

village or city for so permanently improving roads or any part thereof described in Article 16 of the Constitution of the State of Minnesota, heretofore and subsequent to February 1, 1919, shall be regarded and dealt with as moneys expended by such county in permanently improving roads or any part thereof; provided, such work shall have been done in accordance with plans and specifications approved by the Commissioner of Highways. Before any payment shall be made by any county, to any such township, borough, village or city, the plans and specifications for such work, the work done and the contract price paid therefor, shall be first approved by the Commissioner of Highways, by order made and filed in his office, a certified copy of which order shall be filed with the county auditor of any such county. That thereafter the county board of any such county shall authorize the county auditor to issue his warrant on the road and bridge fund of such county in the amount so approved by the Commissioner of Highways to such township, borough, village or city. Any such warrants paid, or warrants so issued and not paid for lack of funds, may be funded or refunded by such county in the manner provided herein for the funding and refunding of moneys expended by such county derived from taxes or other funds.

(i) Whenever the words "permanently improving" are used in this act they shall be construed to mean permanently improving any road described in Article 16 of the Constitution of the State of Minnesota, in accordance with plans and specifications therefor approved by the Commissioner of Highways.

(j) In the event that any provision or paragraph or part of this act shall be questioned in any court and shall be held to be invalid, the remainder of the act shall not be invalidated, but shall remain in full force and effect.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 25, 1921.

CHAPTER 523—S. F. No. 258.

An act to regulate the practice of architecture, professional engineering and land surveying.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Architects, engineers and surveyors to be registered.**—In order to safeguard life, health and property, any person practicing or offering to practice as an architect, a professional engineer or a land surveyor in this State shall hereafter be required to submit evidence that he is qualified so to

practice, and shall be registered as hereinafter provided; and from and after six months after this act becomes effective, it shall be unlawful for any person to practice or to offer to practice in this State as an architect, a professional engineer (hereinafter called engineer) or a land surveyor except under the provisions of this act.

Sec. 2. Not to apply to practicing architects, etc.—Nothing in this act shall be construed as requiring registration for the continuation of his practice, by any person who prior to the passage of this act resided in this state and practiced as an architect, as an engineer or as a land surveyor; provided, however, no person shall represent himself as, or use the title of, "Registered Architect", "Registered Professional Engineer" or "Registered land Surveyor," unless such person is qualified by registration under this act; nor shall anything in this act be construed as requiring registration by any person, not an architect or an engineer, who may engage in work of an architectural or engineering character; provided, that such person shall not represent himself as a registered architect or as a registered engineer; and provided further, that on drawings, specifications or other documents prepared or issued by such person, he shall not use the title Registered Architect or Registered Engineer, or any other title implying that he is a registered architect or a registered engineer: Nor shall anything in this act be construed as requiring registration by any person selected by any municipality or other public authority to perform public work in the State of Minnesota.

Sec. 3. State board of registration of architects created—Terms—Appointment.—To carry out the provisions of this act there is hereby created a State Board of Registration for architects, engineers and land surveyors (hereinafter called the board) consisting of seven members, who shall be appointed by the Governor within sixty days after this act becomes effective. Three members shall be registered architects, three members shall be registered engineers and one member shall be a registered land surveyor. Not more than one member of said Board shall be from the same branch of the profession of engineering. The members of the first Board shall be appointed to serve for the following terms: two members for one year; two members for two years; two members for three years; and one member for four years, said terms ending on the first day of January of the succeeding years. On the expiration of each of said terms the term of office of each newly appointed or reappointed member of the Board shall be for a period of four years and shall terminate on the first day of January: except that each member shall hold over after the expiration of his

term until his successor shall have been duly appointed and qualified. The Governor may remove any member of the Board for misconduct, incompetency or neglect of duty. Vacancies in the membership of the Board, however created, shall be filled by appointment by the Governor for the unexpired term.

Sec. 4. Qualifications of members of board.—Each member of the Board shall be a citizen of the United States and a resident of this State at the time of his appointment. He shall have been engaged in the practice of his profession for at least ten years and shall have been in responsible charge of work for at least five years. He shall be a member in good standing of a recognized society of architects, engineers or land surveyors, and except as provided in Section 5, shall be a registered architect, registered engineer or registered land surveyor.

Sec. 5. Powers and duties.—Each member of the Board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State the constitutional oath of office. Each member of the Board first created shall receive a certificate of registration under this act from the Governor of this State. The Board or any committee thereof shall be entitled to the services of the Attorney General in connection with the affairs of the Board, and the Board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The Board shall adopt and have an official seal which shall be affixed to all certificates of registration granted; and shall make all by-laws and rules not inconsistent with law needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture or engineering.

Sec. 6. Meetings—Officers—Quorum.—The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect annually from its members a chairman, a vice-chairman and a secretary-treasurer. A quorum of the Board shall consist of not less than four members, of whom two shall be architects and two engineers.

Sec. 7. Fees to be used for expenses—Compensation of members.—All fees and other monies accruing from the operation of this act shall be paid to the Board and shall be used for the purposes of this act. The expenses of the Board shall be

paid by voucher made by the secretary-treasurer and approved by the chairman. Each member of the Board shall receive such compensation as the Board may direct, not to exceed \$10.00 per day for time spent in attending meetings of the Board. The members of the Board shall be reimbursed for actual expenses incurred in travel to and from meetings and for expenditures for hotel bills, meals, stationery, postage, printing, typewriting and the like necessary expenses incurred in the performance of their duties under this act. The secretary-treasurer of the Board shall give a surety bond satisfactory to the State Treasurer conditioned upon the faithful performance of his duties. The premium on said bond shall be regarded as a proper and necessary expense of the Board.

Sec. 8. Records—Reports.—The Board shall keep a record of its proceedings and a register of all applicants for registration showing for each, the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected or a certificate of registration granted, and the date of such action. The books and register of the Board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered architects, engineers and land surveyors shall be prepared by the secretary-treasurer of the Board during the month of January of each year; such roster shall be printed out of the funds of the Board as provided in Section 7. On or before the first day of February of each year the Board shall submit to the Governor and file with the Secretary of State a copy of the report of its transactions for the preceding year together with a complete statement of the receipts and expenditures of the Board signed by the chairman and the secretary treasurer, accompanied by a certified audit, and a copy of the said roster of registered architects, registered engineers and registered land surveyors.

Sec. 9. Application for and issuance of certificates.—The Board shall, on application therefor, on prescribed form and the payment of a fee of not to exceed Twenty-five (\$25.00) Dollars issue a certificate of registration as an architect or an engineer, and on the payment of a fee of not to exceed Ten (\$10.00) Dollars issue a certificate of registration as a land surveyor;

1. To any person over twenty-five (25) years of age, who is a citizen of the United States or Canada, or who has made declaration of his intention to become a citizen of the United States; who speaks and writes the English language; who is of good character and repute, and has been actively engaged for six or more years in architectural or engineering work, or

engaged for four or more years in surveying work. The character of such work shall be equal to the standards fixed by the Board. Each year of teaching or of study satisfactorily completed, of architecture, engineering or surveying in a school of architecture or engineering of a standard recognized by the Board, shall be considered as equivalent to one year of such active engagement.

2. To any person who holds a like unexpired certificate of registration issued to him by proper authority in the District of Columbia, in any state or territory of the United States, or in any province of Canada, in which the requirements for the registration of architects, engineers or land surveyors are equal to those fixed by the Board for this state.

When the evidence presented by an applicant for a certificate of registration does not appear to the Board as conclusive or as warranting the issuance of a certificate, the Board may require further evidence to be presented, or may subject the applicant to such examination as may be deemed necessary to establish his qualifications.

In determining the qualifications of applicants for registration as architects, a majority vote of the architect members of the Board only, shall be required; in determining the qualifications of applicants for registration as engineers a majority vote of the engineer members of the Board only, shall be required; and in determining the qualifications of applicants for registration as land surveyors the affirmative vote of the land surveyor member and of one engineer of the Board only, shall be required.

Any person so qualified may be registered in two or all of the three professions covered by this Act; but the aggregate fee for such registration shall not exceed Twenty-five (\$25.00) Dollars.

In case the Board denies the issuance of a certificate to an applicant, the registration fee deposited shall be returned by the Board to the applicant.

Certificates of registration shall expire on the last day of the calendar year for which they are issued and shall become invalid on that date unless renewed. It shall be the duty of the secretary-treasurer of the Board to notify, by mail, every person registered hereunder of the date of the expiration of his certificate and the amount of the fee required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee of Five (\$5.00) Dollars for an architect or an engineer, and Two (\$2.00) Dollars for a

land surveyor. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of his right of renewal thereafter, but the fees to be paid for the renewal of the certificate after the succeeding first day of January shall be Seven (\$7.00) Dollars for an architect or an engineer, and Three (\$3.00) Dollars for a land surveyor. The aggregate fee for renewal of registration in two or three of the professions shall be the same as the single renewal fee for registration as an architect or an engineer.

Sec. 10. Certificates may be revoked for cause—Reissue.—The Board shall have the power to revoke the certificate of registration of any architect, engineer or land surveyor registered hereunder, who is found guilty of any fraud or deceit in obtaining a certificate of registration or of gross negligence incompetency or misconduct in the practice of architecture, engineering or land surveying. Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any architect, engineer or land surveyor registered hereunder. Such charges shall be in writing, sworn to by the complainant and submitted to the Board; and unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the Board. A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least thirty days before the date fixed for the hearing, and in the event that such service can not be effected thirty days before the hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel, to cross-examine witnesses against him and to produce evidence and witnesses in his defense. If after said hearing five or more members of the Board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate, or of gross negligence, incompetency or misconduct in the practice of architecture, engineering or land surveying, the Board shall revoke the certificate of registration of the accused.

The Board may reissue a certificate of registration to any person whose certificate has been revoked, provided five or more members of the Board vote in favor of such reissuance for reasons the Board may deem sufficient.

A new certificate of registration to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject

to the rules and regulations of the Board. A charge of one dollar shall be made for such reissuance.

Sec. 11. Certificate to be evidence.—The issuance of a certificate of registration by this Board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect, registered engineer or registered land surveyor while the said certificate remains unrevoked or unexpired.

Each registrant hereunder may upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend "Registered Architect," "Registered Professional Engineer" or "Registered Land Surveyor." Plans, specifications, plats, reports or other documents issued by a registrant may be stamped with said seal during the life of registrant's certificate, but it shall be unlawful for anyone to stamp or seal any document with said seal after the certificate of the registrant named thereon has expired or has been revoked.

Sec. 12. Violations—Penalties.—Any person who after this Act has been in effect six months is not authorized to practice in this State as a registered architect, a registered engineer or a registered land surveyor under the provisions of this Act and shall so practice, or offer so to practice, and any person presenting or attempting to file as his own the certificate of registration of another, or who shall give false or forged evidence of any kind to the Board, or to any member thereof, for the purpose of obtaining a certificate of registration, or who shall falsely impersonate any other practitioner, of like or different name, or who shall use or attempt to use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor; and shall for each such offense of which he is convicted be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment for three months, or by both fine and imprisonment. However, nothing in this Act shall be construed as excluding any registered architect from doing work of an engineering character, nor of excluding any registered engineer from doing work of an architectural character.

Sec. 13. Exemptions.—The following shall be exempted from the provisions of this Act:

1. Offering to practice in this State as an architect, an engineer or a land surveyor, by any person not a resident of and having no established place of business in this State.
2. Practice as an architect, an engineer or a land surveyor in this State by any person not a resident of and having

no established place of business in this State, when this practice does not aggregate more than thirty days in any calendar year; provided, that said person is legally qualified for such professional service in his own State or country.

3. Practice as an architect, an engineer or a land surveyor in this State by any person not a resident of and having no established place of business in this State, or any person resident in this State, but whose arrival in the State is recent; provided, however, such person shall have filed an application for registration as an architect, an engineer or a land surveyor and shall have paid the fee provided for in Section 9 of this Act. Such exemption shall continue for only such reasonable time as the Board requires in which to consider and grant or deny the said application for registration.
4. Practice as an architect, an engineer or a land surveyor by any person not a resident of, and having no established place of business in this State, as a consulting associate of an architect, an engineer or a land surveyor registered under the provisions of this Act; provided the non-resident is qualified for such professional service in his own State or country.
5. Practice as an architect, an engineer or a land surveyor solely as an officer or as an employee of the United States.

Sec. 14. Corporations may engage in work if responsible head is registered.—A corporation or partnership may engage in work of an architectural or engineering character, or in land surveying, in this State, provided the person or persons connected with such corporation or partnership in responsible charge of such work is or are registered as herein required of architects, engineers and land surveyors, or is or are otherwise authorized to practice. The same exemptions shall apply to corporations and partnerships as apply to individuals under this Act.

Sec. 15. Definitions.—Land surveying as covered by this Act refers only to surveys for the establishment or re-establishment of land boundaries, the subdivision and platting of land and the determination of areas.

Sec. 16. Inconsistent acts repealed.—All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 17. This bill shall take effect and be in force from and after its passage.

Approved April 25, 1921.