

1 HB156
2 116102-2
3 By Representative Black
4 RFD: Boards and Commissions
5 First Read: 12-JAN-10

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ENROLLED, An Act,

To amend Sections 34-2-30, 34-2-32, 34-2-33, 34-2-34, 34-2-35, 34-2-36, 34-2-37, 34-2-38, 34-2-40, 34-2-41, and 34-2-42, Code of Alabama 1975, relating to when an architect is required; to provide for the definition of "responsible control" over the practice; change the obsolete title of superintendent to on-site observer; provide further for grounds and notification of disciplinary actions; remove overly restrictive firm ownership and naming requirements; provide for civil penalties for violations; and change the obsolete title of secretary to executive director.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§34-2-30.

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

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

"(2) PRACTICE OF ARCHITECTURE. When an individual holds himself or herself out as able to render or when ~~he~~ the

1 person does render any service by consultations,
2 investigations, evaluations, preliminary studies, plans,
3 specifications, contract documents and a coordination of all
4 factors concerning the design and observation of construction
5 of buildings or any other service in connection with the
6 design, observation or construction of buildings located
7 within the boundaries of the state, regardless of whether such
8 services are performed in connection with one or all of these
9 duties, or whether they are performed in person or as the
10 directing head of an office or organization performing them.

11 "(3) PRACTICE ARCHITECTURE or PRACTICING
12 ARCHITECTURE. Performing or doing, or offering or attempting
13 to do or perform any service, work, act, or thing within the
14 scope of the "practice of architecture."

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

22 "(4) BUILDING. A structure consisting of foundation,
23 walls, or supports and roof, with or without related
24 components, systems, or other parts comprising a completed
25 building ready for occupancy.

1 "(5) RESPONSIBLE CONTROL. Control over all phases of
2 the practice of architecture, including, but not limited to,
3 control over and detailed knowledge of the content of
4 technical submissions during their preparation as is
5 ordinarily exercised by registered architects applying the
6 required professional standard of care.

7 "§34-2-32.

8 "(a) Nothing contained in this chapter shall
9 prevent:

10 "(1) Employees of registered architects from acting
11 under the instructions, or responsible control ~~or supervision~~
12 of their employers; or,

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

15 "(b) No person shall be required to register as an
16 architect in order to make plans and specifications for or
17 administer the erection, enlargement, or alteration of any
18 building upon any farm for the use of any farmer, irrespective
19 of the cost of such building, or any single family residence
20 building or any utility works, structures, or building,
21 ~~(provided that the person performing such architectural works~~
22 ~~is employed by an electric, gas, or telephone public utility~~
23 ~~regulated pursuant to the laws of Alabama or by a corporation~~
24 ~~affiliated with such utility~~), or of any other type
25 building(s) which has a total area of less than 2,500 square

1 feet and provided it is not intended for ~~assembly occupancy,~~
2 ~~except schools, churches, auditoriums or other buildings~~ use
3 as a school, church, auditorium, or other building intended
4 for the assembly occupancy of people.

5 "(c) The services of a registered architect shall be
6 required on all buildings except those hereinabove exempted
7 and no official of this state or of any city, town, or county
8 herein charged with the enforcement of laws, ordinances, or
9 regulations relating to the construction or alteration of
10 buildings, shall accept or approve any plans or specifications
11 that are not so prepared.

12 "(d) Nothing in this chapter shall prevent
13 registered professional engineers or their employees or
14 subordinates under their ~~supervision or~~ responsible control
15 from performing architectural services incidental to their
16 engineering practice. Nothing in this chapter shall prevent
17 registered architects or their employees or subordinates under
18 their ~~supervising~~ responsible control from performing
19 engineering services incidental to their architectural
20 practice.

21 "No professional engineer shall practice
22 architecture or use the designation "architect" or any terms
23 derived therefrom unless that individual is registered
24 pursuant to this chapter. No architect shall practice
25 professional engineering or use the term "engineer" or any

1 term derived therefrom unless that individual is also
2 qualified and registered as an engineer.

3 "§34-2-33.

4 "(a) The board shall receive applications for
5 registration as an architect only on forms prescribed and
6 furnished by the board.

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

12 "The board may contract with an independent testing
13 agency to prepare, grade, or conduct the examination. If the
14 board determines the applicant requires examination, the
15 applicant shall pay the actual cost of the examination
16 directly to the board-authorized testing agency.

17 "(b) The board may issue to an applicant without
18 further examination, a certificate of registration as an
19 architect, provided the applicant holds an unexpired
20 certificate issued to him or her by the National Council of
21 Architectural Registration Boards, hereinafter referred to as
22 "NCARB."

23 "(c) ~~Either of the~~ The following facts established
24 in the application shall be regarded as prima facie "evidence"

1 satisfactory to the board that the applicant is fully
2 qualified to be examined for ~~certification~~ registration:

3 "(1) Graduation after a course of study of a length
4 as the board shall by regulation determine from a school or
5 college of architecture accredited by the National
6 Architectural Accrediting Board, hereinafter referred to as
7 "NAAB"; and

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

12 ~~"(2) Acceptable combinations of education and~~
13 ~~apprenticeship as may be established by the board. Acceptable~~
14 ~~combinations of education and apprenticeship shall comply with~~
15 ~~the standards of education, training, and character as set~~
16 ~~forth in Appendix "A" in the 1983 NCARB Circular of~~
17 ~~Information Number 1. Applicants for examination who meet the~~
18 ~~aforementioned qualification shall submit notice of intent to~~
19 ~~sit for the examination before December 30, 1987, or 90 days~~
20 ~~after the passage of the amendatory act, whichever time period~~
21 ~~is longer. After that time, the only qualification for~~
22 ~~examination acceptable to the board shall be graduation from a~~
23 ~~NAAB accredited school or college and an additional period of~~
24 ~~practical experience.~~

1 "Unless exempted, applicants shall take and pass the
 2 professional examination administered by the board or an
 3 independent testing agency approved by the board.

4 "(d) In determining the sufficiency of the
 5 qualifications of the applicant for registration, a majority
 6 vote of the members of the board shall be required.

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

10 "Certificates of registrants who are or may be in
 11 the armed forces of the United States shall not expire until
 12 the thirtieth day of September following the discharge or
 13 final separation of the registrant from the armed forces of
 14 the United States.

15 "(f) Renewal may be effected at any time prior to or
 16 during the month of September by the payment of a fee
 17 established by the board not to exceed ~~one~~ two hundred fifty
 18 dollars ~~(\$150)~~ (\$250).

19 "A penalty not to exceed the sum of seventy-five
 20 dollars (\$75) may be added to the renewal fee for failure to
 21 renew a certificate upon such terms and conditions as the
 22 board may by regulation determine. Failure to renew a
 23 certificate of registration by December 31 shall result in a
 24 lapse of registration.

1 "(g) A registrant whose certificate of registration
 2 has lapsed may have it reinstated, if in compliance with other
 3 relevant requirements, by filing a renewal form and paying, in
 4 addition to the appropriate renewal fee and late penalty, a
 5 reinstatement fee of ~~one~~ two hundred fifty dollars ~~(\$150)~~
 6 (\$250).

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

17 "§34-2-34.

18 "The board shall have the following disciplinary
 19 powers:

20 "(1) To issue reprimands to any licensee who
 21 violates any provision of this chapter or the rules and
 22 regulations of the board~~7~~.

23 "(2) To levy administrative fines for serious
 24 violations of this chapter or the rules and regulations of the
 25 board of not more than \$5,000 for each day the violation

1 continues, but in no event shall an administrative fine exceed
2 \$25,000 total per violation;~~or.~~

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

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

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

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

13 "d. Practicing architecture in this state in
14 violation of the standards of professional conduct established
15 by the board; ~~or~~

16 "e. Practicing architecture in this or any other
17 state or country in violation of the laws of that state or
18 country; or

19 "f. Aiding or abetting any individual, partnership
20 or corporation to engage in the practice of architecture in
21 violation of any provisions of law.

22 "(4) Pursuant to this subdivision (3), notice of the
23 nature of the charges placed against an architect and the time
24 and place of hearing these charges by the board must be sent
25 to the accused by ~~registered~~ certified mail, with return

1 receipt requested, and addressed to his or her last known
 2 place of business, or residence, not less than ~~10~~ 30 days
 3 before the date fixed for such hearing. ~~Said~~ The notice shall
 4 inform the individual that he or she is entitled to be
 5 represented by counsel of his or her choosing at the hearing,
 6 to have witnesses testify in his or her behalf at the hearing,
 7 to confront and cross-examine witnesses at the hearing and to
 8 testify in his or her own behalf at the hearing.

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

16 "§34-2-35.

17 "(a) Each registrant must obtain a seal of a design
 18 authorized by the board bearing the registrant's name, the
 19 legend "Registered Architect(s)," the words "State of Alabama"
 20 and the registrant's license registration number.

21 ~~"(b) Partnerships or corporations performing~~
 22 ~~architectural services in this state must be issued annually a~~
 23 ~~certificate of authorization to practice architecture by the~~
 24 ~~board, and must submit an application and a fee not to exceed~~
 25 ~~\$100.00 for a certificate of authorization. Certificates shall~~

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

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

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

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

1 in its own name bring an action in the circuit court for an
2 injunction, and ~~said~~ the court may enjoin any person from
3 violating this chapter regardless of whether the proceedings
4 have been or may be instituted before the board or whether
5 criminal proceedings have been or may be instituted.

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

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

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

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

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

1 "(5) Falsely impersonating another registered
2 architect of like or different name.

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

5 "(7) Directing the professional judgment of a
6 registered architect who is responsible for the practice of
7 architecture.

8 "(d) The board shall determine the amount of the
9 civil penalty which shall not exceed five thousand dollars
10 (\$5,000) for each day the violation continues and shall not be
11 greater than twenty-five thousand dollars (\$25,000) total per
12 violation.

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

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

22 "(g) A person aggrieved by the levy of a civil
23 penalty under this section may file an appeal to the Circuit
24 Court of Montgomery County exclusively for judicial review of
25 the penalty within 30 days notwithstanding the Administrative

1 Procedure Act. Unless an appeal is taken or the penalty paid,
2 the order of the board imposing the civil penalty shall become
3 a judgment.

4 "(h) If a person fails to pay a civil penalty within
5 30 days after entry of an order pursuant to subsection (a) or
6 if the order is stayed pending an appeal, within 10 days after
7 the court enters a final judgment in favor of the board of an
8 order appealed pursuant to subsection (e), the board shall
9 notify the Attorney General. The Attorney General may commence
10 a civil action to recover the amount of the penalty plus
11 attorney's fees and costs.

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

14 "§34-2-37.

15 "It shall be lawful for a corporation, a
16 professional corporation, or a professional association, a
17 partnership, or a limited liability company (the entity) to
18 practice architecture in this state provided that: all
19 officers and voting stockholders are architects or
20 professional engineers registered under the laws of Alabama.

21 "(a) A minimum of two-thirds of those responsible
22 for controlling the activities of the entity (including
23 officers, partners, directors, members, and others depending
24 on the legal structure of the entity) are voting stockholders
25 who are architects and/or professional engineers registered

1 under the laws of any United States jurisdiction and at least
2 one is an architect registered in Alabama.

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

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

14 "(d) Other officers, partners, directors, or members
15 shall not direct the professional judgment of the architect in
16 responsible control over the practice of architecture by the
17 entity.

18 "(e) The entity shall furnish the board with such
19 information about its organization and activities as the board
20 shall require by regulation and pay an annual administrative
21 fee as the board may require, not to exceed two hundred fifty
22 dollars (\$250). The board shall maintain a public roster of
23 such entities. Practice of said corporation, professional
24 corporation or professional association shall be under the
25 direct control of an officer who is a duly registered

1 ~~architect in this state and whose name shall appear on all~~
2 ~~documents of said corporation, professional corporation or~~
3 ~~professional association in its practice of architecture.~~

4 ~~"The name of such corporation, professional~~
5 ~~corporation or professional association shall not contain the~~
6 ~~names of former partners who, by virtue of death, retirement~~
7 ~~or resignation, are no longer active participants in the~~
8 ~~practice of architecture. Upon the death, retirement or~~
9 ~~resignation of any named partner, the name of the corporation,~~
10 ~~professional corporation or professional association shall be~~
11 ~~renamed within two years in accordance with the provisions of~~
12 ~~this section.~~

13 ~~"Nothing herein contained shall apply to a~~
14 ~~corporation, professional corporation or professional~~
15 ~~association legally practicing architecture in this state on~~
16 ~~September 7, 1967.~~

17 ~~"All corporations, professional corporations,~~
18 ~~professional associations, partnerships, and limited liability~~
19 ~~companies (entities) practicing architecture in the State of~~
20 ~~Alabama must fully comply with the above requirements within~~
21 ~~two years of this requirement becoming law.~~

22 ~~"Applications to practice as an above described~~
23 ~~entity shall be made on an annual basis. Disciplinary action~~
24 ~~for the entities shall be the same as for registered~~
25 ~~architects. Approved entities shall be responsible for the~~

1 acts of their agents, employees, general partners, directors,
2 or officers.

3 ~~"It shall be lawful for a partnership composed of~~
4 ~~architects and professional engineers registered under the~~
5 ~~laws of this state to practice architecture. Said partnership~~
6 ~~must include at least one architect. The practice of said~~
7 ~~partnership shall be under the direct control of a partner who~~
8 ~~is a duly registered architect in this state and whose name~~
9 ~~shall appear on all documents of said partnership in its~~
10 ~~practice of architecture.~~

11 ~~"The name of such partnership shall not contain the~~
12 ~~name of a former partner who, by virtue of death, retirement~~
13 ~~or resignation, is no longer an active participant in the~~
14 ~~practice of architecture. Upon the death, retirement or~~
15 ~~resignation of a partner, said partner's name shall be removed~~
16 ~~from the name of the partnership within two years in~~
17 ~~accordance with the provisions of this section.~~

18 ~~"Foreign corporations who do not otherwise comply~~
19 ~~with the provisions of this chapter shall not practice~~
20 ~~architecture in the State of Alabama. However, an individual~~
21 ~~licensed to practice pursuant to this chapter who is a member~~
22 ~~of a foreign corporation shall be allowed to practice in the~~
23 ~~State of Alabama so long as he does so in his individual name.~~

24 ~~"§34-2-38.~~

1 "To carry out the provisions of this chapter, there
2 shall be a State Board for Registration of Architects,
3 consisting of six members, each of whom shall be appointed by
4 the Governor from a list of three persons selected as follows:

5 "(1) All appointments as members of the board shall
6 be architects registered and licensed pursuant to this
7 chapter. The board shall be appointed from the following
8 districts: One from the northern district; two from the north
9 central district; two from the central district, and one from
10 the southern district. The northern district shall be
11 comprised of the Counties of Colbert, Cullman, DeKalb,
12 Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison,
13 Marion, Marshall, Morgan, and Winston; the north central
14 district shall be comprised of the Counties of Bibb, Blount,
15 Calhoun, Cherokee, Clay, Cleburne, Etowah, Fayette, Greene,
16 Hale, Jefferson, Lamar, Pickens, Randolph, Shelby, St. Clair,
17 Sumter, Talladega, Tuscaloosa, and Walker; the central
18 district shall be comprised of the Counties of Autauga,
19 Barbour, Bullock, Butler, Chambers, Chilton, Coffee, Coosa,
20 Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Henry,
21 Houston, Lee, Lowndes, Macon, Marengo, Montgomery, Perry,
22 Pike, Russell, Tallapoosa, and Wilcox; and the southern
23 district shall be comprised of the Counties of Baldwin,
24 Choctaw, Clark, Conecuh, Escambia, Mobile, Monroe, and
25 Washington.

1 "(2) Thirty days before the expiration of a board
2 member's term, or for filling a vacancy otherwise occurring, a
3 nominating committee of six members shall be selected by
4 secret ballot from the district entitled to fill the vacancy.
5 The nominating committee shall be elected at a meeting in the
6 district called by the ~~secretary~~ executive director of the
7 board, who shall give notice in writing of the time and place
8 of the called meeting to each architect in the district at
9 least 30 days in advance of the date set for the meeting.
10 Those architects present at the called meeting may vote on the
11 membership of the nominating committee. After the selection of
12 the nominating committee from the district where the vacancy
13 occurs, there shall be a meeting of the committee with the
14 board at the same place within five days to select, by secret
15 ballot, the names of three persons to be sent to the Governor
16 by the ~~secretary~~ executive director of the board. The Governor
17 shall appoint one of the named persons to the board. In
18 appointing members to the board, the Governor shall select
19 those persons whose appointments, to the extent possible,
20 ensure that the membership of the board is inclusive and
21 reflects the racial, gender, geographic, urban/rural, and
22 economic diversity of the state.

23 "(3) The term of office of the members of the board
24 shall be four years and until their successors are appointed
25 and qualified.

1 "(4) A member shall reside and have his or her
2 principal office in the district from which appointed. A
3 member's place on the board shall become vacant if the member
4 removes either his or her residence or principal office from
5 that district.

6 "§34-2-40.

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

9 "(b) The board shall elect annually a chairman and
10 vice chairman who must be members of ~~said the board, and a~~
11 ~~secretary, who may or may not be a licensee of said board.~~ The
12 board may, ~~with the approval of the Governor,~~ employ an
13 executive director, clerks, experts, attorneys, and others, as
14 may be necessary in the carrying out of the provisions of this
15 chapter.

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

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

21 "§34-2-41.

22 "The ~~secretary~~ executive director of the board shall
23 receive and account for all moneys derived from the operation
24 of this chapter. Such moneys shall be certified into the
25 treasury in a fund to be known as the "Fund of the Board for

1 the Registration of Architects." Such fund shall be drawn
2 against only for the purposes of this chapter.

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

5 "Each member of the board shall receive a per diem
6 as recommended by the board consistent with applicable state
7 laws for attending sessions of the board or its committee, and
8 for the time spent in necessary travel to attend meetings of
9 ~~said the~~ board or its committee. In addition, each member of
10 the board shall be reimbursed for traveling and clerical
11 expenses incurred in carrying out the provisions of this
12 chapter.

13 "Expenses certified by the board as properly and
14 necessarily incurred in the discharge of its duties,
15 including, but limited to, authorized compensations,
16 additional legal services, experts, clerks, office rent, and
17 supplies, shall be paid out of ~~said the~~ fund on the warrant of
18 the Comptroller of the state. Such warrant shall be issued on
19 requisitions signed by the chairman and ~~secretary~~ executive
20 director of the board. At no time in any fiscal year shall the
21 total amount of warrants issued exceed the total amount of
22 moneys accumulated in this fund.

23 "The board may make donations from its surplus funds
24 to any state educational institution which has an accredited

1 school of architecture for assistance in promoting education
 2 and research programs in architecture.

3 "The chairman and the ~~secretary~~ executive director
 4 of the board shall give a surety bond in an amount no less
 5 than the previous year's budget payable to the State of
 6 Alabama and conditioned upon the faithful performance of their
 7 duties under this chapter. The premium of ~~said the~~ bond shall
 8 be paid out of the moneys in the "Fund of the Board for the
 9 Registration of Architects."

10 "§34-2-42.

11 "On or before January 1 of each year, the board
 12 shall submit to the Governor a report of its transactions for
 13 the preceding fiscal year, together with a complete statement
 14 of receipts and disbursements of the board for its last fiscal
 15 year, certified by the chairman and the ~~secretary, and a copy~~
 16 ~~of the said roster of registered architects~~ executive
 17 director."

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-FEB-10.

Greg Pappas
Clerk

Senate

14-APR-10

Passed