

CITIZENSHIP-CITIZENS:
LICENSES:
PROFESSIONAL ENGINEERS:
REGISTERED ENGINEERS:
STATUTORY CONSTRUCTION:

Exchange or reciprocal registration may be granted to an applicant under Section 327.100, RSMo, if he meets the requirements set forth therein even if the applicant is not a citizen of the United States or Puerto Rico.

December 13, 1966

OPINION NO. 437

Mrs. Olean Barton, Acting Secretary
State Board of Registration for
Architects and Professional Engineers
Box 184
Jefferson City, Missouri



Dear Mrs. Barton:

This is in answer to your request for an opinion of this office as to whether a person who is not a citizen of the United States may be registered by the State Board of Registration for Architects and Professional Engineers (the board) under the provisions of Section 327.100, RSMo.

The basic provisions authorizing the registration of architects and professional engineers in this state are set forth in Section 327.030, RSMo. Paragraph 2 of this section provides:

"2. Any citizen of the United States of America, Alaska, Hawaii or Puerto Rico, over the age of twenty-one years and of good moral character, shall be registered by the board, on recommendation of its professional engineering division and payment of the fee required by law, if he shall claim in his application to be, and show to the satisfaction of the professional engineering division that he is, qualified for such registration under any of the following subdivisions of this subsection:

* * * *

(3) That he is qualified for registration under any rule of comity or reciprocity on the filing of the official certificate of

Mrs. Olean Barton

another state registration authority showing that he is qualified for registration under any such rule."

Additional provisions authorizing reciprocal registration of engineers are found in Section 327.100, RSMo, as follows:

"1. Exchange or reciprocal registration may be granted to any registered architect or registered professional engineer of another state, territory or possession of the United States or of any country, on the same terms and under the same conditions as the officer or officers of such other state, territory, possession or country, authorized by law to register architects and professional engineers, will grant exchange or reciprocal registration to a resident architect or professional engineer registered by the board; provided, the qualifications and experience of the applicant, as shown by the certificate of the registering authority of such other state, territory, possession or country, are equivalent to the requirements for initial registration in this state.

"2. The board is hereby authorized to negotiate and effect arrangements with the appropriate officers of other states, territories, possessions and countries, to facilitate such exchange or reciprocal registration."

While there appears to be some conflict between the two sections, inasmuch as Section 327.030 requires those engineers registered thereunder to be an American citizen while Section 327.100 does not, the legislative history of the two sections indicates that reciprocal registration under Section 327.100 is not subservient to the provisions of Section 327.030, and citizenship is not a requirement for reciprocal registration thereunder.

Section 327.030, as originally enacted, did not require applicants for registration thereunder to be a citizen of the United States, or its territories. Laws 1941, p. 655, Sec. 11. Neither did this section provide for registration by reciprocity or comity with other states. In this original law, the only provisions for such registration were contained in Section 18, now Section 327.100. As now, the original Section 18 contained no requirements of citizenship.

Mrs. Olean Barton

Section 327.030 (formerly Sec. 11) was amended in 1951 by, among other things, adding the citizenship requirement and providing for reciprocal and comity registration in the same language as now contained in paragraph (3) quoted above. Section 327.100 was amended to its present form in 1947 and was unaffected by the amendment to Section 327.030 in 1951.

Thus, since the reciprocal registration authority given by Section 327.100 was in existence prior to the similar authority added to Section 327.030, the requirements of the former section cannot be said to be governed by the requirements of the latter. Since there are no requirements that one seeking reciprocal registration under Section 327.100 be an American citizen, no such requirement is superimposed by the provisions of Section 327.030.

CONCLUSION

Exchange or reciprocal registration may be granted to an applicant under Section 327.100, RSMo, if he meets the requirements set forth therein even if the applicant is not a citizen of the United States.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John H. Denman.

Very truly yours,


NORMAN H. ANDERSON
Attorney General