of evidence and may  
16 request the Attorney General to bring an action to enforce a  
17 subpoena.

18           "(g) A person aggrieved by the levy of a civil  
19 penalty under this section may file an appeal to the Circuit  
20 Court of Montgomery County exclusively for judicial review of  
21 the penalty within 30 days notwithstanding the Administrative  
22 Procedure Act. Unless an appeal is taken or the penalty paid,  
23 the order of the board imposing the civil penalty shall become  
24 a judgment.

25           "(h) If a person fails to pay a civil penalty within  
26 30 days after entry of an order pursuant to subsection (a) or  
27 if the order is stayed pending an appeal, within 10 days after

1 the court enters a final judgment in favor of the board of an  
2 order appealed pursuant to subsection (e), the board shall  
3 notify the Attorney General. The Attorney General may commence  
4 a civil action to recover the amount of the penalty plus  
5 attorney's fees and costs.

6 "(i) The cost to the board of the action shall be  
7 paid by the respondent if found in violation.

8 "§34-2-37.

9 "It shall be lawful for a corporation, a  
10 professional corporation, ~~or a professional association, a~~  
11 partnership, or a limited liability company (the entity) to  
12 practice architecture in this state provided that: ~~all~~  
13 ~~officers and voting stockholders are architects or~~  
14 ~~professional engineers registered under the laws of Alabama.~~

15 "(a) A minimum of two-thirds of those responsible  
16 for controlling the activities of the entity (including  
17 officers, partners, directors, members, and others depending  
18 on the legal structure of the entity) are voting stockholders  
19 who are architects and/or professional engineers registered  
20 under the laws of any United States jurisdiction and at least  
21 one is an architect registered in Alabama.

22 "(b) Any agreement to perform such services shall be  
23 executed on behalf of the entity by a stockholding officer,  
24 partner, director, or member with authority to contractually  
25 bind the entity, who is an architect registered in the State  
26 of Alabama.



1           "(c) A stockholding officer, partner, director, or  
2 member who is an architect registered in the State of Alabama  
3 shall exercise responsible control over the particular  
4 services contracted for by the entity and that architect's  
5 name and seal shall appear on all documents prepared by the  
6 entity in its practice of architecture.

7           "(d) Other officers, partners, directors, or members  
8 shall not direct the professional judgment of the architect in  
9 responsible control over the practice of architecture by the  
10 entity.

11           "(e) The entity shall furnish the board with such  
12 information about its organization and activities as the board  
13 shall require by regulation and pay an annual administrative  
14 fee as the board may require, not to exceed two hundred fifty  
15 dollars (\$250). The board shall maintain a public roster of  
16 such entities. Practice of said corporation, professional  
17 corporation or professional association shall be under the  
18 direct control of an officer who is a duly registered  
19 architect in this state and whose name shall appear on all  
20 documents of said corporation, professional corporation or  
21 professional association in its practice of architecture.

22           "The name of such corporation, professional  
23 corporation or professional association shall not contain the  
24 names of former partners who, by virtue of death, retirement  
25 or resignation, are no longer active participants in the  
26 practice of architecture. Upon the death, retirement or  
27 resignation of any named partner, the name of the corporation,

1 ~~professional corporation or professional association shall be~~  
2 ~~renamed within two years in accordance with the provisions of~~  
3 ~~this section.~~

4 ~~"Nothing herein contained shall apply to a~~  
5 ~~corporation, professional corporation or professional~~  
6 ~~association legally practicing architecture in this state on~~  
7 ~~September 7, 1967.~~

8 "All corporations, professional corporations,  
9 professional associations, partnerships, and limited liability  
10 companies (entities) practicing architecture in the State of  
11 Alabama must fully comply with the above requirements within  
12 two years of this requirement becoming law.

13 "Applications to practice as an above described  
14 entity shall be made on an annual basis. Disciplinary action  
15 for the entities shall be the same as for registered  
16 architects. Approved entities shall be responsible for the  
17 acts of their agents, employees, general partners, directors,  
18 or officers.

19 ~~"It shall be lawful for a partnership composed of~~  
20 ~~architects and professional engineers registered under the~~  
21 ~~laws of this state to practice architecture. Said partnership~~  
22 ~~must include at least one architect. The practice of said~~  
23 ~~partnership shall be under the direct control of a partner who~~  
24 ~~is a duly registered architect in this state and whose name~~  
25 ~~shall appear on all documents of said partnership in its~~  
26 ~~practice of architecture.~~

1           ~~"The name of such partnership shall not contain the~~  
2 ~~name of a former partner who, by virtue of death, retirement~~  
3 ~~or resignation, is no longer an active participant in the~~  
4 ~~practice of architecture. Upon the death, retirement or~~  
5 ~~resignation of a partner, said partner's name shall be removed~~  
6 ~~from the name of the partnership within two years in~~  
7 ~~accordance with the provisions of this section.~~

8           ~~"Foreign corporations who do not otherwise comply~~  
9 ~~with the provisions of this chapter shall not practice~~  
10 ~~architecture in the State of Alabama. However, an individual~~  
11 ~~licensed to practice pursuant to this chapter who is a member~~  
12 ~~of a foreign corporation shall be allowed to practice in the~~  
13 ~~State of Alabama so long as he does so in his individual name.~~

14           ~~"§34-2-38.~~

15           ~~"To carry out the provisions of this chapter, there~~  
16 ~~shall be a State Board for Registration of Architects,~~  
17 ~~consisting of six members, each of whom shall be appointed by~~  
18 ~~the Governor from a list of three persons selected as follows:~~

19           ~~"(1) All appointments as members of the board shall~~  
20 ~~be architects registered and licensed pursuant to this~~  
21 ~~chapter. The board shall be appointed from the following~~  
22 ~~districts: One from the northern district; two from the north~~  
23 ~~central district; two from the central district, and one from~~  
24 ~~the southern district. The northern district shall be~~  
25 ~~comprised of the Counties of Colbert, Cullman, DeKalb,~~  
26 ~~Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison,~~  
27 ~~Marion, Marshall, Morgan, and Winston; the north central~~

1 district shall be comprised of the Counties of Bibb, Blount,  
2 Calhoun, Cherokee, Clay, Cleburne, Etowah, Fayette, Greene,  
3 Hale, Jefferson, Lamar, Pickens, Randolph, Shelby, St. Clair,  
4 Sumter, Talladega, Tuscaloosa, and Walker; the central  
5 district shall be comprised of the Counties of Autauga,  
6 Barbour, Bullock, Butler, Chambers, Chilton, Coffee, Coosa,  
7 Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Henry,  
8 Houston, Lee, Lowndes, Macon, Marengo, Montgomery, Perry,  
9 Pike, Russell, Tallapoosa, and Wilcox; and the southern  
10 district shall be comprised of the Counties of Baldwin,  
11 Choctaw, Clark, Conecuh, Escambia, Mobile, Monroe, and  
12 Washington.

13 "(2) Thirty days before the expiration of a board  
14 member's term, or for filling a vacancy otherwise occurring, a  
15 nominating committee of six members shall be selected by  
16 secret ballot from the district entitled to fill the vacancy.  
17 The nominating committee shall be elected at a meeting in the  
18 district called by the ~~secretary~~ executive director of the  
19 board, who shall give notice in writing of the time and place  
20 of the called meeting to each architect in the district at  
21 least 30 days in advance of the date set for the meeting.  
22 Those architects present at the called meeting may vote on the  
23 membership of the nominating committee. After the selection of  
24 the nominating committee from the district where the vacancy  
25 occurs, there shall be a meeting of the committee with the  
26 board at the same place within five days to select, by secret  
27 ballot, the names of three persons to be sent to the Governor

1 by the ~~secretary~~ executive director of the board. The Governor  
2 shall appoint one of the named persons to the board. In  
3 appointing members to the board, the Governor shall select  
4 those persons whose appointments, to the extent possible,  
5 ensure that the membership of the board is inclusive and  
6 reflects the racial, gender, geographic, urban/rural, and  
7 economic diversity of the state.

8 "(3) The term of office of the members of the board  
9 shall be four years and until their successors are appointed  
10 and qualified.

11 "(4) A member shall reside and have his or her  
12 principal office in the district from which appointed. A  
13 member's place on the board shall become vacant if the member  
14 removes either his or her residence or principal office from  
15 that district.

16 "§34-2-40.

17 "(a) The board shall hold at least four regular  
18 meetings each year.

19 "(b) The board shall elect annually a chairman and  
20 vice chairman who must be members of ~~said the board, and a~~  
21 ~~secretary, who may or may not be a licensee of said board.~~ The  
22 board may, ~~with the approval of the Governor,~~ employ an  
23 executive director, clerks, experts, attorneys, and others, as  
24 may be necessary in the carrying out of the provisions of this  
25 chapter.

1           "(c) The board shall have the power, with the  
2 approval of the Governor, to fix the compensation of the  
3 ~~secretary~~ executive director and other employees.

4           "(d) A quorum of the board shall consist of not less  
5 than a majority of the duly appointed board members.

6           "§34-2-41.

7           "The ~~secretary~~ executive director of the board shall  
8 receive and account for all moneys derived from the operation  
9 of this chapter. Such moneys shall be certified into the  
10 treasury in a fund to be known as the "Fund of the Board for  
11 the Registration of Architects." Such fund shall be drawn  
12 against only for the purposes of this chapter.

13           "The fiscal year shall commence on the first day of  
14 October and end on the thirtieth day of September.

15           "Each member of the board shall receive a per diem  
16 as recommended by the board consistent with applicable state  
17 laws for attending sessions of the board or its committee, and  
18 for the time spent in necessary travel to attend meetings of  
19 ~~said the~~ board or its committee. In addition, each member of  
20 the board shall be reimbursed for traveling and clerical  
21 expenses incurred in carrying out the provisions of this  
22 chapter.

23           "Expenses certified by the board as properly and  
24 necessarily incurred in the discharge of its duties,  
25 including, but limited to, authorized compensations,  
26 additional legal services, experts, clerks, office rent, and  
27 supplies, shall be paid out of ~~said the~~ fund on the warrant of

1 the Comptroller of the state. Such warrant shall be issued on  
2 requisitions signed by the chairman and ~~secretary~~ executive  
3 director of the board. At no time in any fiscal year shall the  
4 total amount of warrants issued exceed the total amount of  
5 moneys accumulated in this fund.

6 "The board may make donations from its surplus funds  
7 to any state educational institution which has an accredited  
8 school of architecture for assistance in promoting education  
9 and research programs in architecture.

10 "The chairman and the ~~secretary~~ executive director  
11 of the board shall give a surety bond in an amount no less  
12 than the previous year's budget payable to the State of  
13 Alabama and conditioned upon the faithful performance of their  
14 duties under this chapter. The premium of ~~said~~ the bond shall  
15 be paid out of the moneys in the "Fund of the Board for the  
16 Registration of Architects."

17 "§34-2-42.

18 "On or before January 1 of each year, the board  
19 shall submit to the Governor a report of its transactions for  
20 the preceding fiscal year, together with a complete statement  
21 of receipts and disbursements of the board for its last fiscal  
22 year, certified by the chairman and the ~~secretary,~~ and a copy  
23 ~~of the said roster of registered architects~~ executive  
24 director."

25 Section 2. This act shall become effective on the  
26 first day of the third month following its passage and  
27 approval by the Governor, or its otherwise becoming law.

