THE NEED FOR JOINT RULES OF PRACTICE BETWEEN ARCHITECTS AND ENGINEERS IN NEW MEXICO

Within the last few months the laws governing the practice of both architecture and engineering hove been seriously challenged. The basis of this action centers on the fact that neither law clearly states just what the practices of architecture and engineering are. The two appear to be separate laws and yet they seem to overlap. The situation is further confused by the fact that in 1938 the Attorney General of New Mexico ruled that the professions of architecture and engineering were one and the same. Despite the fact that legislation covering both professions has since been rewritten, this 1938 opinion is sometimes cited by persons wishing to interpret either law for their particular advantage.

Recently in the city of Albuquerque several cases have arisen where registered engineers have stamped the plans of large apartment projects which clearly fall within the area of architecture. The parties doing this were informed by letters that their actions were illegal according to the regulations of both professions. Section 3 of the New Mexico Engineering Act states: **Such practice includes the performance of architectural work incidental to the practice of engineering.** The New Mexico Architectural Law, Section 67 - 12 - 1, specifies that as the purpose of the profession is, **to safeguard life, health, property and to promote public welfare any person practicing architecture in this state shall be required to submit evidence that he or she is qualified to practice.**

Nothing was done about the above infraction until a building permit was denied by the Albuquerque Building Inspector on the ground that an engineer was not qualified to handle pure architectural matters. When this happened, pressure was brought to bear on city officials to reverse the Building Inspector's stand. The City Attorney decided that since this was a fight between engineers and architects, the city should not become involved. He did, however, propose changing the City Ordinance, Section 214 of the Building Code, to read, **Drawings and specifications shall be prepared by a registered architect or a registered engineer.** This wording eliminated the earlier phrase **in accordance with State laws.** Such a move would have removed the city from the role of protecting the public and have placed the responsibility of policing the professions on the boards of registrations of the two professions — a role that is untenable under existing modes of operation of these boards. Most architects, on the other hand, felt that the city Building Inspector was well qualified to decide what is architecture and what engineering.

The above proposed change of the Ordinance would have permitted **any** registered engineer, whether electronic, mining or petroleum, to set himself up as qualified to produce building designs and specifications because the Engineering Registration Act makes no distinctions within the fields of engineering.

In order to prevent the passage of this change of ordinance proposed by the city attorney, legal council was obtained, and eventually the proposal was defeated.

Although some diversity of opinion exists on the subject of the practices of architecture and engineering, both professions agree that a solution to the satisfaction of both groups must be found. There is basic agreement that the two professions are distinct and that some engineers (chemical, for example), are not qualified to prepare building plans.

In order to reach an agreement, the two professions appointed committees to work jointly to define the sphere of practice of each profession. Two proposals have thus far been put forward, but no action has been taken. It is expected, however, that the New Mexico chapter, AIA will consider and reach agreement on the matter at its annual meeting in January.

— Don P. Schlegel