

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1787

01/24/2012 Authored by Gunther and Lillie

The bill was read for the first time and referred to the Committee on Jobs and Economic Development Finance

03/21/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Ways and Means

03/29/2012 Adoption of Report: Pass and Read Second Time

1.1 A bill for an act
 1.2 relating to occupations and professions; modifying licensing provisions and fees
 1.3 for architecture, engineering, land surveying, landscape architecture, geoscience,
 1.4 and interior design professions; amending Minnesota Statutes 2010, sections
 1.5 326.02, subdivision 3; 326.04; 326.10, subdivisions 1, 2a, 7, 9; 326.105; 326.107,
 1.6 subdivisions 1, 2, 7; 326.12, subdivision 2.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2010, section 326.02, subdivision 3, is amended to read:

1.9 Subd. 3. **Practice of professional engineering.** (a) Any person shall be deemed to
 1.10 be practicing professional engineering within the meaning of sections 326.02 to 326.15
 1.11 who holds out as being able to perform or who does perform any technical professional
 1.12 service, such as planning, design or observation of construction for the purpose of
 1.13 assuring compliance with specifications and design, in connection with any public or
 1.14 private structures, buildings, utilities, machines, equipment, processes, works, or projects
 1.15 wherein the public welfare or the safeguarding of life, health, or property is concerned
 1.16 or involved, when such professional service requires the application of the principles of
 1.17 mathematics and the physical and applied engineering sciences, acquired by education
 1.18 or training, and by experience.

1.19 (b) No person other than one licensed under sections 326.02 to 326.15 as a
 1.20 professional engineer may:

1.21 (1) use the term "professional engineer";

1.22 (2) use any other abbreviation or term, including the initials "P.E." or "PE" by
 1.23 signature, verbal claim, sign, advertisement, letterhead, card, or similar means that would
 1.24 lead the public to believe that the person was a licensed professional engineer; or

2.1 (3) use any means or in any other way make a representation that would lead the
2.2 public to believe that the person was a licensed professional engineer.

2.3 (c) No state, public agency, local governmental unit, or other public entity shall
2.4 require a person licensed as a professional engineer under sections 326.02 to 326.15 to
2.5 pass any additional test or examination in order to obtain a license, certification, or any
2.6 other form of approval to perform any actions that the person is authorized to perform as a
2.7 professional engineer unless the state, public agency, local governmental unit, or other
2.8 public entity has made an affirmative determination that qualification as a professional
2.9 engineer is not adequate to safeguard life, health, and property, and to promote the public
2.10 welfare regarding the items that are the subject of the licensure or certification. This
2.11 section does not preclude public entities from including additional requirements when
2.12 soliciting public contracts for engineering services.

2.13 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.14 and does not apply to practice areas where licenses or certifications are required prior to
2.15 the effective date.

2.16 Sec. 2. Minnesota Statutes 2010, section 326.04, is amended to read:

2.17 **326.04 BOARD ESTABLISHED.**

2.18 To carry out the provisions of sections 326.02 to 326.15 there is hereby created
2.19 a Board of Architecture, Engineering, Land Surveying, Landscape Architecture,
2.20 Geoscience, and Interior Design consisting of 21 members, who shall be appointed by
2.21 the governor. Three members shall be licensed architects, five members shall be licensed
2.22 engineers, two members shall be licensed landscape architects, two members shall be
2.23 licensed land surveyors, two members shall be certified interior designers, two members
2.24 shall be licensed geoscientists, and five members shall be public members. Not more than
2.25 one member of the board shall be from the same branch of the profession of engineering.
2.26 ~~The first professional geoscientist members shall be appointed as soon as possible and no~~
2.27 ~~later than October 1, 1995. One of these members shall serve for a term to end January~~
2.28 ~~1, 1997. The other member shall serve for a term to end January 1, 1999. The second~~
2.29 ~~licensed landscape architect and certified interior designer members shall be appointed~~
2.30 ~~to succeed the two public members whose terms end on January 1, 1996. The second~~
2.31 ~~licensed landscape architect and certified interior designer members shall be appointed~~
2.32 ~~by the governor no later than October 1, 1995, and shall serve a term to end on January~~
2.33 ~~1, 2000. During the time from the appointment of these members until January 1, 1996,~~
2.34 ~~the board shall consist of 23 members. Membership terms, compensation of members,~~

3.1 removal of members, the filling of membership vacancies, and fiscal year and reporting
3.2 requirements shall be as provided in sections 214.07 to 214.09. Members shall be limited
3.3 to two terms. The provision of staff, administrative services and office space; the review
3.4 and processing of complaints; the setting of board fees; and other provisions relating to
3.5 board operations shall be as provided in chapter 214.

3.6 Sec. 3. Minnesota Statutes 2010, section 326.10, subdivision 1, is amended to read:

3.7 Subdivision 1. **Issuance.** ~~(a)~~ The board shall on application therefor on a prescribed
3.8 form, and upon payment of a fee prescribed by rule of the board, issue a license or
3.9 certificate as an architect, engineer, land surveyor, landscape architect, geoscientist, or
3.10 certified interior designer. A separate fee shall be paid for each profession licensed.

3.11 (1) To any person over 25 years of age, who is of good moral character and repute,
3.12 and who has the experience and educational qualifications which the board by rule may
3.13 prescribe.

3.14 (2) To any person who holds an unexpired certificate of registration or license issued
3.15 by proper authority in the District of Columbia, any state or territory of the United States,
3.16 or any foreign country, in which the requirements for registration or licensure of architects,
3.17 engineers, land surveyors, landscape architects, geoscientists, or certified interior
3.18 designers, respectively, at the time of registration or licensure in the other jurisdiction, were
3.19 equal, in the opinion of the board, to those fixed by the board and by the laws of this state,
3.20 and in which similar privileges are extended to the holders of certificates of registration or
3.21 licensure issued by this state. The board may require such person to submit a certificate of
3.22 technical qualification from the National Council of Architectural Registration Boards
3.23 in the case of an architect, from the National Council of Examiners for Engineering
3.24 and Surveying in the case of an engineer, from the Council of Landscape Architectural
3.25 Registration Boards in the case of a landscape architect, and from the National Council for
3.26 Interior Design Qualification in the case of a certified interior designer.

3.27 ~~(b) Notwithstanding paragraph (a), for one year from the effective date of rules~~
3.28 ~~adopted by the board with respect to the discipline of professional geoscience, the board~~
3.29 ~~may accept as evidence that the applicant is qualified for licensing in the discipline of~~
3.30 ~~professional geoscience:~~

3.31 ~~(1) a record of graduation with a baccalaureate degree from a school or college~~
3.32 ~~having accreditation defined by the board and a geoscience or associated science~~
3.33 ~~curriculum approved by the board; and~~

3.34 ~~(2) at least five years of active professional practice in the discipline of professional~~
3.35 ~~geoscience as approved by the board.~~

4.1 Sec. 4. Minnesota Statutes 2010, section 326.10, subdivision 2a, is amended to read:

4.2 Subd. 2a. **Needs of physically disabled, inclusion in examination.** Examinations
4.3 for architect, civil structural engineer, landscape architect, and certified interior designer
4.4 shall include questions which require the applicant to demonstrate knowledge of the
4.5 design needs of people with physical disabilities and of the relevant statutes and codes.
4.6 ~~The questions shall be developed by the board in consultation with the Department~~
4.7 ~~of Administration.~~

4.8 Sec. 5. Minnesota Statutes 2010, section 326.10, subdivision 7, is amended to read:

4.9 Subd. 7. **Engineer, land surveyor, geoscientist; in-training.** (1) An applicant for
4.10 certification as an engineer-in-training who is a graduate with a bachelor of engineering
4.11 degree from a school or college having an accredited engineering curriculum ~~accredited by~~
4.12 ~~the engineers' council for professional development~~ or whose education, in the opinion of
4.13 the board, is equivalent thereto, shall receive from the board, upon passing an examination
4.14 in fundamental engineering subjects, a certificate stating that the applicant has passed such
4.15 examination and that the applicant's name has been recorded as an engineer-in-training.

4.16 (2) An applicant for certification as a land surveyor-in-training who is a graduate
4.17 with a bachelor's degree from a school or college having an accredited engineering or
4.18 land surveying curriculum or who has equivalent education, in the opinion of the board,
4.19 shall receive from the board, upon passing a written examination in the fundamentals
4.20 of mathematics and the basic principles of land surveying, a certificate stating that the
4.21 applicant has passed such examination and that the applicant's name has been recorded as
4.22 a land surveyor-in-training.

4.23 (3) An applicant for certification as a geoscientist-in-training who is a graduate with
4.24 a baccalaureate degree from a school or college having accreditation defined by the board
4.25 and a geoscience or associated science curriculum approved by the board, shall receive
4.26 from the board, upon passing the appropriate examination in fundamental geoscience
4.27 subjects for the applicant's discipline as approved by the board, a certificate stating that
4.28 the applicant's name has been recorded as a geoscientist-in-training with the appropriate
4.29 geoscientist-in-training legend as approved by the board.

4.30 Sec. 6. Minnesota Statutes 2010, section 326.10, subdivision 9, is amended to read:

4.31 Subd. 9. **Reinstatement of expired license or certificate.** A licensee or certificate
4.32 holder whose license or certificate has expired may reinstate the expired license or
4.33 certificate by satisfying all prior continuing education requirements to a maximum of 48
4.34 professional development hours, by paying all of the renewal fees due for all prior renewal

5.1 periods that the license or certificate was expired and the current renewal period, and
5.2 paying a delayed renewal fee in the amount set by the board. The continuing education
5.3 requirement must be satisfied with professional development hours completed within
5.4 the four years immediately prior to reinstatement and may not include any professional
5.5 development hours that had previously been used to renew the license or certificate being
5.6 reinstated.

5.7 To reinstate an expired license or certificate, the licensee or certificate holder must
5.8 file with the board an application for reinstatement consisting of a fully completed form
5.9 provided by the board and the fees specified in this subdivision. The form must be signed,
5.10 contain all of the information requested, and clearly show that the licensee or certificate
5.11 holder either has completed the minimum number of required professional development
5.12 hours, has provided a certification under section 326.107, subdivision 5, to the board, or
5.13 has been granted an exemption under section 326.107, subdivision 4. An application
5.14 for reinstatement that does not comply with the requirements of this subdivision is an
5.15 incomplete application and must not be accepted by the board.

5.16 Sec. 7. Minnesota Statutes 2010, section 326.105, is amended to read:

5.17 **326.105 FEES.**

5.18 ~~The fee for licensure or renewal of licensure as an architect, professional engineer,~~
5.19 ~~land surveyor, landscape architect, or geoscience professional is \$120 per biennium.~~
5.20 ~~The fee for certification as a certified interior designer or for renewal of the certificate~~
5.21 ~~is \$120 per biennium. The fee for an architect applying for original certification as a~~
5.22 ~~certified interior designer is \$50 per biennium. The initial license or certification fee for~~
5.23 ~~all professions is \$120. The renewal fee shall be paid biennially on or before June 30 of~~
5.24 ~~each even-numbered year. The renewal fee, when paid by mail, is not timely paid unless it~~
5.25 ~~is postmarked on or before June 30 of each even-numbered year. The application fee is~~
5.26 ~~\$25 for in-training applicants and \$75 for professional license applicants.~~

5.27 (a) All applications or requests for service must be accompanied by payment of the
5.28 appropriate fee described in this section.

5.29 (b) The application fee is \$25 for in-training applicants and \$75 for professional
5.30 license applicants and for certified interior design applicants. The fee for initial licensure
5.31 or renewal of licensure as an architect, professional engineer, land surveyor, landscape
5.32 architect, or geoscience professional or for certification or renewal of certification as a
5.33 certified interior designer is \$120 per biennium. The renewal fee shall be paid biennially
5.34 on or before June 30 of each even-numbered year. The renewal fee, when paid by mail, is
5.35 not timely unless it is postmarked on or before June 30 of each even-numbered year.

6.1 (c) The fee for verification of data on examinees, licensees, interior design certificate
6.2 holders, or in-training certificate holders and requests for transfer of grades is \$25 per
6.3 request. Requests must be made in writing and include an addressed, stamped envelope.

6.4 (d) The examination administration fee for any examination administered by the
6.5 board is \$100.

6.6 (e) All fees are nonrefundable.

6.7 Sec. 8. Minnesota Statutes 2010, section 326.107, subdivision 1, is amended to read:

6.8 Subdivision 1. **Requirements.** (a) Architects, professional engineers, land
6.9 surveyors, landscape architects, geoscientists, and interior designers licensed or certified
6.10 by this board must obtain the number of professional development hours described in
6.11 paragraphs (b) to (d) during each two-year period of licensure or certification identified in
6.12 section 326.105. This requirement must be satisfied during the two-year period prior to
6.13 biennial renewal except for a carryover permitted from the previous renewal period, which
6.14 must not exceed 50 percent of the biennial requirement of professional development hours.

6.15 (b) Licensed professional engineers must earn a minimum of 24 professional
6.16 development hours, of which two must be dedicated to professional ethics, per biennial
6.17 renewal except for the carryover permitted. The ethics hours must have been earned
6.18 during the biennium to which they are applied and shall not be used toward carryover.

6.19 (c) Licensed architects, land surveyors, landscape architects, geoscientists, and
6.20 certified interior designers must earn a minimum of 24 professional development hours,
6.21 of which two must be dedicated to professional ethics, per biennial renewal except for
6.22 the carryover permitted. The ethics hours must have been earned during the biennium to
6.23 which they are applied and shall not be used toward carryover.

6.24 (d) Dual license or certificate holders who have obtained a license or certificate for
6.25 two professions must earn professional development hours required by the license or
6.26 certificate requiring the greatest number of professional development hours and must
6.27 obtain in each profession a minimum of one-third of the total professional development
6.28 hours required. The remaining one-third requirement may be obtained in either profession
6.29 at the sole discretion of the licensee or certificate holder.

6.30 Sec. 9. Minnesota Statutes 2010, section 326.107, subdivision 2, is amended to read:

6.31 Subd. 2. **Programs and activities.** Continuing education must consist of learning
6.32 experiences which enhance and expand the skills, knowledge, and abilities of practicing
6.33 professionals to remain current and render competent professional services to the public.
6.34 Practitioners may pursue technical, nontechnical, regulatory, ethical, and business

7.1 practice needs for a well-rounded education provided the education directly benefits the
7.2 health, safety, or welfare of the public. Continuing education activities which satisfy the
7.3 professional development requirement include, but are not limited to, the following:

7.4 (1) completing or auditing college-sponsored courses;

7.5 (2) completing self-study college or non-college-sponsored courses, presented by
7.6 correspondence, Internet, television, video, or audio, ending with examination or other
7.7 verification processes;

7.8 (3) participation in seminars, tutorials, televised or videotaped courses, or short
7.9 courses;

7.10 (4) attending self-sponsored and prepared in-house educational programs;

7.11 (5) completing a study tour with a structured program resulting in a written or visual
7.12 presentation by the licensee or certificate holder;

7.13 (6) presenting or instructing qualifying courses or seminars. Professional
7.14 development hours may be earned for preparation time for the initial presentation;

7.15 (7) authoring published papers, articles, or books. Professional development hours
7.16 earned may equal preparation time spent, may be claimed only following publication, and
7.17 shall be given for authorship or presentation, but not for both;

7.18 (8) participating in professional examination grading or writing. A maximum of five
7.19 professional development hours per biennium may be applied from this source. The hours
7.20 from this source must have been earned during the biennium to which they are applied
7.21 and shall not be used toward carryover;

7.22 (9) providing professional service to the public which draws upon the licensee's
7.23 or certificate holder's professional expertise on boards, commissions, and committees
7.24 such as planning commissions, building code advisory boards, urban renewal boards,
7.25 or non-work-related volunteer service. A maximum of ten professional development
7.26 hours per biennium may be applied from this source regardless of the number of boards,
7.27 commissions, and committees the licensee or certificate holder serves. The hours from
7.28 this source must have been earned during the biennium to which they are applied and
7.29 shall not be used toward carryover; and

7.30 (10) patents, after they are granted, for a credit of ten professional development
7.31 hours. The patent must have been granted during the biennium to which the hours are
7.32 applied and shall not be used toward carryover.

7.33 Sec. 10. Minnesota Statutes 2010, section 326.107, subdivision 7, is amended to read:

7.34 Subd. 7. **Reports and records.** The licensee or certificate holder shall maintain
7.35 a file in which records of courses and activities are kept, including dates, subjects,

8.1 duration of programs, sponsoring organization, professional development hours earned,
8.2 registration receipts where appropriate, and other pertinent documentation, for a period
8.3 of ~~two~~ four years after submission to the board. This information may be required to
8.4 be produced by licensees or certificate holders. The board may require a licensee or
8.5 certificate holder to produce this information in connection with verification of a renewal
8.6 application, a random audit conducted by the board, or upon receipt of a complaint
8.7 alleging noncompliance on the part of a licensee or certificate holder.

8.8 Sec. 11. Minnesota Statutes 2010, section 326.12, subdivision 2, is amended to read:

8.9 Subd. 2. **Seal.** Each licensee or certificate holder may, upon licensure or
8.10 certification, obtain a seal ~~of a design approved by the board,~~ bearing the licensee's or
8.11 certificate holder's name and the legend "licensed architect," "licensed professional
8.12 engineer," "licensed land surveyor," "licensed landscape architect," the appropriate
8.13 licensed professional geoscientist legend as defined by the board, or "certified interior
8.14 designer." Plans, specifications, plats, reports, and other documents prepared by a licensee
8.15 or certificate holder may be stamped with the seal during the life of the license or
8.16 certificate. A rubber stamp facsimile thereof may be used in lieu of the seal on tracings
8.17 from which prints are to be made or on papers which would be damaged by the regular
8.18 seal. It shall be unlawful for any one to stamp or seal any document with the stamp or
8.19 seal after the license or certificate has expired, been revoked or suspended, unless said
8.20 license or certificate shall have been renewed or reissued.