

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 1790

(SENATE AUTHORS: REINERT)

DATE	D-PG	OFFICIAL STATUS
02/25/2014	5827	Introduction and first reading Referred to State and Local Government
03/26/2014	6838	Comm report: To pass
	6864	Second reading
05/06/2014	8735	HF substituted on General Orders HF2670

A bill for an act

1.1 relating to occupations; modifying licensing provisions for architecture,
 1.2 engineering, land surveying, landscape architecture, geoscience, and interior
 1.3 design professions; amending Minnesota Statutes 2012, sections 326.02,
 1.4 subdivisions 3, 4; 326.04; 326.10, subdivisions 1, 2a, 7, 9; 326.107, subdivisions
 1.5 1, 2, 7; 326.111, subdivision 3; 326.12, subdivision 2; repealing Minnesota
 1.6 Statutes 2012, section 326.107, subdivision 5.
 1.7

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

1.9 Section 1. Minnesota Statutes 2012, section 326.02, subdivision 3, is amended to read:

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

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

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

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

2.3 Sec. 2. Minnesota Statutes 2012, section 326.02, subdivision 4, is amended to read:

2.4 Subd. 4. **Practice of land surveying.** Land surveying means the application of
 2.5 the principles of mathematics, physical and applied sciences and law to measuring and
 2.6 locating lines, angles, elevations and natural or artificial features in the air, on the surface
 2.7 of the earth, underground and on the beds of bodies of water for the purpose of:

2.8 (1) determining, monumenting, establishing, or reestablishing property boundaries;

2.9 (2) determining, monumenting, or reestablishing the position for any public land
 2.10 survey system corner or line;

2.11 ~~(2)~~ (3) planning, designing, and platting of land and subdivisions including the
 2.12 topography, alignment and grades of streets; and

2.13 ~~(3)~~ (4) preparing and perpetuating maps, record plats, and property descriptions.

2.14 Any person who offers to perform, holds out as being able to perform, or who does
 2.15 perform land surveying for others shall be practicing land surveying.

2.16 Nothing contained in the provisions of sections 326.02 to 326.15, shall prohibit a
 2.17 licensed professional engineer, architect, landscape architect, or professional geoscientist
 2.18 from doing any work included in the practice of engineering, architecture, landscape
 2.19 architecture, and professional geoscience, if the work does not involve the establishment
 2.20 or reestablishment of property corners ~~or~~, property lines, or public land survey system
 2.21 corners or lines.

2.22 Sec. 3. Minnesota Statutes 2012, section 326.04, is amended to read:

2.23 **326.04 BOARD ESTABLISHED.**

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

3.1 ~~licensed landscape architect and certified interior designer members shall be appointed~~
 3.2 ~~to succeed the two public members whose terms end on January 1, 1996. The second~~
 3.3 ~~licensed landscape architect and certified interior designer members shall be appointed~~
 3.4 ~~by the governor no later than October 1, 1995, and shall serve a term to end on January~~
 3.5 ~~1, 2000. During the time from the appointment of these members until January 1, 1996,~~
 3.6 ~~the board shall consist of 23 members. Membership terms, compensation of members,~~
 3.7 ~~removal of members, the filling of membership vacancies, and fiscal year and reporting~~
 3.8 ~~requirements shall be as provided in sections 214.07 to 214.09. Members shall be limited~~
 3.9 ~~to two terms. The provision of staff, administrative services and office space; the review~~
 3.10 ~~and processing of complaints; the setting of board fees; and other provisions relating to~~
 3.11 ~~board operations shall be as provided in chapter 214.~~

3.12 Sec. 4. Minnesota Statutes 2012, section 326.10, subdivision 1, is amended to read:

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

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

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

3.33 ~~(b) Notwithstanding paragraph (a), for one year from the effective date of rules~~
 3.34 ~~adopted by the board with respect to the discipline of professional geoscience, the board~~

4.1 ~~may accept as evidence that the applicant is qualified for licensing in the discipline of~~
4.2 ~~professional geoscience:~~

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

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

4.8 Sec. 5. Minnesota Statutes 2012, section 326.10, subdivision 2a, is amended to read:

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

4.15 Sec. 6. Minnesota Statutes 2012, section 326.10, subdivision 7, is amended to read:

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

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

4.30 (3) An applicant for certification as a geoscientist-in-training who is a graduate with
4.31 a baccalaureate degree from a school or college having accreditation defined by the board
4.32 and a geoscience or associated science curriculum approved by the board, shall receive
4.33 from the board, upon passing the appropriate examination in fundamental geoscience
4.34 subjects for the applicant's discipline as approved by the board, a certificate stating that

5.1 the applicant's name has been recorded as a geoscientist-in-training with the appropriate
5.2 geoscientist-in-training legend as approved by the board.

5.3 Sec. 7. Minnesota Statutes 2012, section 326.10, subdivision 9, is amended to read:

5.4 Subd. 9. **Reinstatement of expired license or certificate.** A licensee or certificate
5.5 holder whose license or certificate has expired may reinstate the expired license or
5.6 certificate by satisfying all prior continuing education requirements to a maximum of 48
5.7 professional development hours, by paying all of the renewal fees due for all prior renewal
5.8 periods that the license or certificate was expired and the current renewal period, and paying
5.9 a delayed renewal fee in the amount set by the board. The continuing education requirement
5.10 must be satisfied with professional development hours completed within the four years
5.11 immediately prior to reinstatement and may not include any professional development
5.12 hours that had previously been used to renew the license or certificate being reinstated.

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

5.22 Sec. 8. Minnesota Statutes 2012, section 326.107, subdivision 1, is amended to read:

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

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

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

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

6.12 Sec. 9. Minnesota Statutes 2012, section 326.107, subdivision 2, is amended to read:

6.13 Subd. 2. **Programs and activities.** Continuing education must consist of learning
6.14 experiences which enhance and expand the skills, knowledge, and abilities of practicing
6.15 professionals to remain current and render competent professional services to the public.
6.16 Practitioners may pursue technical, nontechnical, regulatory, ethical, and business
6.17 practice needs for a well-rounded education provided the education directly benefits the
6.18 health, safety, or welfare of the public. Continuing education activities which satisfy the
6.19 professional development requirement include, but are not limited to, the following:

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

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

6.24 (3) participation in seminars, tutorials, televised or videotaped courses, or short
6.25 courses;

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

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

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

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

6.34 (8) participating in professional examination grading or writing. A maximum of five
6.35 professional development hours per biennium may be applied from this source. The hours

7.1 from this source must have been earned during the biennium to which they are applied
 7.2 and shall not be used toward carryover;

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

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

7.14 Sec. 10. Minnesota Statutes 2012, section 326.107, subdivision 7, is amended to read:

7.15 Subd. 7. **Reports and records.** The licensee or certificate holder shall maintain a
 7.16 file in which records of courses and activities are kept, including dates, subjects, duration
 7.17 of programs, sponsoring organization, professional development hours earned, registration
 7.18 receipts where appropriate, and other pertinent documentation, for a period of ~~two~~ four
 7.19 years after submission to the board the end of the licensure period for which the hours apply.
 7.20 This information may be required to be produced by licensees or certificate holders. The
 7.21 board may require a licensee or certificate holder to produce this information in connection
 7.22 with verification of a renewal application, a random audit conducted by the board, or upon
 7.23 receipt of a complaint alleging noncompliance on the part of a licensee or certificate holder.

7.24 Sec. 11. Minnesota Statutes 2012, section 326.111, subdivision 3, is amended to read:

7.25 Subd. 3. **Cease and desist orders.** (a) The board, or the complaint committee if
 7.26 authorized by the board, may issue and have served upon a person an order requiring the
 7.27 person to cease and desist from the unauthorized practice of architecture, engineering,
 7.28 land surveying, landscape architecture, geoscience, or the unauthorized use of the ~~title~~
 7.29 titles architect, professional engineer, land surveyor, landscape architect, professional
 7.30 geologist, professional soil scientist, certified interior designer, or violation of the statute,
 7.31 rule, or order. The order shall be calculated to give reasonable notice of the rights of the
 7.32 person to request a hearing and shall state the reasons for the entry of the order.

8.1 (b) Service of the order is effective if the order is served on the person or counsel of
8.2 record personally or by certified mail to the most recent address provided to the board for
8.3 the person or counsel of record.

8.4 (c) Unless otherwise agreed by the board, or the complaint committee if authorized
8.5 by the board, and the person requesting the hearing, the hearing shall be held no later than
8.6 30 days after the request for the hearing is received by the board.

8.7 (d) The administrative law judge shall issue a report within 30 days of the close of
8.8 the contested case hearing record, notwithstanding Minnesota Rules, part 1400.8100,
8.9 subpart 3. Within 30 days after receiving the report and any exceptions to it, the board
8.10 shall issue a further order vacating, modifying, or making permanent the cease and desist
8.11 orders as the facts require.

8.12 (e) If no hearing is requested within 30 days of service of the order, the order
8.13 becomes final and remains in effect until it is modified or vacated by the board.

8.14 (f) If the person to whom a cease and desist order is issued fails to appear at the
8.15 hearing after being duly notified, the person is in default and the proceeding may be
8.16 determined against that person upon consideration of the cease and desist order, the
8.17 allegations of which may be considered to be true.

8.18 Sec. 12. Minnesota Statutes 2012, section 326.12, subdivision 2, is amended to read:

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

8.30 Sec. 13. **REPEALER.**

8.31 Minnesota Statutes 2012, section 326.107, subdivision 5, is repealed.

APPENDIX
Repealed Minnesota Statutes: 14-3400

326.107 CONTINUING EDUCATION.

Subd. 5. **Comity.** Continuing education requirements may be met without completing the entire renewal form if an individual is licensed or certified in another state, province, or district which is listed by the Minnesota board as having continuing education requirements acceptable to the Minnesota board and the licensee or certificate holder certifies in the appropriate section that all continuing education and licensing or certification requirements for that state, province, or district have been met. The licensee or certificate holder must still maintain complete records as described in subdivision 7.