

OPEN MINUTES
Committee of the
Missouri Board for Architects, Professional Engineers,
Professional Land Surveyors
and Landscape Architects

May 8, 2013

A Special Committee meeting of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects met was called to order by Mr. Kevin C. Skibiski at 10:00 a.m. on Wednesday, May 8, 2013 in the Cadillac B Meeting Room at the Holiday Inn Southwest & Viking Conference Center, 10709 Watson Road, St. Louis, Missouri. The meeting was declared open for business.

Members Present

James C. "JC" Rearden, Chair of the Architectural Division and Member of the Committee

Kenneth M. Frashier, Member of the Architectural Division and Member of the Committee

Kevin C. Skibiski, Chair of the Professional Engineering Division and Member of the Committee

Abiodun "Abe" Adewale, Member of the Professional Engineering Division and Member of the Committee

Robert S. Shotts, Member of the Landscape Architectural Division and Member of the Committee

Others Present

Judy Kempker, Executive Director

Sandy Robinson, Processing Technician Supervisor

Bruce Wylie, Executive Director for the Missouri Society of Professional Engineers (MSPE) and American Society of Civil Engineers (ASCE)

Britt E. Smith, P.E., Representing MSPE

John Huss, P.E., Representing MSPE

Randy Mardis, L.A., Representing MALA

Rusty Saunders, Representing MALA

Sharon Herman, Representing MSPS

Dan Mitchell, Representing American Institute of Architects-Missouri (AIA-MO)

Marc Alper, Representing ASCE

Ryan King, Representing AIA-MO

Meet with the Members of the Design Alliance to discuss proposed changes to Chapter 327

The Committee Members of the Design Alliance discussed proposed changes to Chapter 327, RSMo. Below, in bold print, are only the changes recommended by the Professional Design Alliance Committee.

Definitions.

327.011. (7) ["Landscape architect", any person licensed pursuant to the provisions of sections 327.600 to 327.635 who is qualified to practice landscape architecture by reason of special knowledge and the use of biological, physical, mathematical and social sciences and the principles and methods of analysis and design of the land, has demonstrated knowledge and ability in such areas, and has been duly licensed as a landscape architect by the board on the basis of professional education, examination and experience in landscape architecture;] **"Design Survey", a survey which includes all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of design projects, but exclude the surveying of real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.**

(8) "Incidental Practice", the performance of other professional services licensed under Chapter 327 that are related to a licensee's professional service; but are secondary and substantially less in scope and magnitude when compared to the professional services usually and normally performed by the licensee practicing in their licensed profession. This incidental professional service shall be safely and competently performed by the licensee without jeopardizing the health, safety and welfare of the public. The licensee shall be qualified by education, training, and experience, as determined by the Board and in Sections 327.091, 327.181, 327.272, and 327.600, RSMo **and applicable board rules** to perform such incidental professional service;

327.091. The practice of architecture is the rendering or offering to render services in connection with the design and construction of public and private buildings, structures and shelters, in whole or part and including any additions or alterations thereto, as well as to the spaces within and the site surrounding the building, which have as their principal purpose human occupancy or habitation. The services referred to include consultation, investigation, evaluation, feasibility studies, expert technical testimony, planning, site planning,

preliminary design, drawings, specifications, technical submissions and other instruments of service, the administration of construction contracts, construction observation, **performing design surveys**, and the coordination of any elements of technical submissions prepared by others, including professional engineers, professional landscape architects and other consultants **working under the direction of the architect**. A person shall be considered practicing architecture when they use the title "architect" or the terms "architect" or "architecture" or "architectural" alone or together with any words other than "landscape" to indicate or imply that such person is or holds himself or herself out to be an architect. Only a person with the proper architectural education, practical training, relevant work experience, and licensure may practice as an architect in Missouri.

Practice as professional engineer defined--use of titles, restrictions.

327.181. 1. Any person [practices] practicing in Missouri as a professional engineer who renders or offers to render or holds himself or herself out as willing or able to render any service or creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, investigation, expert technical testimony, evaluation, planning and design of engineering works and systems, planning the use of land, air, and water, [engineering] teaching of advanced engineering subjects or courses related thereto, performing **[engineering] design** surveys and studies, the coordination of services furnished by [structural, civil, mechanical and electrical] engineers and other consultants as they relate to engineering work and the inspection of construction for the purpose of compliance with drawings and specifications, any of which embraces such service or work either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems or projects and including such architectural work as is incidental to the practice of engineering; or who uses the title "professional engineer" or "consulting engineer" or the word "engineer" alone or preceded by any word indicating or implying that such person is or holds himself or herself out to be a professional engineer, or who shall use any word or words, letters, figures, degrees, titles or other description indicating or implying that such person is a professional engineer or is willing or able to practice engineering.

5. **Design** surveys include all survey activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but exclude the surveying of

real property for the establishment of land boundaries, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

327.272. [4. Nothing in this section shall be construed to prohibit the subdivision of land pursuant to section 137.185.]

327.312. 2. Effective January 1, 2019, any person may apply to the board for enrollment as a land surveyor-in-training who is twenty-one years of age or older, who is of good moral character, who is a high school graduate, or who holds a Missouri certificate of high school equivalence (GED), and:

(1) Has graduated and received a baccalaureate degree in an approved curriculum as defined by board regulation which shall include at least thirty semester hours of approved surveying course work of which at least six semester hours shall be in the legal aspects of boundary surveying;

(2) Has earned at least sixty hours of college credit which shall include at least thirty semester hours of approved curriculum as defined by board regulation of which at least six semester hours shall be in legal aspects of boundary surveying and has presented evidence satisfactory to the board that in addition thereto such person has at least one year of combined professional office and field experience in land-surveying projects under the immediate personal supervision of a professional land surveyor; or

(3) Has earned at least thirty semester hours of approved surveying course work as defined by board regulation of which at least six semester hours shall be in legal aspects of land surveying and has at least two years of combined professional office and field experience in land surveying projects under the immediate personal supervision of a professional land-surveyor. Under this section, not more than one year of satisfactory postsecondary education work shall count as equivalent years of satisfactory land-surveying work as aforementioned.

3. The provisions contained in subdivision (3) of subsection 2 of this section shall expire January 1, 2023.

4. The board shall issue a certificate of completion to each applicant who satisfies the requirements of the aforementioned land surveyor-in-training program and passes such examination or examinations as shall be required by the board.

Section 327.314.1. Any person may apply to the board for [examination and] licensure as a professional land surveyor who has been enrolled as a land surveyor-in-training and has presented

evidence to the satisfaction of the board that said person has acquired at least four years of satisfactory professional field and office experience in land surveying from the date of enrollment as a land surveyor-in-training. This experience shall have been under the immediate personal supervision of a professional land surveyor **and up to one-half of said experience may overlap with experience requirements for other profession requirements required by this chapter.**

Examinations, land surveyor-in-training and **professional** land surveyors--notice--content--grade required to pass--effect.

327.331. 1.

Recording of certain documents not properly executed by **professional** land surveyor, prohibited--penalty.

327.361. 1. ...

Professional land [S]surveyor exempt from trespass but liable for damages.

327.371. ...

[Definitions]Practice of professional landscape architecture defined.

327.600. As used in sections 327.600 to 327.635, the following terms mean:

1) " Professional Landscape architecture", the performance of professional services, including but not limited to consultations, research, analysis, expert technical testimony, planning, design or responsible supervision in connection with the development of land, [in which the dominant purpose of such professional services is] the preservation, enhancement or determination of land uses, [natural land features, ground cover and planting, naturalistic and esthetic value, settings and approaches to structures or other improvements, natural drainage and the consideration and determination of inherent problems of the land relating to erosion, wear and tear, blight or other hazard;] **the investigation, selection, and allocation of land and water resources for appropriate use; feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation, review, and analysis of master plans for land use and development; production of site plans, landscape grading and landscape drainage plans, irrigation plans, planting plans,**

and construction details; specifications; and reports for land development; performing design surveys, field observation and inspection of land area construction, restoration, and maintenance;

327.603. 1. [One year from the appointment of the landscape architecture division,] No person shall practice or offer to practice, or hold himself or herself out as a professional landscape architect or as being able to practice landscape architecture in this state or to use in connection with his or her name or otherwise assume, or advertise unless he or she is licensed as required by this chapter. Nothing in sections 327.600 to 327.635 shall be construed to require licensing of employees of the state of Missouri or its political subdivisions while performing duties for the state of Missouri or a political subdivision, provided the project does not jeopardize the public health, safety and welfare. Sections 327.600 to 327.635 shall not be construed to prohibit those persons engaged in nursery occupations, gardeners, landscape contractors, home builders or residential developers from preparing planting plans and items incidental thereto, provided the project scope does not jeopardize the public health, safety and welfare; nor shall sections 327.600 to 327.635 be construed to prevent the practice of any other legally recognized profession as governed by applicable law. Nothing contained in this section shall under any circumstances be construed as in any way affecting the laws relating to the practice, licensing, certification or registration of architects, professional engineers and professional land surveyors. An architect, **professional** engineer or **professional** land surveyor licensed, certified or registered to practice his or her profession or occupation pursuant to the provisions of any law to regulate the practice of such profession or occupation is exempt from licensing as a landscape architect, and nothing contained in this section shall under any circumstances be construed as in anyway precluding an architect or **professional** engineer **or professional land surveyor** from performing any of the services included within the definition of the term landscape architecture in section 327.600.

After much discussion, Mr. Skibiski directed Ms. Kempker to incorporate the recommended changes into the latest version of the proposed changes and then forward it to Mr. Wylie for distribution to the members of the Professional Design Alliance. Since this document has been revised a number of times, Mr. Skibiski directed Ms. Kempker to include a "revised date at the bottom of each page" to ensure that when future revisions are made, everyone will be working off the same document. Mr. Mitchell then stated that AIA-Missouri may be forwarding suggested replacement language for "incidental practice" as well as to "Section

327.091" (practice of architecture defined). Upon receipt of those recommended changes, they too will be forwarded for distribution.

Please note that at approximately 1:30 p.m., Mr. Mitchell departed the meeting.

Discuss why licensing and registration of the professions is important

Mr. Wylie provided a Legislative Update to the Members in attendance. He stated that House Bill 659, which authorizes a person to engage in the practice of certain professions without being licensed if the person does not hold himself or herself out as being licensed, would probably not get passed this session. The Landscape Architect profession was included in this bill.

The members of the Committee discussed holding another meeting in the near future. Mr. Skibiski stated the Board would be holding its quarterly meeting on August 5 and 6, 2013 in Blue Springs, Missouri. He asked the Committee if they would like to meet with Members of the Board on Wednesday, August 7, 2013 in Blue Springs. Upon discussion, it was decided to hold all Professional Design Alliance meetings in Jefferson City, Missouri since it is centrally located for all members. Mr. Wylie stated that he would get a date set for some time in July 2013. The meeting will be held at the MSPE Office located at 200 East McCarty, Jefferson City, Missouri. When a date is set, Mr. Wylie will be sending notification to each member.

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Adjournment

There being no further business, on motion of Mr. Adewale seconded by Mr. Rearden and unanimously carried, the meeting was adjourned at 2:00 p.m. on May 8, 2013.

ATTEST:

Executive Director

Approved by Board on: _____