

SENATE BILL 728

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1lr1889
CF HB 1135

By: **Senator Simonaire**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2011

CHAPTER _____

1 AN ACT concerning

2 **State Board for Professional Engineers – Increase in Membership and**
3 **Practice Specialties**

4 FOR the purpose of increasing the number of members of the State Board for
5 Professional Engineers; requiring a certain number of engineer members of the
6 Board to be ~~on~~ appointed, without regard to specific professional practice, from
7 a certain list submitted by the Maryland Society of Professional Engineers;
8 ~~requiring a certain list to include only individuals who practice certain~~
9 ~~engineering specialties~~; making certain conforming changes; specifying the
10 terms of the new members of the Board; and generally relating to the State
11 Board for Professional Engineers.

12 BY repealing and reenacting, with amendments,
13 Article – Business Occupations and Professions
14 Section 14–202
15 Annotated Code of Maryland
16 (2010 Replacement Volume)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Business Occupations and Professions**

20 14–202.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(a) (1) The Board consists of [seven] NINE members.

(2) Of the [seven] NINE members of the Board:

(i) [five] SEVEN shall be engineers; and

(ii) two shall be consumer members.

(3) Of the [five] SEVEN engineer members of the Board:

(i) one shall be a chemical engineer;

(ii) two shall be civil engineers;

(iii) one shall be an electrical engineer; [and]

(iv) one shall be a mechanical engineer; AND

(V) TWO SHALL BE PROFESSIONAL ENGINEERS WHO PRACTICE AN ENGINEERING SPECIALTY NOT LISTED IN ITEMS (I) THROUGH (IV) OF THIS PARAGRAPH APPOINTED WITHOUT REGARD TO SPECIFIC PROFESSIONAL PRACTICE WHO SHALL REPRESENT ALL DESIGNATIONS OF PROFESSIONAL ENGINEERING.

(4) The Governor shall appoint the members with the advice of the Secretary and with the advice and consent of the Senate.

(5) (i) The Governor shall appoint each of the engineer members from a single list of at least 3 names of engineers submitted by the local chapters of the applicable professional organization, as set forth in this paragraph and any list of qualified individuals that may have been submitted to the Governor by any person who is a resident of the State.

(ii) For the chemical engineer member, the list shall be submitted by the American Institute of Chemical Engineers.

(iii) For the civil engineer members, the list shall be submitted by the American Society of Civil Engineers.

(iv) For the electrical engineer member, the list shall be submitted by the Institute of Electrical and Electronics Engineers.

(v) For the mechanical engineer member, the list shall be submitted by the American Society of Mechanical Engineers.

1 (VI) FOR THE TWO ENGINEER MEMBERS ~~WITHOUT A~~
2 ~~REQUIRED SPECIALTY IDENTIFIED IN PARAGRAPH (3)(V) OF THIS SUBSECTION,~~
3 THE LIST SHALL BE SUBMITTED BY THE MARYLAND SOCIETY OF PROFESSIONAL
4 ENGINEERS ~~AND SHALL INCLUDE ONLY QUALIFIED INDIVIDUALS WHO~~
5 ~~PRACTICE AN ENGINEERING SPECIALTY NOT LISTED IN PARAGRAPH (3)(I)~~
6 ~~THROUGH (IV) OF THIS SUBSECTION.~~

7 (b) Each member of the Board shall be:

8 (1) a citizen of the United States; and

9 (2) a resident of the State.

10 (c) (1) Each engineer member of the Board shall have:

11 (i) practiced engineering for at least 12 years; and

12 (ii) been in responsible charge of important engineering work
13 for at least 5 years.

14 (2) Each engineer member of the Board shall be licensed as a
15 professional engineer in this State at all times during the member's term on the
16 Board.

17 (d) Each consumer member of the Board:

18 (1) shall be a member of the general public;

19 (2) may not be a licensee or otherwise be subject to regulation by the
20 Board;

21 (3) may not be required to meet the qualifications for the professional
22 members of the Board; and

23 (4) may not, within 1 year before appointment, have had a financial
24 interest in or have received compensation from a person regulated by the Board.

25 (e) While a member of the Board, a consumer member may not:

26 (1) have a financial interest in or receive compensation from a person
27 regulated by the Board; or

28 (2) grade any examination given by or for the Board.

29 (f) Before taking office, each appointee to the Board shall take the oath
30 required by Article I, § 9 of the Maryland Constitution.

(g) (1) The term of a member is 5 years and begins on July 1.

(2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, [1989] **2011**.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(h) The Governor may remove a member for incompetence, misconduct, neglect of duties, or other sufficient cause.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) the terms of the two new members of the State Board for Professional Engineers established by this Act shall expire 5 years after they are appointed; and

(2) the terms of the other members of the State Board for Professional Engineers on October 1, 2011, shall expire in accordance with the staggering of terms in effect on October 1, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.