

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

#512 Bd of Arch - Commerce Div.

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 3/15 Temporary Rule _____

Resubmitted and Received 5/15

DUE DATE 4/4 - 5/25

a. Returned to Agency w/o filing w/Secy of State Rule 10 - 3/26
b. Approved Rule 22 - 3/26 Date Sent Back to Agency _____
Rule 16 - 5/21

- - - - - - - - - - - - - #22 = + - - - - #10 = ✓ - - - - - - - - - -

1. Rules as Adopted ✓ +
2. Rules as Proposed ✓ +
3. Certificate of Board's Authorizing Resolution, where applicable ✓ +
4. Order for Hearing ✓ +
5. Notice of Hearing ✓ + Amended Notice of Hearing = X
   (i) Sufficiency ✓ +
6. Secretary of State's List ✓ + X
7. Certificate of Acquisition of Secretary of State's List ✓ + X
8. Affidavit of Mailing ✓ +
   (i) At least 30 days prior to hearing ✓ + X
9. Statement of Need and Evidence ✓ +
10. Hearing Examiner's Report ✓
11. Agency's Findings of Fact ✓
12. Certificate of Board's Resolution Adopting Rules, where applicable ✓
13. Order Adopting ✓
14. Report of Chief Hearing Examiner ✓
    (i) Finding of No Substantial Change ✓
    (ii) Permission to Incorporate by Reference, where applicable N/A
15. Certificate of Compliance with Rulemaking Procedures ✓
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable ✓
17. Petition by Public, where applicable N.A.

Our File 512

Barry Greller
Special Assistant
Attorney General

May 22, 1979

Lee E. Sheehy

In the Matter of the Adoption of

AE & LS 10.

RICHARD LENCI ASSOCIATES ARCHITECTS INC. A.I.A.

1015 SECOND AVENUE SOUTH VIRGINIA, MINNESOTA 55792 TELEPHONE 741-0300

MAY 31, 1979

MR. LEE SHEEHY
SPECIAL ASSISTANT ATTORNEY GENERAL
G-25 STATE ADMINISTRATION BLDG.
50 SHERBURNE AVE.
ST. PAUL, MN. 55155

RECEIVED
JUN 1 1979
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

DEAR MR. SHEEHY,

THANK YOU FOR YOUR REPLY AND INFORMATION OF MAY 23. YOUR OFFER OF FURTHER ASSISTANCE IS APPRECIATED.

THE PETITION PROCESS UNDER 15.0415 SEEMS TO BE THE REASONABLE INITIAL COURSE. HOWEVER, 15.0416 APPEARS TO LIMIT THE BASIS OF PETITION UNDER 15.0415 TO ARGUMENT THAT A RULE OR ITS APPLICATION "INTERFERES WITH OR IMPAIRS, OR THREATENS TO INTERFERE WITH OR IMPAIR THE LEGAL RIGHTS OR PRIVILEGES OF THE PETITIONER."

WHILE SUCH ARGUMENT COULD CONCEIVABLY BE MADE IN THIS CASE BY AN ARCHITECT OR ENGINEER, THAT IS NOT THE ISSUE. THE ISSUE IS WHETHER OR NOT "PROBABLE PUBLIC RISK" AS CONTEMPLATED UNDER H.F.2075 WOULD ARISE FROM APPLICATION OF THE RULE CONCERNING EXEMPTIONS FROM PROFESSIONAL LICENSING REQUIREMENTS AS ADOPTED BY THE BOARD OF REGISTRATION IN 1979. WE HOLD THAT UNACCEPTABLE PUBLIC RISK WOULD ARISE.

PLEASE ADVISE ME, CAN A PETITION FOR REPEAL OF THE RULE UNDER 15.0415 PROCEED UPON THE BASIS —— TO SAFEGUARD THE PUBLIC AGAINST RISK WHICH WOULD ARISE OUT OF IMPLEMENTATION OF THE RULE, RATHER THAN UPON IMPAIRMENT OR INTERFERENCE WITH THE LEGAL RIGHTS OR PRIVILEGES OF THE PETITIONER?

A CONDITION EXISTS IN WHICH (1) STATUTES AND THE RULE CONFLICT, (2) PUBLIC POLICIES CONFLICT, (3) THE LOCAL AND STATE PUBLIC OFFICIALS DESIGNATED BY THE RULES TO IMPLEMENT THEM, ARE EITHER NOT COMPETENT OR QUALIFIED TO DO SO, OR DO NOT EXIST. IT IS UNFORTUNATE FOR THE PUBLIC THAT THE PROFESSIONS INDIRECTLY RESPONSIBLE, PROVED INADEQUATE FOR SELF-SERVING REASONS. IT IS UNFORTUNATE THAT GOVERNMENT DIRECTLY RESPONSIBLE, PROVED INADEQUATE.

WHEN THE CODE BILL NOW BEFORE GOVERNOR QUIE IS DECIDED ONE WAY OR THE OTHER, WE INTEND TO CORRECT THIS CONDITION, ONE WAY OR THE OTHER.

SINCERELY,

RICHARD LENCI PRESIDENT
RICHARD LENCI ASSOCIATES

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Commerce

Office Memorandum

TO : LEE E. SHEEHY
Special Assistant
Attorney General

DATE: May 11, 1979

FROM : BARRY R. GRELLER BRG
Special Assistant
Attorney General

PHONE: 9412

SUBJECT: IN THE MATTER OF THE PROPOSED ADOPTION OF AMENDMENTS TO AE & LS 10.

Resubmitted herewith for review by the Attorney General in accordance with Minn. Stat. §15.0412, subd. 4 (1978) and Minn. Rule ATTY GEN 305, please find Rule AE & LS 10, as adopted by the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture in the above-referenced matter.

Please note that the following additional documents have been added to the file which you returned under cover of your memorandum of March 26, 1979:

- Supplemental Findings of Fact,
- new set of rules as adopted for AE & LS 10,
- an additional order adopting rule, and
- a certificate of Board's Resolution Modifying and Adopting Rules.

Additional copies of the foregoing have been included and should be made a part of the duplicate file to be retained by your office.

It is my opinion that the Board's action regarding Rule AE & LS 10, as reflected in the file, remedies the defect referred to in your memorandum of March 26, 1979.

Please do not hesitate to contact me if you have any questions in connection with the foregoing rule.

BRG:sjg
Att.

PRINTED ON RECYCLED PAPER

STATE OF MINNESOTA

BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSURE REQUIREMENTS AND PROPOSED AMENDMENTS TO THE RULE RELATING TO THE LICENSURE REQUIREMENTS FOR PROFESSIONAL ENGINEERS	ORDER ADOPTING RULE

The above entitled matter came on for hearing before the Board of Architecture, Engineering, Land Surveying and Landscape Architecture on the 24th day of January, 1979, at 500 Metro Square Building, 7th and Robert Streets, Saint Paul, Minnesota 55101, after proper notice required by Minn. Stat. Section 15.0142 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and after proper publication of such notice in the State Register.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced, and having confirmed the need for the above captioned rules and the reasonableness thereof,

NOW, THEREFORE, IT IS ORDERED that this rule, identified as Minn. Rule AE&LS 10 is adopted this 7th day of May, 1979, pursuant to the authority vested in the Board of Architecture, Engineering, Land Surveying and Landscape Architecture by Minn. Stat. Sections 15.0412 and 326.06 (1978).

STATE OF MINNESOTA
BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

Dated: May 7, 1979

G. Leigh Morrow

G. Leigh Morrow, P.E., Chairman
Board of Architecture, Engineering,
Land Surveying and Landscape
Architecture

ADMIN 1000 (Rev. 1/78) Our File No. 512

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : BARRY R. GRELLER
Special Assistant
Attorney General

DATE: March 26, 1979

FROM : LEE E. SHEEHY
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of Amendments to AE & LS 10.

The above-captioned rule has NOT been approved by this office for the reason enumerated below. After appropriate further agency action, if any, this rule may be resubmitted to this office. At that time, please insure that the original of the Order Adopting which is necessary for filing with the Secretary of State is included in the materials resubmitted.

The rule has not been approved for the following reason:

1.) A (2): The following language proposed for adoption is not supported by the agency's finding: "its territories, possessions and military jurisdictions." This defect must be remedied.

If you have any questions, do not hesitate to call me.

LES/bw
Enclosure
cc: Duane Harves
Chief Hearing Examiner

ADMIN 1000 (Rev. 1/78) Our File No. 512 STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : BARRY R. GRELLER
Special Assistant
Attorney General

DATE: March 26, 1979

FROM : LEE E. SHEEHY
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Adoption of a Rule of the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture Relating to Classes of Buildings With Respect to Which Persons Performing Architectural and Professional Engineering Services May Be Exempted From Licensure Requirements.

Enclosed herewith is the above-captioned rule you have submitted for approval. It has been approved by this office and filed with the Secretary of State. At the agency's request, I have severed for later consideration, amendments to AE & LS 10 simultaneously proposed for adoption, such amendments to be addressed in a separate memorandum from this office.

Please note that the above-captioned rule has NOT been filed with the State Register; this must be done by your agency. Upon receipt and before transmittal to your agency, however, it is important that you recheck this rule as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rule;

2. Coverage by these stamps of the rule submitted; and

3. Inclusion of all pages of the rule in the approved set.

Directly following the approved rule is a complete set of required documents and transcript which must be retained with the rule by you or your agency.

If you have any questions in this regard, please contact me.

LES/bw
Enclosure
cc: Duane Harves

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - COMMERCE

Office Memorandum

TO : LEE E. SHEEHY
Special Assistant
Attorney General

DATE: March 22, 1979

FROM : BARRY R. GRELLER Barry R. Greller
Special Assistant
Attorney General

PHONE: 9412

SUBJECT: THE MATTER OF PROPOSED ADOPTION OF
A RULE OF THE BOARD OF ARCHITECTURE, ET AL.
HE FILE NO. ARCH-79-001-AK.

In accordance with our telephone conversation of March 22, 1979, regarding the above-entitled matter, I am submitting herewith on behalf of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture three revised sets of the "Rules As Adopted" to correct the following errors and omissions in connection with the Board's March 15, 1979, filing with your office:

1. Rule AE&LS 22, paragraphs B.3.b. and B.3.c., as submitted on March 15, 1979, each contain a typographical error in their references to "paragraphs B.2.(1) and B.2.(2)". The correct reference in each paragraph should be to "paragraphs B.2.a.(1) and B.2.a.(2)". The "Rules As Adopted" have been revised to correct the erroneous citations.

2. In revising Rule AE&LS 22 based on the hearing record and Hearing Examiner's Report, it was the Board's clear intent, as is reflected in the record, to correct all references to the term "use" by substituting the preferred UBC term "occupancy" and to correct all references to "construction type" (which arguably has a specialized meaning under the UBC) by substituting the words "number of stories and basement". See POST-HEARING WRITTEN STATEMENT OF THE BOARD at p. 10, paragraphs 4 and 6 (noting, e.g., that "the term 'occupancy' should be substituted for the term 'use' throughout the rule and in Table 1); REPORT OF THE HEARING EXAMINER at finding 18(d); and Table 1 of Rule AE&LS 22, as filed with the Attorney General on March 15, 1979. The "Rules As Proposed" filed with your office on March 15, 1979, however, only reflect this intended change in Table 1 and retain the former references to "use" and "construction type" in the text of the rule. The "Rules As Adopted" have been revised to specifically implement the Board's intent in this regard in the text of the rule. See AE&LS 22, paragraphs B.2.a.(3), B.2.b., B.3., B.3.b., B.3.c., and C.2.

BRG:sjg
cc: Lowell Torseth
Board of AELS&LA

ARCH-79-001-AK

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSURE REQUIREMENTS AND PROPOSED AMENDMENTS TO THE RULE RELATING TO THE LICENSURE REQUIREMENTS FOR PROFESSIONAL ENGINEERS.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture (hereinafter the "Board"), by its counsel, Special Assistant Attorney General Barry R. Greller, submitted a request to the Chief Hearing Examiner for approval of the incorporation by reference of a document in rules proposed for adoption; and

WHEREAS, pursuant to Minn. Stat. § 15.0412, Subd. 4 (1978), agencies may incorporate by reference materials from sources which the Chief Hearing Examiner determines are conveniently available for viewing, copying and acquisition by interested persons; and

WHEREAS, the Chief Hearing Examiner has reviewed the Uniform Building Code, 1976 Edition, adopted by the International Conference of Building Officials, and has found it to be in excess of 3,000 words and has determined that it would exceed five pages of publication in the State Register; and

WHEREAS, the Board has indicated that the document is available for review and copying at the Board or at most public libraries and the Chief Hearing Examiner thus finds that the document is thereby conveniently available for viewing, copying and acquisition by interested persons.

NOW, THEREFORE, IT IS ORDERED that the Board has the approval of the Chief Hearing Examiner to incorporate by reference the Uniform Building Code, 1976 Edition, in its proposed rules.

Dated this 1st day of February, 1979.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSURE REQUIREMENTS AND PROPOSED AMENDMENTS TO THE RULE RELATING TO THE LICENSURE REQUIREMENTS FOR PROFESSIONAL ENGINEERS	CERTIFICATE OF BOARD'S RESOLUTIONS MODIFYING AND ADOPTING RULES

I, Lowell E. Torseth, do hereby certify that I am Executive Secretary to the Board of Architecture, Engineering, Land Surveying and Landscape Architecture, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of two resolutions adopted at the meeting of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture duly and properly called and held on the 26th day of April, 1979; that a quorum was present at said meeting; that a majority of those present voted for each resolution; that said resolutions are set forth in the minutes of said meeting and have not been rescinded or modified.

> "Resolved that the third sentence of Rule AE&LS 10A.2 be revised to read: 'The two (2) years experience prior to graduation must have been gained after completion of the second year of approved engineering education.'
>
> "Resolved that the amendments to the rule relating to the licensure requirements for professional engineers be and they are hereby approved and adopted pursuant to the authority vested in the Board of Architecture, Engineering, Land Surveying and Landscape Architecture by Minnesota Statutes 1978 Sections 15.0412 and 326.06 and that G. Leigh Morrow, P.E., Chairman of the Board, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 7TH day of May, 1979.

Lowell E Torseth

Lowell E. Torseth, Executive Secretary
Board of Architecture, Engineering, Land Surveying and Landscape Architecture

ATTESTED:

Edward A. Sovik

Edward A. Sovik, FAIA, Secretary
Board of Architecture, Engineering, Land Surveying and Landscape Architecture

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

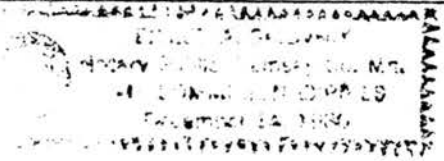
Allan W. Klein , being first duly sworn, deposes and says that on the 28th day of February , 1979, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Report of Hearing Examiner; ARCH-79-001-AK upon the Board

by handing to and leaving the same with Lowell Torseth, Executive Secretary of the Board.

Allan W. Klein

Subscribed and sworn to before me
this 28th day of February , 1979.

Eileen A. Gaconnik



STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of a Rule of the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture Relating to Classes of Building With Respect to Which Persons Performing Architectural and Professional Engineering Services May be Exempt From Licensure Requirements and Proposed Amendments to the Rule Relating to the Licensure Requirements For Professional Engineers

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Allan W. Klein, duly-appointed Hearing Examiner, on January 24, 1979, at 500 Metro Square Building, Seven and Robert Streets, St. Paul, Minnesota.

This was a rule hearing pursuant to Minnesota Statutes, Chapter 15, held to determine whether proposed amendments to existing rules and a proposed new rule should be adopted.

Representing the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture (hereinafter the "Board") were G. Leigh Morrow, Chairman; Lowell Torseth, Executive Secretary; and Barry R. Greller, Special Assistant Attorney General.

Forty-four persons signed the register at the hearing and the hearing continued until all persons had an opportunity to be heard. The record remained open until February 7, 1979 for the submission of comments.

Pursuant to Minn. Stat. § 15.0412(4) (1978), this report shall be available to all affected persons for review for at least five working days before the Board takes any final action on the rules.

Thereafter, the Board shall, if it proposes to adopt the rules as originally proposed or amended, submit a copy of the Order Adopting Rules, a copy of any additional agency findings, a copy of the rules as originally proposed, and a copy of the rules as adopted to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052(4) (1978). The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rules and compliance with Minn. Stat. § 15.0412 (1978) within ten calendar days. The Board shall be responsible for filing the rules with the Attorney

General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

1. On March 27, 1978, the Board published a Notice of Intent to Solicit Outside Opinions at 2 State Register 1784.

2. On October 16, 1978, the Board filed the following documents with the Chief Hearing Examiner:

(a) The Order for Hearing proposed to be issued.

(b) The Notice of Hearing proposed to be issued.

(c) A statement of the number of persons expected to attend the hearing and the estimated length of the hearing.

(d) The certification of the Board's resolutions authorizing the calling of the hearing.

3. On October 31, 1978, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On November 9, 1978, the Board filed the following documents with the Chief Hearing Examiner:

(a) The Notice of Hearing mailed to those on the Secretary of State's list.

(b) The Certificate of Delivery of the Secretary of State's list.

(c) The Affidavit of Receipt of the Secretary of State's list.

(d) The list of persons to represent the Board at the hearing.

(e) The minutes of the Board's meeting showing adoption of the proposed rules.

(f) A copy of the Notice of Intent to Solicit Outside Opinions.

(g) The Affidavit of Mailing of the Notice of Hearing to the persons on the Secretary of State's list.

(h) The Statement of Need and Reasonableness of the proposed rules, which was available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

(i) Materials received from outside sources during the public comment period, filed in order of date of receipt and received pursuant to the Notice of Intent to Solicit Outside Opinions.

(j) The minutes of the meetings of the Board on February 28, 1978 and on September 29, 1978.

5. On November 13, 1978, a Notice of Hearing and a copy of the proposed rules were published at 3 State Register 1008.

6. On November 27, 1978, the Board filed a notice of substitution of counsel for the hearing.

7. On December 4, 1978, the Board filed an Amended Notice of Hearing because of a defect in the original notice.

8. On December 11, 1978, the Amended Notice of Hearing was published at 3 State Register 1220. An Errata to the Amended Notice of Hearing was published on that same day at 3 State Register 1227.

9. On January 24, 1979, at the hearing the Board introduced into evidence the following documents:

(a) The Order for Hearing.

(b) The Notice of Hearing

(c) The certification of the Board's resolutions authorizing the calling of the meeting.

(d) The Amended Notice of Hearing.

(e) The Statement of Need and Reasonableness of the proposed rules.

(f) The Certificate of Delivery of the Secretary of State's list.

(g) The Affidavit of Receipt of the Secretary of State's list.

(h) The Affidavit of Mailing of the Notice of Hearing to the persons on the Secretary of State's list.

(i) The Notice of Intent to Solicit Outside Opinions.

(j) The Notice of Hearing and the proposed rules as published at 3 State Register 1008.

(k) The Amended Notice of Hearing as published at 3 State Register 1220.

(l) The Errata to the Amended Notice of Hearing as published at 3 State Register 1227.

(m) A copy of the Uniform Building Code, 1976 edition.

(n) A copy of an Attorney General's opinion, dated December 21, 1971 dealing with the effect of the architecture rules on the practice of electrical contractors and master plumbers.

10. On January 24, 1979, at the hearing, the Public introduced into evidence the following documents:

(a) A proposed table to be substituted for the table proposed by the Board, under the proposed Rule 22 dealing with licensure requirements, commonly referred to as the Ad Hoc Committee draft or proposal.

(b) A letter, dated January 23, 1979, from R. D. Borson, P.E., Mn/DOT District 5 dealing with the qualifications of Mr. Allen E. Pint, one of the persons testifying at the hearing with regard to proposed amendments to Rule 10.

11. On January 29, 1979, the Board requested approval from the Chief Hearing Examiner to incorporate by reference the 1976 edition of the Uniform Building Code into the proposed rule 22.

12. On February 1, 1979, the Chief Hearing Examiner signed an Order allowing incorporation by reference of the Uniform Building Code, 1976 edition into proposed rule 22. Although Minn. Stat. § 15.0412(4) (1978) and Minn. Rule 9 MCAR § 2.108 state that such a request should be made before publication of the rules in the

State Register, the Hearing Examiner, at the hearing, asked for and received no objection to the inclusion of the Uniform Building Code, 1976 edition in the record. It was stated that the Uniform Building Code, 1976 edition (UBC) was readily available at almost all public libraries. Furthermore, the incorporation of the UBC by reference will not alter the present law because the UBC has been essentially adopted by rule as the state building code in Minnesota and was published at 3 State Register 751. Therefore, no reason exists to believe that any member of the public was prejudiced by the delay in the request.

STATUTORY AUTHORITY

13. The statutory authority of the Board to adopt proposed Rule 22 is found in Minn. Stat. § 326.06 (1978), which provides, in part, as follows:

> The board shall make rules to define classes of buildings with respect to which persons performing services described in section 326.03, subdivision 2, may be exempted from the provisions of sections 326.02 to 326.15, by a finding of no probable risk to life, health, property or public welfare. These rules shall be promulgated on or before April 1, 1979. Upon the adoption of these rules, section 326.02, subdivision 2, clauses (e) and (f), and Laws 1978, Chapter 577, Section 2 are superseded and of no effect.

14. The statutory authority of the Board to amend rule 10 is found in three different subdivisions of Minnesota Statutes:

Minn. Stat. § 326.06 (1978) provides:

> The board . . . shall make all 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, landscape architecture or engineering.

and Minn. Stat. § 326.10(1) (1978) provides:

> The board shall on application therefor on a prescribed form, and upon payment of a fee prescribed by rule of the board, issue a license as an architect, engineer, land surveyor or landscape architect . . .
>
> (1) To any person over 25 years of age, who is of good moral character and repute, and who has the experience and educational qualifications which the board may by rule prescribe.

and Minn. Stat. § 326.10(2) (1978) provides:

> The board may subject any applicant for licensure to such examinations as may be deemed necessary to establish his qualifications . . . [I]n determining the qualifications in such cases of applicants for licensure as [professional] engineers, a majority vote of the engineer members of the board only, shall be required . . .

RULE 22

15. In 1978, the Minnesota Legislature amended Chapter 326 of the Minnesota

Statutes to vest the Board with rulemaking power in the area of licensing requirements found in section 326.02 of that chapter. The law, at the time the Legislature amended the statute, required the use of an architect or professional engineer (hereinafter "licensed professional") for all construction projects undertaken in Minnesota. Exempted from this requirement were all projects costing less than $30,000 as well as certain projects falling under statutory exemptions based on classifications other than cost.

The need to reevaluate the dollar exemption on a continuing basis because of such things as inflation and the apparent recognition by the Legislature of the ineffectiveness of the dollar exemption in dealing with the risks that the licensing requirement was supposed to prevent, led to the 1978 amendment. Under the law as amended, the Board is empowered to determine which projects do not present a "probable risk to health, life, property or the public welfare" and exempt such projects from the present licensure requirements of Minn. Stat. § 326.02 (1978).

The 1978 amendment (Laws of Minnesota 1978, Chapter 577, sections 2 and 3), a portion of which is quoted above, had different effective dates for different sections. The section which directed the Board to adopt rules exempting classes of buildings by April 1, 1979, became effective March 24, 1978. Another section raised the $30,000 exemption limits to $100,000, but that section does not become effective until April 2, 1979. Upon the adoption of the rules, the statutory dollar exemption limits are superceded and "of no effect". Thus, it would appear that the Legislature intended to retain the $30,000 exemption until such time as the Board adopted rules, but in the event the Board failed to adopt rules by April 1, 1979, the exemption would jump to $100,000 on April 2, 1979.

Proposed rule 22 is the Board's response to the 1978 Legislative mandate that exemptions from the licensing requirements be granted. At the hearing there was only scant questioning regarding the power of the Board to adopt these rules or of the need and wisdom of moving from an exemption scheme based on an arbitrary dollar figure to a use classification scheme based on occupancy and classes of structures.

The rule proposed would define classes of buildings that may be constructed without the utilization of professionals licensed by the Board, based upon the Board's decision that such classes of buildings were without probable risk to health, life, property, or the public welfare. Public testimony from private citizens, respresentatives of professional architects, engineers, and contractors, and from the Board itself overwhelmingly supported a change to use classification

exemptions. This change was recognized by virtually all present as a more realistic method of dealing with threats to health, life, property and the public welfare than are the dollar limits presently in force.

Several reasons were offered for the move from a dollar exemption to exemptions based on probable risk and class of structure. As John K. Weaver, representing the Minnesota Society of the American Institute of Architects, stated, dollar values do not recognize the wide variety and significant variations in risk in the design and construction of buildings. Mr. Weaver pointed out that the installation of several hundred dollars of electrical switch gear probably involves greater risk than the laying of several thousands of dollars of asphalt paving. Second, a dollar exemption does not recognize the difference in risk in high occupancy structures from the situation in which the expected occupancy is much lower, although the cost of the structure in the second instance may be much higher. Third, the dollar value of a project is difficult for local building officials to determine at the outset of a project, when the determination of whether a licensed professional is needed must be made. Finally, due to inflation, a dollar figure requires constant reevaluation and revision by the Legislature in an atmosphere not always conducive to reasoned (and time-consuming) discussion.

As a result of these objections to the use of a dollar value exemption, the rule proposed by the Board provides for exemptions from the licensing requirement based on classes of structures and square foot limitations. By defining buildings by use classifications rather than dollar limits, the proposed rule recognizes that the danger to the public is not rationally related to a dollar ceiling. Rather, through the rule, the Board has determined those classes of buildings that do not present a "probable risk" regardless of the cost of the structure. The exemptions, based on square foot figures, also provide a simple method for the enforcement official to determine whether the proposed structure falls within the exemption provided by the rule.

Based on these considerations, the Examiner finds that the general system of classification adopted by the Board is reasonable. Need for a new system that will prevent the use of a blanket dollar exemption is apparent from the actions of the 1978 Legislature, testimony at the hearing and the written submissions of the various parties. Furthermore, the method of achieving a new system of exemptions appears to be reasonably related to the need for the rule.

16. The bulk of the testimony at the hearing, and of the submissions received by the Hearing Examiner before and after the hearing, dealt with the square foot figures selected by the Board, and contained in Table 1 of the

proposed rule. Table 1 contains several building classifications that will not require the use of a licensed professional in their construction if the buildings do not exceed certain square foot limitations. In drafting the proposed rule and Table 1, the Board convened an "Ad Hoc Committee" composed of architects, contractors, and engineers to analyze which structures could be built without the aid of a licensed professional and without probable risk to the health, life, property, or the public welfare. The Ad Hoc Committee's final submission to the Board included a table similar to Table 1 in the proposed rule. The Ad Hoc Committee's table, however, included square foot limitations significantly larger than those finally adopted by the Board in the proposed rule, and several members of the public urged the substitution of the larger figures in place of those proposed by the Board.

The question then becomes, are the square foot figures proposed by the Board reasonable? The Minnesota Supreme Court has held that for a rule or a law to be reasonable, it must not be arbitrary. See, e.g., Hurley v. Chaffee, 231 Minn. 362, 43 N.W.2d 281 (1950). Similarly, the Eighth Circuit Court of Appeals in Greenhill v. Bailey, 519 F.2d 5, 10 (8th Cir. 1975) has held that unreasonable means a "willful and unreasoning action, without consideration and in disregard of the facts or circumstances of the case." Reasonableness, then, may be said to mean having a rational basis for the action.

Did the Board have a rational basis for its action of adopting the square foot figures contained in Table 1 and in rejecting the square foot figures recommended by the Ad Hoc Committee. An examination of Table 1 reveals a list of those buildings that may be constructed without requiring the services of a licensed professional. It limits each exempted "use" classification in terms of a number of factors, such as building area, number of stories, number of rooms or dwellings units, or provisions for seating. Because of the inherent complexity of design and execution, the use of poured in place concrete for roofs or supported floor structures always will result in a requirement that a licensed professional be employed in the construction of a building, and there is no exemption available under the proposed rules.

According to testimony at the hearing, the allowable sizes for exemptions vary in relation to the historical pattern of occupancy of these use types. For example, warehouses are allowed as single story buildings up to 5,000 square feet in size because the ratio of occupants to area is low under UBC requirements and because the occupants generally are employees familiar with the premises, and

thus able to exit quickly in event of a problem. The same method of analysis was employed to reach the square foot limitations set out in the other use classifications contained in Table 1. Accordingly, a mathematical analysis of the building areas in Table 1, according to requirements for calculating occupancy under the UBC, reveals that the proposed exempted use classifications could accommodate from fifteen to thirty occupants, with most of the use classifications based on a twenty occupant figure.

Support for the larger figures submitted by the Ad Hoc Committee came from several sources and was based on various rationales. A number of commentators, particularly representatives of the electrical contracting industry and plumbing contractors, felt that the Board proposal rendered the exemption provision meaningless, because they felt that construction of structures under Table 1 square footages was unrealistic, or at least uneconomical. Lyle Snyder, who represented the Minnesota Electrical Society (MES) stated that MES "could live with [the Ad Hoc Committee plan] and therefore supported it." Other individuals speaking in support of the Ad Hoc Committee proposal felt that the large square footages were "more acceptable" and that the larger buildings did not present a probable risk to health, life, property, or the public welfare. Robert J. McFarlin, speaking for the Consulting Engineers Council of Minnesota (CECM) stated that the CECM could support either table but that they urged adoption of the Ad Hoc Committee report because it represented an honorable agreement. Mr. McFarlin concluded that a decrease in the square footage by the Board after reviewing the recommendations of the Ad Hoc Committee constituted a bad faith act on the part of the Board.

As was pointed out by the Examiner at the hearing, the notions of bad faith and honorable agreement are not relevant to the determination of "necessity and reasonableness" that must be made before the Board may adopt the proposed rule. The Ad Hoc Committee was an advisory body only and the Board was not only free to use its own judgment but also required by the terms of its legislative mandate to exercise <u>its</u> reasoned judgment in proposing a rule that was the best for the public welfare, a judgment that should not be based solely on a "honorable agreement" between the Board and the members of an advisory committee representing the affected industry.

Secondly, despite the volume of testimony in support of the Ad Hoc Committee proposal, those testifying were not able to establish that the Board proposal was unreasonable. Ron Kirk, a registered structural engineer representing the Associ-

ation of General Contractors, and speaking in favor of adoption of the Ad Hoc Committee proposal, stated: "We recognize the difficulty of arguing with great logical clarity the difference in risk between a 5,000 square foot building and a 7,500 square foot building." Other commentators expressed their "personal opinion" that either was acceptable. With Mr. Kirk's statement, the Hearing Examiner agrees. The differences between the two sets of figures are essentially matters of judgement. The question to be answered is whether Table 1 is reasonable.

The Board, in justifying the adoption of Table 1, argued that an initially conservative approach to the proposed exemption is desirable, although the Board recognized the difficulty of quantifying risk in terms of variations in building size and drawing fixed lines. Despite this difficulty, the square foot figures of Table 1 do relate to a specific occupancy level, approximately twenty persons. This is a level at which knowledge of the building by the occupants can be presumed and thus concern about safety may be lessened. By contrast, reference to the provisions of the Ad Hoc Committee proposals reveals that rather substantial and high occupancy buildings, particularly in the case of eating and drinking establishments,* could be built under that proposal. Furthermore, no comparable consistency in occupancy numbers can be discerned from the Ad Hoc Committee draft.

The Hearing Examiner is persuaded by the Board's argument with respect to the necessity of taking a conservative approach in granting exemptions. It is for the Board to decide that erring on the side of caution is necessary. In this instance, there is every indication that the Board took all steps possible to obtain widespread input and there is every evidence that the Board vigorously discussed the alternatives before reaching its final proposal. Because of their expertise and knowledge, the Board's conclusions must be given great weight. Later, either the Board or the public can seek to liberalize the exemptions in future rulemaking proceedings if it appears that the proposed rule is unduly restrictive in a given area.

On the basis of the foregoing, it cannot be said that the Board did show it had a rational basis for its action in adopting the lower square foot limitations contained in the proposed rule. The restrictions imposed are reasonable and satisfy the need and reasonableness requirements of Minn. Stat. § 15.0412 (1978).

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*See, for example, the letter from Robert S. Bean, P.E., submitted for the record by Representative Arlene I. Lehto, describing a fire in a Duluth establishment in which two persons died.

17. A number of persons testifying at the hearing and commenting in writing urged the adoption of a rule that would allow no exemptions. The position of these people essentially was that all buildings presented risk and that a licensed professional should be required in all instances other than the statutory exemptions. As pointed out by the Board, however, the statute speaks of "probable risk". This language evidences a policy decision by the Legislature that a licensed professional should be required only when the risk is probable, not merely possible. The arguments of those supporting no exemptions speak to possible risks, and propose restrictions clearly not envisioned by the Legislature. Even were these parties to argue that they speak to probable risk, it is within the discretion of the Board to adopt a reasonable method of carrying out the legislative mandate, and the existence of an equally reasonable proposal, or in some instances a more reasonable proposal, does not prevent the Board from following the reasonable method it has chosen to adopt. Therefore, because the Examiner has already determined that the rule proposed by the Board is reasonable, the proposals that no exemptions be granted will not be considered further.

18. A number of specific objections to the wording of the proposed rule were raised at the hearing and will be treated briefly here:

(a) Under part B.2.a(1), the question was raised whether the phrase "adversely affecting their ability to perform" modified both the phrase "change the load on its mechanical or electrical systems" and the phrase "change the live or dead load on its structural system" or whether it modified only the latter of the two. Second, building code officials at the hearing objected to the use of the term "adversely" in both part B.2.a(1) and in part B.2.a(2), as being vague and difficult to administer.

First, the Board indicated that "adversely affecting their ability to perform" was meant to modify both phrases of part B.2.a(1). Furthermore, the Board stated that the intent of part B.2.a. was to require a licensed professional when proposed construction, otherwise exempt under the rule, would result in a violation of the UBC. In response to the criticisms of the building officials, the Board has suggested that paragraph (1) of part B.2.a. be amended to read "effect the structural, mechanical, or electrical safety of the building." Mr. John H. Herman, in written comments to the Hearing Examiner following adjournment of the hearing, proposed the following alteration of part B.2.a.:

> (1) Change the load on its mechanical or electrical systems to change the live or dead load on its structural systems, in either case, in such a manner that a viola-

tion of Building Code requirements might occur,

(2) Change the building's access or exit pattern, in such a manner that a violation of the Building Code requirements might occur, or

The Examiner finds that the suggestion of Mr. Herman is reasonable and would serve to clarify the intent of the paragraphs in question for both enforcement officials and the public. The Examiner therefore suggests that the Board adopt the Herman proposal, with the slight modification of inserting "Uniform Building Code, 1976 edition" for "Building Code Requirements" to maintain uniformity with the rest of the rule. The Board's proposal is not unreasonable, however, and it is in the Board's discretion to choose which of the proposals to adopt in formulating the final rule.

(b) The meaning of part B, paragraph 3 was questioned by several members of the public. The Board explained that the section was inserted to prevent parties from evading licensure requirements by pursuing a construction project in parts, and, therefore, seeking building permits for "separate projects" which fall within an exempt class, when the combined project would not be exempt. Take for example a situation in which a developer seeks to build a large complex but determines to do it in stages. Each "stage" might fall within a permissible exemption. However, the project if viewed as a whole would fall within the licensure requirements of section 326.02. Without the provisions of part B, paragraph 3, such a result would be permissible.

This desire to prevent the multiple construction of buildings in a continguous area without a licensed professional is a reasonable one. The argument was made at the hearing that part B, paragraph 3 was unreasonable because if the first building was safe, then there would be no reason to prohibit the developer from building an addition without a licensed professional or to build another "stage" in his development. But the point of the provision is precisely that — when a building is built without the assistance of a licensed professional, there is absolutely no assurance that the building will be safe. The exemption is granted initially because the project to be built will house a limited number of people, who presumably will be well aware of the layout of the building and will be able to escape should anything unwarranted occur. Once a developer is allowed to evade the exemption by building successive additions on a contiguous plot or is allowed to complete a large development, the presumption that only a few

occupants will be on the premises each day and that those who are will be familiar with the premises is no longer valid and the reason for the exemption disappears.

In response to oft-stated concerns of building officials about assuming the burden of determining that prior building permits have not been issued in granting a new building permit in violation of part B, paragraph 3, the Board has suggested that the rules be amended so as to shift the burden from the building official to the applicant by requiring a person seeking a building permit to certify that he has not utilized an exemption within the prior twenty-four months that would result in a violation of part B, paragraph 3 if the new building permit is issued. In the Board's opinion, the certification requirement would discharge any duty that the section might arguably place on the building official. It would also allay the officials' concerns about burdensome record keeping. The Examiner agrees that such a requirement would be reasonable. Its inclusion in the rule would not be a substantial change and could therefore be adopted if the Board so desires. While the Examiner finds that the original Board proposal is reasonable, he strongly suggests that the Board adopt the modified language so that this relatively minor matter does not become a long-term bone of contention between building officials and others. The only way in which the goals of the Legislature can be realistically achieved is if all parties, including building officials, cooperate in the public interest. The proposed modification should assist in advancing the public interest without opening a large loophole for violations.

A final clarification of part B. paragraph 3 is suggested by the Board that would merely entail deleting the word "as" from the second sentence of paragraph a. That sentence would then read: "Same person means the same owner or same general contractor, [as,] or ownership or general contractor entity having one or more participants in common with, the owner or general contractor of the first building." Such a change would clarify the meaning of "same person" and the deletion of "as" is recommended.

(c) Building officials raised several concerns about the "Non-exclusivity" provision found in part D, paragraph 2. These officials felt that the section imposed additional responsibilities and liabilities on the members of their profession and that such an imposition was beyond the power of the Board.

The concerns of the building officials were based on the phrase "shall require plans and specifications to be designed and prepared by a licensed architect or engineer, if he finds a hazard to life, health, safety or welfare due to the unusual circumstances of the building of structure of an unusually large number of potential occupants in relation to square footage for a particular use." UBC section 301(c)* uses the term "may" [may require plans and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such], clearly leaving it in the building official's discretion to require a licensed professional in any situation in which a licensed professional otherwise would not be required. A similar result was no doubt the intent of the Board in adopting the "shall require" provision set out above, and the Board has agreed that the term "shall" should be deleted from the proposed rule and the term "may" substituted. Because the modifying phrase "if he finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular use" clearly portends an exercise of discretion on the part of the building official, the Hearing Examiner agrees that the use of the term "shall" is inaccurate and that the term "may" should be substituted therefor. While the Examiner is wary of vesting unfettered discretion in any public official, he believes that the standards set forth in the proposed rule are adequate to assure that a concerned building official will be able to invoke his power to protect the public yet, at the same time, will not be empowered to act without sufficient justification.

Building officials testifying at the hearing also indicated concern that the phrase "if he finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structures or any unusually large number of potential occupants in relation to square footage for a particular use" imposes additional duties on the building official, which may not justifiably be imposed on the building official by the Board. There are two responses to this contention.

First, under section 301(c), the building official already has the power to accomplish what the first sentence of part D, paragraph 2 permits.

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*Which was adopted without change into the State Building Code. See Minn. Rule 2 MCAR § 1.10111.

Although section 301(c) only states "may require plans and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such", the implicit assumption is that, although not otherwise required, the building official may require the services of a licensed professional if in his judgment the utilization of such a professional is advisable. Because the phrase "if he finds a hazard to life, . . . for a particular use" only serves to restate the bases upon which the Board has granted exemptions, the claim that this imposes an additional duty is unfounded. The phrase merely indicates to the building official what the Board's concerns were in granting the exemption and that the Board recognizes that situations, otherwise falling under one of the exemptions, will arise when a licensed professional should, nevertheless, be required. As noted, the UBC already requires the building official to be on the lookout for such situations.

Second, even if the UBC did not impose such a responsibility upon the building official, the Minnesota Attorney General has, at least implicity, held that the Board has the power to impose enforcement obligations on the building official. In an Attorney General's Opinion, dated December 21, 1971, the Attorney General stated:

> Therefore, it is our conclusion that the Town of Eagan may not issue building permits for buildings, work, or projects in excess of $30,000.00 upon the basis of plans, layouts and designs prepared by electrical or plumbing contractors. All such plans and specifications must be prepared under the supervision of and bear the certificate of a registered architect or professional engineer in order to meet the requirements of Minn. Stat. § 326.02, et. seq.

This statement not only indicates that the building official must ascertain whether a licensed professional is required under the statute, but implies that the building official is also responsible for determining whether the other requirements and specifications arising out of chapter 326 have been complied with. Therefore, rules adopted pursuant to chapter 326 should logically also be the responsibility of the building official to comply with to the extent necessary.

To clarify the intent of the provisions contained in part D, paragraph 2, the Board has suggested that each sentence become a separate paragraph under D. The Board recognized that the title "Non-Exclusivity" is a misnomer as it relates to the first sentence of the present part D, paragraph 2. Therefore the Board suggests amending the rule so that part D, paragraph 2 is entitled "Non-applicability of Exemptions" and reads:

2. Nonapplicability of Exemptions. Notwithstanding the exceptions in subsect B.3., the building official may require plans and specifications to be designed and prepared by a licensed architect or engineer, if he finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular use.

and then adding part D, paragraph 3, entitled "Nonexclusivity" and reads:

3. Nonexclusivity. Nothing herein shall preclude or supercede any provisions of other applicable laws or regulations.

This amendment is reasonable and will serve to clarify the meaning of both provisions, and will make it clear that the nonexclusivity provision applies to the full rule and not simply to the first sentence of part D, paragraph 2.

(d) In response to objections that the terminology used in the rule was inconsistent with the UBC, the Board has suggested substitution of the term "occupancy" for the term "use" throughout Table 1 and to entitle the second column of Table 1 "Number of Stories and Basement" instead of "Construction Type". The Examiner has found no objection to this determination of the Board and believes that these changes will respond to the comments of building officials at the hearing that the terminology used was inconsistent with the UBC. These amendments should be incorporated into the final version of the rule.

In response to the questions raised at the hearing about which version of the UBC was being referred to in the rule, and because of the order of the Chief Hearing Examiner allowing incorporation by reference of the Uniform Building Code, 1976 edition, the following sentence should be added to part C, paragraph 1: "The abbreviation 'UBC' as used in this rule means the Uniform Building Code, 1976 edition."

Another constructive suggestion from building officials is not appropriate for inclusion in the rule, but ought to be adopted by the Board as a guide for future proceedings. That suggestion was that when a new edition of the UBC is published, if the Department of Administration decides to modify the State Building Code to conform with that new edition, then the Board ought to seek a joint hearing with the Department so that these rules are always kept up to date with the State Building Code and the UBC. Not only would this result in certainty of uniformity, but it would also be far less expensive for the Board than going through a separate rulemaking proceeding.

19. By letter dated January 31, 1979, the Minneapolis Public Schools expressed exception to part B, paragraph 3 of the proposed rule, which provides that with respect to new construction or to a new addition to an existing building, only "private" construction will be exempt from the licensure requirements of section 326.02. This is a change from the blanket dollar exemption found under the statute, which exempts all new construction when the cost of the project does not exceed the dollar value set by the section.

Although the exclusion of public construction from the provisions of paragraph 3 is significant alteration of prior practice and prior law, the Board did not address the reason for excluding public construction from the exemption. Reference to the Statement of Need and Reasonableness, to testimony of the Board at the hearing, and to written submissions to the Hearing Examiner subsequent to the adjournment of the hearing reveals no discussion by the Board of the reasons for requiring licensure in all instances for the construction of publicly owned buildings.

The only discussion of the exclusion of public construction projects from the exemption provisions of paragraph 3 came in the testimony of Mr. E. A. Sovik, a member of the Minnesota Society of the American Institute of Architects, who testified in favor of adoption of rule 22. Mr. Sovik spoke of the aesthetic needs of society and, therefore, of the need to design buildings with an eye to not only the physical safety of individuals, but also with an eye to the mental health of the community. By not providing a blanket exemption for all public construction from the licensure requirement of chapter 326 the Legislature was, according to him, attempting to ensure "symbolic input" into the design and construction of all public buildings. That is, without proper symbolic signals in buildings, the mental health of the community might suffer. Mr. Sovik stated:

> But it is especially important that every building owned by the public be so designed that by its symbolic and esthetic image, it increases and enobles, rather than diminishes or depreciates the hopes and joys, the visions and elan of its community. This is public welfare. In a time of change and growth, chaos and ugliness must be checked, and it will not be checked if ignorant and incapable people are allowed to design our structures. There is probable risk. (Emphasis added)

But he then continued:

> Yet, as in other dangers, some possibility (but not probability) of risk is acceptable. Obscure and simple structures, small structures and those that have very conventional design solutions may be permissible.

So, even in his support of exempting only private construction, Mr. Sovik apparently admits that some buildings in the public sector may not require the services

of a licensed professional. Yet, this conslusion is not refelected in the rule proposed by the Board.

Beyond this testimony of Mr. Sovik, no justification was offered for the "public" project exclusion from paragraph 3. Despite the concern to justify the private exemptions expressed at the hearing, no mention was made of the relationship between "symbolic input" and the mental health of the public in respect to privately-owned, but publicly-viewed, buildings. Nevertheless, it would seem that the public may have as significant and substantial contacts with private buildings, and therefore be as impacted by the symbolic signals of their construction, as it does with public buildings.

Accepting, for the sake of argument, Mr. Sovik's argument that the public building must be more responsive to the needs of the mental health of the community, there would still appear to be no justification for requiring a design professional in the construction of warehouses, storage areas, garages, and similar projects, that would be otherwise exempt from the licensure requirement but for the fact that they are built and owned by the public. Public contact with these structures is likely to be minimal, as was apparently recognized by Mr. Sovik when he stated: "Obscure and simple structures, small structures and those that have very conventional design solutions may be permissible." It would seem that buildings of these types should be subject to the same analysis as was applied by the Board to the construction of privately-owned buildings and exempted from the licensure requirements of section 326.02 under the same standards.

Although some justification for a limited restriction with regard to public projects may exist, along the lines suggested by Mr. Sovik, the Board has failed to establish either the need for or the reasonableness of such a restriction as required by Chapter 15. For the above reasons, the Hearing Examiner finds that the Board has failed to satisfy its burden of establishing either the need for or reasonableness of requiring the use of licensed professional in all public projects. The word "private" should therefore be deleted from the provisions of part B, paragraph 3 of the proposed rule.

RULE 10

20. The proposed amendments to Rule 10, Examination of Engineer Applicants, would accomplish several things according to the Board. First, existing language in the rule would be clarified and obsolete provisions in the rule would be deleted. Second, the amendment would allow the granting of credit for engineering experience gained prior to graduation for applicants meeting certain requirements.

Third, the language regarding the exam to be given for those seeking licensing as professional engineers is clarified and streamlined. And finally, certain provisions regarding the taking of the required exams are altered to allow the Board greater discretion in administering the oral and written exams, and permitting the waiver of the oral exam in certain circumstances.

21. Very little public comment on the Board's proposal was received either through public testimony at the hearing or through written submissions. The only sentence to draw any substantial public comment is found in part A, paragraph 2 and reads: "The two (2) years experience prior to graduation must have been gained after completion of the second year of approved engineering education and must have been gained in the United States."

Two objections to this sentence were raised. One individual, Mr. Al Pint, testifying at the hearing, took exception to the requirement that the two years credit, which might be granted for experience prior to graduation, must be gained "after the completion of the second year of approved engineering education." Mr. Pint was of the mind, as was at least one other commentator, that all prior experience should be counted in granting the two year credit, without regard to when that experience was gained.

The Board, however, presents a compelling argument that the rule, as they have proposed it, is reasonable. Under the existing rule, pre-graduation experience is not considered at all. The proposed amendment is more liberal. Under the amendment, such experience will be considered as qualifying at the rate of fifty percent, if gained after the first two years of education. The amount of credit granted is within the discretion of the Board and each case is to be considered individually.

The Board justifies this requirement by pointing out that the initial two years of the engineering curriculum contain the basic science and mathematics courses necessary to make the work experience a meaningful one. The Board does not believe that it is appropriate to credit experience gained prior to this basic education because, in their opinion, such experience is of less value — that is, not of sufficient value to credit for work experience — because of the lack of basic courses.

This position, adopted by the Board, is reasonable and rather persuasive. It certainly cannot be said that the proposal is arbitrary and unjust, even though the requirement, in given instances, may prevent certain apparently qualified individuals from taking advantage of the two year credit. However, who is "qualified" is a Board determination that will not, in this instance, be

second guessed. For these reasons, the rule as proposed may be adopted as it presently reads.

Less persuasive is the requirement that pre-graduate experience must be gained in the United States to be entitled to the two years credit. The Board, in its Statement of Need and Reasonableness and in testimony at the hearing cited the administrative difficulty that would arise if they were required to determine whether foreign experience should be credited as experience under the rule. They noted that the granting of the credit is discretionary with the Board and, that as a matter of course, they felt it unreasonable to grant credit for work experience that they might have no knowledge about.

However the Board's own argument weakens the justification for the requirement that all experience be gained in the United States. If the granting of credit is in the discretion of the Board in an individual case, there would appear to be no reason for having a blanket exemption for work outside the United States. One can think of a number of situations in which the caliber of work and quality of the experience might be easily ascertained by the Board although it was gained outside of the United States — for example, in the Armed Forces or perhaps in Canada, Great Britain, or other English-speaking countries. A whole other category of experience which would be excluded by the Board is experience in a foreign country while employed by, or under the supervision of, an American firm.

On the other hand, the approach taken by the Board cannot be said to be wholly unreasonable because of the difficulties which could, in some cases, arise. Therefore, the Board may adopt the suggestion of the Hearing Examiner that the "within the United States" language be deleted or, in their discretion, they may reject the suggestion, or perhaps, more preferably, they may adopt a rule which permits the Board to credit such experience "as the applicant can demonstrate is easily verifiable by the Board."

22. One commentator has suggested that part C, paragraph 5, which outlines materials that may be used in the examination, should be deleted because of the provision that allowed the materials use "when authorized by the Board." In the commentator's words, "either the materials may be used or they may not". The vesting of discretion in the Board to authorize or restrict use of materials was explained at the hearing as being necessary so that the Board could respond to changes in the exam given without being required to amend the rule. Circumstances may arise in which the use of the materials should not be permitted and the Board should be able to respond to this. This provision is therefore reasonable and

the Board may adopt it. Concern over excessive discretion is lessened here because any Board ruling will affect all persons taking a given exam, not just an individual.

23. The Board has proposed a number of amendments to existing rule 10 and has discussed them at length in the Statement of Need and Reasonableness filed prior to the hearing. Other than those previously discussed, no adverse public comment was received regarding the proposed changes, and several of the engineers and architects at the hearing expressed their support of the adoption of the amendments. Having reviewed the amendments, the Examiner can find no objection to them, and further finds that the Board has carried its burden of proving the necessity and reasonableness of their proposed amendments. Because of this, the Examiner will not restate in this report the justifications set out in the Statement of Need and Reasonableness for each of the proposed changes.

The Board may adopt the proposed amendments to rule 10, with or without the proposed modification of part A, paragraph 2 suggested by the Examiner.

24. A final item which arose from the public comment is the desireability of the inclusion of a severability clause. Such a clause might prove to be helpful in the event that the Board is unable to reach a satisfactory agreement among all concerned groups regarding these rules.

Although almost all of the commentators felt that the concept of rule 22 represented a real "step forward" from the old concept of exemptions based on dollar limitations, the Examiner was impressed by the fact that much of the comment which was clothed in the language of "protecting the public welfare" was motivated, either consciously or unconsciously, by economic or territorial interest. It is not suprising that the Legislature wanted to be relieved from these conflicts — what is surprising is that the Legislature didn't delegate this task earlier.

Resolving economic or jurisdictional interests is rarely an easy task, nor is it one that often leaves everyone satisfied with the result. The Board has constructed a set of rules which have, for the most part, been found to be a reasonable resolution of the competing interests. However, there may be those who are left so dissatisfied with the Board's choices that they might seek to "derail" these rules as they travel through the remainder of the rulemaking process. In order to protect as much of the Board's work product as possible, a severability clause might be a prudent addition.

Based upon the foregoing Findings, the Examiner hereby makes the following:

CONCLUSIONS OF LAW

1. Due, timely and adequate legal notice of the hearing was properly served and published by the Board.

2. The Board did not comply with the requirements of Minn. Stat. § 15.0412(4) (1978) and Minn. Rule 9 MCAR § 2.109 regarding incorporation by reference of materials within proposed rules. However, this defect was remedied before the close of the record by order of the Chief Hearing Examiner allowing incorporation by reference of the Uniform Building Code, 1976 edition. Because the Uniform Building Code, 1976 edition already was substantially the law in Minnesota, there was no prejudice to the public, and thus, the defect does not prohibit the Board from proceeding with the rulemaking process. All other substantive and procedural requirements of the statute have been fulfilled.

3. The Board has demonstrated its statutory authority to adopt the proposed rules.

4. With the exceptions noted in the Findings, the Board had demonstrated the need for and reasonableness of the proposed rules.

RECOMMENDATION

The Hearing Examiner recommends that the proposed rules be modified as suggested in the Findings and that, so modified, they be adopted.

Dated this 28th day of February, 1979.

Allan W. Klein

Allan W. Klein
Hearing Examiner

MEMORANDUM

This record contains numerous suggestions for minor clarifications and modifications to the rules. The Examiner has not addressed many of those proposals because of his attempt to assist the Board in meeting the deadline imposed by the Legislature. The fact that a proposal was not discussed by the Examiner should not deter the Board from considering its adoption in order that the language which is finally adopted be the best and clearest language possible under the circumstances.

AWK

RULE AS ADOPTED

PROPOSED AMENDMENT TO RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO THE LICENSE REQUIREMENTS FOR PROFESSIONAL ENGINEERS

AE&LS 10 Examination of Engineer Applicants

A. Education and Experience. An applicant for registration as a Professional Engineer shall be required to pass an oral and a written examination as provided hereinafter. The submission of one exhibit of engineering work accomplished along with a written critique of such exhibit may be substituted in lieu of the oral examination upon the approval of the Board. Oral and written examinations will be required of all applicants except those registered under Rule AE&LS 7(e) and (f) which apply to those registered in one or more states other than Minnesota. In these cases the same minimum requirements for these applicants will be required as existed in Minnesota at the time of the original registration of the applicant in the other state. The written Fundamentals of Engineering (EIT) examination may be waived by the Board if the applicant meets the requirements stated in paragraph (d). To qualify for admission to such oral and written examination, the applicant shall present satisfactory evidence that he/she has:

1. Graduated from an engineering curriculum accredited by the Engineers' Council for Professional Development (ECPD) and appearing on the list of Accredited Programs Leading to Degrees in Engineering current at the time of his graduation as published by the ECPD or the educational equivalent thereof.

2. Completed a minimum of four (4) years of qualifying engineering experience, satisfactory to the Board, after graduation from a baccalaureate program in engineering accredited by the ECPD, or three (3) years of qualifying engineering experience, satisfactory to the Board, after graduation from a Masters or Doctoral program in engineering from an institution with an ECPD accredited baccalaureate program in that discipline of engineering. Up to two (2) years credit for diversified, qualifying engineering experience, gained prior to graduation from an approved engineering curriculum, may be granted by the Board when evaluated on an individual basis. The two (2) years experience prior to graduation must have been gained after completion of the second year of approved engineering education ~~and must have been gained in the United States~~. Such experience shall be credited at the rate of 50% up to the maximum allowable credit of two (2) years.

3. An applicant may qualify for admission to the examinations provided that satisfactory evidence is submitted to the Board that education and experience completed meet the requirements set forth in the following table:

Classification	Education in years	Experience in years	Total Education and Experience
Graduate of Engineering Curriculum Accredited by Engineers' Council for Professional Development (ECPD)			
5-year Course with M.S. or PhD.....	5	3	8
4 or 5-year Course.....	4	4	8
Graduate of Non-ECPD Accredited Engineering Curriculum Approved by the Board			
5-year Course.....	4	5	9
4-year Course.....	3	6	9

4. Recognized equivalent education. The education requirements of an applicant whose education was not obtained in an engineering curriculum accredited by the Engineers' Council for Professional Development will be accepted only if such education is determined by the Board to be equivalent to the content of the accredited curriculum required for a Bachelor of Science Degree in engineering. The applicant will be required to submit a transcript of grades, along with descriptions of courses taken from the educational institution from which he graduated, for evaluation by the Board to determine the credit to be allowed for such non-accredited engineering education.

B. Oral Examination: An applicant will be required to appear before the Board for oral examination and submit two exhibits of engineering work he has performed unless he is registered under Rule AE&LS 7(e) or (f). He may be given the option, by the Board, to submit one exhibit of engineering work he has performed with a written critique of that exhibit in lieu of appearing before the Board for an oral examination.

C. Written Examination:

1. The written examination consists of two parts. Part I is a preliminary examination, the Fundamentals of Engineering Examination (FE), which may be taken upon graduation from an engineering curriculum approved by the Board. The passing of this preliminary examination will give the applicant the status of Engineer-in-Training as defined in Section 326.10, Subdivision 7, and such applicant will not again be required to take this examination. The applicant shall take and pass the Fundamentals of Engineering Examination, EIT, before being permitted to take the Professional examination.

2. The Professional examination (Part II), the Principles and Practice of Engineering Examination, is an examination in a field of major practice and is required as hereinafter outlined. Examinations are presently offered in the following fields of major practice in engineering: Aeronautical/Aerospace, Agricultural, Ceramic, Chemical, Civil, Electrical, Geological, Industrial, Manufacturing, Mechanical, Metallurgical, Mining/Minerals, Nuclear, Petroleum, Sanitary, and Structural. Any applicant who is a graduate with a degree in Architectural Engineering from an accredited curriculum will be considered for registration by the Board as a Professional Engineer by examination in a field of major practice based on his experience record.

3. The scope of the Fundamentals of Engineering Examination, EIT (Part I), and the Principles and Practice of Engineering Examination (Part II) is as follows:

a. Fundamentals of Engineering Examination, EIT (Part I): Multiple-choice questions in fundamental mathematics and the basic and engineering sciences as presented in accredited college or university engineering curriculum. Allotted time - 8 hours.

b. Principles and Practice of Engineering Examination (Part II): Problems embracing knowledge of professional practice and applied economics such as should be acquired in connection with the planning, design and construction of engineering work during the statutory period leading to registration as professional engineer. This part of the examination, together with the oral examination or exhibit with written critique, will not be required until the full statutory period of qualifying engineering experience has been completed. Allotted time - 8 hours.

4. The Principles and Practice of Engineering examination is given for the purpose of determining the proficiency of the applicant in professional practice. This examination will include questions designed to test whether training and experience have taught the applicant to apply the knowledge and understanding of the basic and engineering sciences to the solution of engineering problems.

5. Handbooks, reference books, bound tabular material and notes, and silent, hand-held, electronic calculators are permitted for use during examinations when authorized by the Board.

D. Engineers Qualified by Graduation. Long Experience and Examination. The applicant must have graduated from an accredited engineering curriculum, or have received a graduate degree based upon at least one academic year of resident study in a department whose undergraduate curriculum is accredited; be not less than forty years of age; have a verified professional engineering record of twenty years or more, as defined by and of a character satisfactory to the Board; and shall pass a written professional practice examination of at least eight hours duration. The applicant's engineering experiense shall show responsible charge of engineering projects for at least ten years and advancement in the character of the work performed. The experience gained prior to his reaching the age of twenty years shall not be credited as a part of the required engineering experience, except that graduation from an accredited engineering curriculum shall be considered equivalent to four years of engineering experience. Credit shall not be given for more than a total of four years experience because of undergraduate educational qualifications.

E. Engineer-in-Training. Any applicant who is a graduate of an ECPD accredited engineering curriculum, or who has education equivalent thereto as determined by the Board, may be permitted to take the Fundamentals of Engineering examination (EIT).

F. Severability. If any provision of this rule is held invalid, such invalidity shall not affect other provisions of this rule which can be given effect without the invalid provision, and to this end the provisions of this rule shall be deemed severable.

Adopted January 16, 1922. Amended 1940; October 2, 1945; May 5, 1948; July 9, 1951; March 20, 1953; February 4, 1956; June 13, 1958; May 16, 1962; March 5, 1964; October 6, 1965; November 9, 1967; August 20, 1970; October 22, 1971.

APPROVED AS TO FORM AND LEGALITY

May 21 1979

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 22 1979
Joan Anderson Growe
Secretary of State
12:40 PM

PROPOSED RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSE REQUIREMENTS

AE&LS 22

A. Purpose. The purpose of these rules is to indicate circumstances where the services of a licensed architect or engineer are not required pursuant to Minn. Stat. Sections 326.02-326.16.

B. General Requirement. Plans and specifications for the erection, enlargement, alteration, or remodeling or renovation of any building, structure, or other work shall be prepared and certified by an architect or engineer licensed pursuant to Minn. Stat. Sections 326.02-326.16 except as set forth below:

1. Statutory Exception. Building components or classes of buildings enumerated in Minn. Stat. Sections 326.02, Subd. 5 and 326.03, Subd. 2(a)-(d).

2. Remodeling or Renovation Exception.

a. Any remodeling or renovation to part or all of an existing building, structure or work which does not:

(1) change the load on its mechanical or electrical systems or change the live or dead load on its structural systems, ~~adversely affecting their ability to perform,~~ in either case, in such a manner that a violation of the Uniform Building Code, 1976 edition, might occur,

(2) ~~adversely~~ change the building's access or exit pattern, ~~or~~ in such a manner that a violation of the Uniform Building Code, 1976 edition, might occur, or

(3) change the Uniform Building Code (UBC) ~~use~~ occupancy classification of the building.

b. Any remodeling or renovation, of any kind, in a building in the UBC ~~use~~ occupancy classes and consistent with the size, dwelling unit, and number of stories and basement ~~construction type~~ thresholds specified in Table 1.

3. Classes of Buildings Exceptions. Any ~~privately-owned~~ new construction of or new addition to a building in the specified UBC ~~use~~ occupancy classes and consistent with the size, dwelling unit, and number of stories and basement ~~construction-type~~ thresholds specified in Table 1. Provided that an exemption under this paragraph shall not apply:

a. for a second new building to be constructed by the same person on the same parcel or a contiguous parcel to a new building previously exempted hereunder or for a second addition to the same building where a prior addition was exempt hereunder, in either case, within twenty-four calendar months after the date of building permit issuance. Same person means the same owner or same general contractor, ~~as~~, or ownership or general contractor entity having one or more participants in common with, the owner or general contractor of the first building. The person seeking a building permit shall certify that the same person has not utilized this exemption within the prior twenty-four month period. Parcel means a non-subdivided tract of land.

b. for an addition to an existing building, where the existing building exceeds the exemption size thresholds under this paragraph if the addition results in either of the effects set forth in paragraphs B.2.a.(1) or B.2.a.(2), regardless of the size of the new addition proposed.

c. for new construction within a larger building (e.g., individual shops within a shopping center) where the larger building exceeds the exemption size thresholds under this paragraph if the new construction results in either of the effects set forth in paragraphs B.2.a.(1) or B.2.a.(2), regardless of the size of the new construction proposed.

C. Definitions.

1. Definitions. All terms used herein shall be as defined in the Uniform Building Code, 1976 edition, unless otherwise specified in these rules. The abbreviation 'UBC' as used in this rule means the Uniform Building Code, 1976 edition.

2. ~~Use.~~ Occupancy. ~~Use~~ Occupancy shall be specified by the owner and verified by the building official in the manner provided in the UBC.

D. General Provisions:

1. Plans Mandatory. The exceptions in paragraphs B.2. and B.3. shall be available only if the building permit applicant supplies the responsible building official with two sets of plans and specifications for the building or remodeling. The name and address of the preparer of the plans and specifications shall appear thereon. The plan preparer shall certify that reasonable care has been given to compliance with applicable laws, ordinances, and building codes relating to design.

2. ~~Nonexclusivity.~~ Non-Applicability of Exemptions. Notwithstanding the exceptions in subsection B.3. the responsible building official ~~shall~~ may require plans and specifications to be designed and prepared by a licensed architect or engineer, if he finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular use. ~~Nothing herein shall preclude or supercede any provisions of other applicable laws or regulations.~~

3. Nonexclusivity. Nothing herein shall preclude or supercede any provisions of other applicable laws or regulations.

4. Severability. If any provision of this rule is held invalid, such invalidity shall not affect other provisions of this rule which can be given effect without the invalid provision, and to this end the provisions of this rule shall be deemed severable.

TABLE 1

Use Occupancy Classification	Number of Stories and Basement ~~Construction Type~~		Maximum Gross Square Footage (GSF) or Dwelling Units (whichever is less)
(i) Warehouse (storage rooms) for combustible or non-combustible goods	one story, no basement	No use of structural concrete, poured in place, for roofs and supported floors	5000 GSF
(ii) Retail or wholesale stores, paint stores without bulk handling	two story and basement		1500 GSF
(iii) Office buildings	two story and basement		2250 GSF
(iv) Factories and workshops using materials that are not highly flammable	one story, no basement		3000 GSF
(v) Aircraft hangars where no repair work is done except exchange of parts and maintenance requiring no open flame, welding, or the use of highly flammable liquids	one story, no basement		3000 GSF
(vi) Lodging houses	two story and basement		5 rooms or 1500 GSF
(vii) Eating and drinking establishments	two story and basement		Seating for not more than 20 persons or 1000 GSF
(viii) Apartment houses	two story and basement or three story including half basement		4 dwelling units or 5000 GSF
(ix) Garages, carports, and sheds used as accessories	one story, no basement		1000 GSF
(x) Convents and monasteries	two story and basement		10 dwelling units or 3000 GSF

APPROVED AS TO FORM AND LEGALITY

MAR. 26 1979 19____

WARREN SPANNAUS, ATTORNEY GENERAL

BY Joe E. Shelby

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 26 1979
Joan Anderson Growe
Secretary of State

10:30 AM

RULE AS ADOPTED

Not adopted — chg per agency resolution of 5-11-79

PROPOSED AMENDMENT TO RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO THE LICENSE REQUIREMENTS FOR PROFESSIONAL ENGINEERS

AE&LS 10 Examination of Engineer Applicants

A. Education and Experience. An applicant for registration as a Professional Engineer shall be required to pass an oral and a written examination as provided hereinafter. The submission of one exhibit of engineering work accomplished along with a written critique of such exhibit may be substituted in lieu of the oral examination upon the approval of the Board. Oral and written examinations will be required of all applicants except those registered under Rule AE&LS 7(e) and (f) which apply to those registered in one or more states other than Minnesota. In these cases the same minimum requirements for these applicants will be required as existed in Minnesota at the time of the original registration of the applicant in the other state. The written Fundamentals of Engineering (EIT) examination may be waived by the Board if the applicant meets the requirements stated in paragraph (d). To qualify for admission to such oral and written examination, the applicant shall present satisfactory evidence that he/she has:

1. Graduated from an engineering curriculum accredited by the Engineers' Council for Professional Development (ECPD) and appearing on the list of Accredited Programs Leading to Degrees in Engineering current at the time of his graduation as published by the ECPD or the educational equivalent thereof.

2. Completed a minimum of four (4) years of qualifying engineering experience, satisfactory to the Board, after graduation from a baccalaureate program in engineering accredited by the ECPD, or three (3) years of qualifying engineering experience, satisfactory to the Board, after graduation from a Masters or Doctoral program in engineering from an institution with an ECPD accredited baccalaureate program in that discipline of engineering. Up to two (2) years credit for diversified, qualifying engineering experience, gained prior to graduation from an approved engineering curriculum, may be granted by the Board when evaluated on an individual basis. The two (2) years experience prior to graduation must have been gained after completion of the second year of approved engineering education and must have been gained in the United States, its territories, possessions and military jurisdictions. Such experience shall be credited at the rate of 50% up to the maximum allowable credit of two (2) years.

3. An applicant may qualify for admission to the examinations provided that satisfactory evidence is submitted to the Board that education and experience completed meet the requirements set forth in the following table:

Classification	Education in years	Experience in years	Total Education and Experience
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5-year Course.....	4	5	9
4-year Course.....	3	6	9

4. Recognized equivalent education. The education requirements of an applicant whose education was not obtained in an engineering curriculum accredited by the Engineers' Council for Professional Development will be accepted only if such education is determined by the Board to be equivalent to the content of the accredited curriculum required for a Bachelor of Science Degree in engineering. The applicant will be required to submit a transcript of grades, along with descriptions of courses taken from the educational institution from which he graduated, for evaluation by the Board to determine the credit to be allowed for such non-accredited engineering education.

B. Oral Examination: An applicant will be required to appear before the Board for oral examination and submit two exhibits of engineering work he has performed unless he is registered under Rule AE&LS 7(e) or (f). He may be given the option, by the Board, to submit one exhibit of engineering work he has performed with a written critique of that exhibit in lieu of appearing before the Board for an oral examination.

C. Written Examination:

1. The written examination consists of two parts. Part I is a preliminary examination, the Fundamentals of Engineering Examination (FE), which may be taken upon graduation from an engineering curriculum approved by the Board. The passing of this preliminary examination will give the applicant the status of Engineer-in-Training as defined in Section 326.10, Subdivision 7, and such applicant will not again be required to take this examination. The applicant shall take and pass the Fundamentals of Engineering Examination, EIT, before being permitted to take the Professional examination.

2. The Professional examination (Part II), the Principles and Practice of Engineering Examination, is an examination in a field of major practice and is required as hereinafter outlined. Examinations are presently offered in the following fields of major practice in engineering: Aeronautical/Aerospace, Agricultural, Ceramic, Chemical, Civil, Electrical, Geological, Industrial, Manufacturing, Mechanical, Metallurgical, Mining/Minerals, Nuclear, Petroleum, Sanitary, and Structural. Any applicant who is a graduate with a degree in Architectural Engineering from an accredited curriculum will be considered for registration by the Board as a Professional Engineer by examination in a field of major practice based on his experience record.

3. The scope of the Fundamentals of Engineering Examination, EIT (Part I), and the Principles and Practice of Engineering Examination (Part II) is as follows:

a. Fundamentals of Engineering Examination, EIT (Part I): Multiple-choice questions in fundamental mathematics and the basic and engineering sciences as presented in accredited college or university engineering curriculum. Allotted time - 8 hours.

b. Principles and Practice of Engineering Examination (Part II): Problems embracing knowledge of professional practice and applied economics such as should be acquired in connection with the planning, design and construction of engineering work during the statutory period leading to registration as professional engineer. This part of the examination, together with the oral examination or exhibit with written critique, will not be required until the full statutory period of qualifying engineering experience has been completed. Allotted time - 8 hours.

4. The Principles and Practice of Engineering examination is given for the purpose of determining the proficiency of the applicant in professional practice. This examination will include questions designed to test whether training and experience have taught the applicant to apply the knowledge and understanding of the basic and engineering sciences to the solution of engineering problems.

5. Handbooks, reference books, bound tabular material and notes, and silent, hand-held, electronic calculators are permitted for use during examinations when authorized by the Board.

D. Engineers Qualified by Graduation. Long Experience and Examination. The applicant must have graduated from an accredited engineering curriculum, or have received a graduate degree based upon at least one academic year of resident study in a department whose undergraduate curriculum is accredited; be not less than forty years of age; have a verified professional engineering record of twenty years or more, as defined by and of a character satisfactory to the Board; and shall pass a written professional practice examination of at least eight hours duration. The applicant's engineering experiense shall show responsible charge of engineering projects for at least ten years and advancement in the character of the work performed. The experience gained prior to his reaching the age of twenty years shall not be credited as a part of the required engineering experience, except that graduation from an accredited engineering curriculum shall be considered equivalent to four years of engineering experience. Credit shall not be given for more than a total of four years experience because of undergraduate educational qualifications.

E. Engineer-in-Training. Any applicant who is a graduate of an ECPD accredited engineering curriculum, or who has education equivalent thereto as determined by the Board, may be permitted to take the Fundamentals of Engineering examination (EIT).

F. Severability. If any provision of this rule is held invalid, such invalidity shall not affect other provisions of this rule which can be given effect without the invalid provision, and to this end the provisions of this rule shall be deemed severable.

Adopted January 16, 1922. Amended 1940; October 2, 1945; May 5, 1948; July 9, 1951; March 20, 1953; February 4, 1956; June 13, 1958; May 16, 1962; March 5, 1964; October 6, 1965; November 9, 1967; August 20, 1970; October 22, 1971.

ARCH-79-001-AK

STATE OF MINNESOTA

BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSURE REQUIREMENTS AND PROPOSED AMENDMENTS TO THE RULE RELATING TO THE LICENSURE REQUIREMENTS FOR PROFESSIONAL ENGINEERS	)	SUPPLEMENTAL FINDING OF FACT

The above-entitled matter came on for hearing before Allan W. Klein, a duly appointed Hearing Examiner, on January 24, 1979, in the Department of Commerce Hearing Room, 500 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota. G. Leigh Morrow, Chairman, and Lowell Torseth, Executive Secretary. appeared on behalf of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture (hereinafter the "Board"). Barry R. Greller, Special Assistant Attorney General, 500 Metro Square Building, Saint Paul, Minnesota, appeared as counsel for the Board. Forty-four persons signed the hearing register, and the hearing continued until all interested groups or persons had an opportunity to be heard concerning the adoption of the proposed rules. The record remained open for the receipt of written comments until February 7, 1979.

Hearing Examiner Allan W. Klein prepared the Report of Hearing Examiner, dated February 28, 1979, stating his Findings of Fact, Conclusions of Law and Recommendation, pursuant to Minn. Stat. §15.052, subd. 3 (1978) and Minn. Rule HE 106 (9 MCAR §1.106). On March 13, 1979, the Board issued its Findings of Fact, adopting with modifications the Findings of Fact, Conclusions of Law and Recommendation of the Hearing Examiner.

The above-entitled rules were submitted by the Board to the Office of Attorney General for review in accordance with Minn. Stat. §15.0412, subd. 4 (1978) and Minn. Rule ATTY GEN 305 on March 15, 1979. At the request of the Board, the Attorney General severed for separate consideration the amendments to AE&LS 10. On March 26, 1979, the Attorney General approved proposed rule AE&LS 22. Rule AE&LS 10 was not approved by the Attorney General and was returned to the Board for further action for the following reason:

> A (2): The following language proposed for adoption is not supported by the agency's finding: "its territories, possessions and military jurisdictions." This defect must be remedied.

The Board makes the following finding of fact in supplement to Findings of Fact 1 and 2, contained in the Board's Findings of Fact of March 13, 1979, with respect to the proposed amendments to Rule AE&LS 10:

3. The Board readopts Finding of Fact 21, as propounded by the Hearing Examiner in his Report, and as adopted by the Board in its Findings of Fact, dated March 15, 1979, with the following modifications:

The Board finds that the limitation on credit for pre-graduation experience in proposed rule AE&LS 10 to experience "gained in the United States" is unduly restrictive and is unnecessary to accomplish the Board's purpose of assuring that the proffered experience is subject to verification. The Board also finds that this limitation would unnecessarily restrict credit for pre-graduation experience in a manner which is substantially different from that applicable to post-graduation experience. The Board finds, therefore, that the third sentence of proposed rule AE&LS 10, paragraph A.2 should be amended for final adoption by deleting the words "and must have been gained in the United States" to read as follows:

The two (2) years experience prior to graduation must have been gained after completion of the second year of approved engineering education.

Dated: May 7, 1979.

STATE OF MINNESOTA
BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

G. Leigh Morrow

G. Leigh Morrow, P.E., Chairman
Board of Architecture, Engineering,
Land Surveying and Landscape
Architecture

ARCH-79-001-AK

STATE OF MINNESOTA

BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSURE REQUIREMENTS AND PROPOSED AMENDMENTS TO THE RULE RELATING TO THE LICENSURE REQUIREMENTS FOR PROFESSIONAL ENGINEERS	FINDINGS OF FACT

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Having afforded interested persons an opportunity to present written and oral data, statements and arguments, having considered

all the testimony and other evidence adduced herein, and based upon all the records, files, transcripts, exhibits and proceedings in this matter, the Board hereby adopts as its findings of fact, with the exception of Findings 8 and 16, the Findings of Fact propounded by the Hearing Examiner in his Report. The Board further adopts as its own conclusions the Conclusions of Law propounded by the Hearing Examiner in his Report, which conclusions are hereby further adopted as a part of these Findings of Fact. The Board further makes the following findings of fact in substitution for or in addition to Findings of Fact 8 and 16 of the Hearing Examiner:

1. The Board adopts Finding of Fact 8 as propounded by the Hearing Examiner in his Report and makes the following further finding of fact as a part of Finding of Fact 8:

The Board takes administrative notice that on December 1, 1978, it mailed the Amended Notice of Hearing to all persons who had registered their names with the Secretary of State for the purpose of receiving such notice as of November 29, 1978, and to those additional persons to whom it had mailed the original notice of hearing and whose names did not appear on the Secretary of State's list as of November 29, 1978. In an effort to maintain a complete record, the Board finds that the following documents which pertain to mailing of the Amended Notice of Hearing, which were not filed with the Hearing Examiner's Office and were not introduced as exhibits at the hearing, should be and are made a part of the record herein: Certificate of Delivery of Secretary of State List (as of November 29, 1978), Affidavit of Receipt of Secretary of State's List (dated November 29, 1978), Affidavit of Mailing (dated December 1, 1978), Secretary of State's List and Lists of State Senators and Representatives. The Board finds, in view of the nature of the foregoing documents, that no member of the public was prejudiced by the fact that these documents were not filed with the Hearing Examiner and were not offered as exhibits at the hearing.

2. In substitution for Finding of Fact 16 as propounded by the Hearing Examiner in his Report, the Board makes the following finding to correct a clerical error in the first sentence of the final paragraph of Finding 16 of the Hearing Examiner and to clarify the record concerning the work of the "Ad Hoc Committee":

The bulk of the testimony at the hearing, and of the submissions received by the Hearing Examiner before and after the hearing, dealt with the square foot figures selected by the Board, and contained in Table 1 of the proposed rule. Table 1 contains several building classifications that will not require the use of a licensed professional in their construction if the buildings do not exceed certain square foot limitations. In drafting the proposed rule and Table 1, the Board convened an "Ad Hoc Committee" composed of architects, contractors, and engineers to analyze which structures could be built without the aid of a licensed professional and without probable risk to the health, life, property, or the public welfare. The Ad Hoc Committee's final submission to the Board included a rule similar to the proposed rule. The Ad Hoc Committee was not, however, able to reach a concensus on the building classifications or square foot limitations to be included in Table 1. (See written comments of Mr. John H. Herman, dated February 7, 1979.) One of the proposed tables prepared by the Ad Hoc Committee in the course of its deliberations included square foot limitations significantly larger than those finally adopted by the Board in the proposed rule, and several members of the public urged the substitution of the larger figures in place of those proposed by the Board. (This table was introduced as an exhibit at the hearing and is hereinafter referred to as "Public Exhibit 1".)

The question then becomes, are the square foot figures proposed by the Board reasonable? The Minnesota Supreme Court has held that for a rule or a law to be reasonable, it must not be arbitrary. See, e.g., Hurley v. Chaffee, 231 Minn. 362,

43 N.W.2d 281 (1950). Similarly, the Eighth Circuit Court of Appeals in Greenhill v. Bailey, 519 F.2d 5, 10 (8th Cir. 1975) has held that unreasonable means a "willful and unreasoning action, without consideration and in disregard of the facts or circumstances of the case." Reasonableness, then, may be said to mean having a rational basis for the action.

Did the Board have a rational basis for its action of adopting the square foot figures contained in Table 1 and in rejecting the square foot figures considered by the Ad Hoc Committee and contained in Public Exhibit 1? An examination of Table 1 reveals a list of those buildings that may be constructed without requiring the services of a licensed professional. It limits each exempted "use" classification in terms of a number of factors, such as building area, number of stories, number of rooms or dwellings units, or provisions for seating. Because of the inherent complexity of design and execution, the use of poured in place concrete for roofs or supported floor structures always will result in a requirement that a licensed professional be employed in the construction of a building, and there is no exemption available under the proposed rules.

According to testimony at the hearing, the allowable sizes for exemptions vary in relation to the historical pattern of occupancy of these use types. For example, warehouses are allowed as single story buildings up to 5,000 square feet in size because the occupants generally are employees familiar with the premises, and thus able to exit quickly in event of a problem. The same method of analysis was employed to reach the square foot limitations set out in the other use classifications contained in Table 1. Accordingly, a mathematical analysis of the building areas in Table 1, according to requirements for calculating occupancy under the UBC, reveals that the proposed exempted use classifications could accommodate from fifteen to thirty occupants, with most of the use classifications based on a twenty occupant figure.

Support for the larger figures contained in Public Exhibit 1 came from several sources and was based on various rationales. A number of commentators, particularly representatives of the electrical contracting industry and plumbing contractors, felt that the Board proposal rendered the exemption provision meaningless, because they felt that construction of structures under Table 1 square footages was unrealistic, or at least uneconomical. Lyle Snyder, who represented the Minnesota Electrical Society (MES) stated that MES "could live with [the Ad Hoc Committee proposal] and therefore supported it." Other individuals speaking in support of Public Exhibit 1 felt that the large square footages were "more acceptable" and that the larger buildings did not present a probable risk to health, life, property, or the public welfare. Robert J. McFarlin, speaking for the Consulting Engineers Council of Minnesota (CECM), stated that the CECM could support either table but that they urged adoption of Public Exhibit 1 because it represented an honorable agreement. Mr. McFarlin concluded that a decrease in the square footage by the Board after reviewing what he considered to be the recommendations of the Ad Hoc Committee constituted a bad faith act on the part of the Board.

As was pointed out by the Examiner at the hearing, the notions of bad faith and honorable agreement are not relevant to the determination of "necessity and reasonableness" that must be made before the Board may adopt the proposed rule. The Ad Hoc Committee was an advisory body only and the Board was not only free to use its own judgment but also required by the terms of its legislative mandate to exercise <u>its</u> reasoned judgment in proposing a rule that was the best for the public welfare, a judgment that should not be based solely on a "honorable agreement" between the Board and the members of an advisory committee representing the affected industry.

Second, despite the volume of testimony in support of Public Exhibit 1, those testifying were not able to establish that

the Board proposal was unreasonable. Ron Kirk, a registered structural engineer representing the Association of General Contractors, and speaking in favor of adoption of Public Exhibit 1, stated: "We recognize the difficulty of arguing with great logical clarity the difference in risk between a 5,000 square foot building and a 7,500 square foot building." Other commentators expressed their "personal opinion" that either was acceptable. With Mr. Kirk's statement, the Board agrees. The differences between the two sets of figures are essentially matters of judgment. The question to be answered is whether Table 1 is reasonable.

The Board, in justifying the adoption of Table 1, argued that an initially conservative approach to the proposed exemption is desirable, although the Board recognized the difficulty of quantifying risk in terms of variations in building size and drawing fixed lines. Despite this difficulty, the square foot figures of Table 1 do relate to a specific occupancy level, approximately twenty persons. This is a level at which knowledge of the building by the occupants can be presumed and thus concern about safety may be lessened. By contrast, reference to the provisions of Public Exhibit 1 reveal that rather substantial and high occupancy buildings, particularly in the case of eating and drinking establishments,* could be built under that proposal. Furthermore, no comparable consistency in occupancy numbers can be discerned from Public Exhibit 1.

The Board is persuaded by the argument with respect to the necessity of taking a conservative approach in granting exemptions. It is for the Board to decide that erring on the side of caution is necessary. In this instance, there is every indication that the Board took all steps possible to obtain widespread input and there is every evidence that the Board vigorously discussed the

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*See, for example, the letter from Robert S. Bean, P.E., submitted for the record by Representative Arlene I. Lehto, describing a fire in a Duluth establishment in which two persons died.

alternatives before reaching its final proposal. Because of its expertise and knowledge, the Hearing Examiner was correct in giving the Board's conclusions great weight. Later, either the Board or the public can seek to liberalize the exemptions in future rulemaking proceedings if it appears that the proposed rule is unduly restrictive in a given area.

On the basis of the foregoing, it can be said that the Board did show it had a rational basis for its action in adopting the lower square foot limitations contained in the proposed rule. The restrictions imposed are reasonable and satisfy the need and reasonableness requirements of Minn. Stat. §15.0412 (1978).

Dated: MARCH 13, 1979

STATE OF MINNESOTA
BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

G. Leigh Morrow

G. Leigh Morrow, P.E., Chairman
Board of Architecture, Engineering,
Land Surveying and Landscape
Architecture

ARCH-79-001-AK

STATE OF MINNESOTA

BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSURE REQUIREMENTS AND PROPOSED AMENDMENTS TO THE RULE RELATING TO THE LICENSURE REQUIREMENTS FOR PROFESSIONAL ENGINEERS	ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Board of Architecture, Engineering, Land Surveying and Landscape Architecture on the 24th day of January, 1979, at 500 Metro Square Building, 7th and Robert Streets, Saint Paul, Minnesota 55101, after proper notice required by Minn. Stat. Section 15.0142 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and after proper publication of such notice in the State Register.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced, and having confirmed the need for the above captioned rules and the reasonableness thereof,

NOW, THEREFORE, IT IS ORDERED that these rules, identified as Minn. Rules AE&LS 22 and 10 are adopted this 13th day of March, 1979, pursuant to the authority vested in the Board of Architecture, Engineering, Land Surveying and Landscape Architecture by Minn. Stat. Sections 15.0412 and 326.06 (1978).

STATE OF MINNESOTA
BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

Dated: MARCH 13, 1979

G. Leigh Morrow

G. Leigh Morrow, P.E., Chairman
Board of Architecture, Engineering,
Land Surveying and Landscape
Architecture

STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of a Rule of the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture Relating to Classes of Buildings With Respect to Which Persons Performing Architectural and Professional Engineering Services May Be Exempt From Licensure Requirements and Proposed Amendments to the Rule Relating to the Licensure Requirements for Professional Engineers

STATEMENT OF NEED AND REASONABLENESS OF PROPOSED RULES

STATEMENT OF NEED AND AUTHORITY

Minn. Stat. Sections 326.02-326.15 provide for the regulation of architects, engineers, land surveyors, and landscape architects. This statute was originally enacted as Minn. Laws 1921, ch. 523. Ch. 523, Section 9, permitted the Board of Architecture, Engineering, Land Surveying and Landscape Architecture to subject applicants to an examination which would test qualifications and fix standards for determining the qualifications of applicants for registration.

Minn. Laws 1933, ch. 404 provided for the first specific exemptions to the law. Section 1, thereof, added an exemption for any private building or work, the total cost of which did not exceed $7,500, and also exempted established contractors and builders constructing their own buildings. Minn. Laws 1945, ch. 380 increased the monetary standards for exemption by exempting "buildings not public if the total cost did not exceed $10,000." Chapter 380 also added as an exemption public work or public improvement projects not exceeding $2,000.00. Minn. Laws 1967, Ex. Sess., ch. 28, section 2, increased monetary standards for exemptions by exempting private construction projects not exceeding $30,000. Minn. Laws 1975, ch. 83, section 1, increased the public work and public improvement

exemption from $2,000 to $30,000.

Subsequent to the original enactment in 1921 granting the Board authority over architects, engineers, and land surveyors, the Legislature added the Board's regulation of landscape architects in Minn. Laws 1975, ch. 329. Presently, the Board exercises regulatory authority through its rulemaking power which is found in Minn. Stat. section 326.06 (1976).

Minn. Laws 1978, ch. 577, amends Minn. Stat. section 326.06 (1976) and directs the Board to "make rules to define classes of buildings with respect to which persons performing services described in section 326.03, subdivision 2, may be exempted from the provisions of Minn. Stat. sections 326.02 - 326.15, by a finding of no probable risk to life, health, property, or public welfare." Promulgation of these rules is required on or before April 1, 1979. Pursuant to the provisions of section 3 of Minn. Laws 1978, ch. 577, clauses (e) and (f) of Minn. Stat. section 326.03, subd. 2, and section 2 of ch. 577 are to be superseded upon the adoption of these rules. In order to obtain the maximum public input to the rulemaking process, the Board established an Ad Hoc Committee for the purpose of preparing a proposed rule as mandated by chapter 577. The Committee was comprised of representatives of the design professions, contracting groups, and groups using the services of the construction industry. The Committee considered the opinions available from outside sources and after discussing several alternatives, drafted a rule that would be consistent with corresponding parts of the Uniform Building Code (hereinafter UBC). The types of buildings being in contention between the design profession and contractors have included small projects such as warehouses, small apartment buildings, small retail establishments, and the like. There was consensus among the membership of the Committee that public life, health and property would be adequately protected, and the public welfare safeguarded by the adoption of the draft proposal. The Committee met six

times from May 26 through September 15, 1978, in order to complete its recommendations to the Board.

FACTS ESTABLISHING REASONABLENESS

Enactment of chapter 577 was perceived by the Board as a legislative mandate to devise rules in the public interest that would eliminate the dollar exemption for public and private construction projects for buildings and structures. This would negate the need for the Legislature to periodically modify the monetary standards for exemptions contained in Minn. Stat. section 326.03 (e) and (f) (1976). Proposed AE&LS Rule 22 attempts to accomplish this objective. The Ad Hoc Committee developed the language contained in the proposed rule. This, along with Table I to the draft rule, was recommended to the Law Revision Committee of the Board for further recommendation to the full Board. After a great deal of discussion, the gross square foot values contained in Table I were adjusted to a compromise level. After due consideration, the Board proposed the gross square foot values found in the Table attached to proposed AE&LS Rule 22. Gross square foot values govern the exemptions permitted by the proposed rule.

Proposed AE&LS Rule 22A states that the purpose of AE&LS 22 is to indicate circumstances where the services of a licensed architect or engineer are not required pursuant to Minn. Stat. sections 326.02 - 326.15.

Proposed AE&LS Rule 22B, 1-3 sets forth the permissible exemptions to the statutory certification requirement for plans and specifications by licensed architects and engineers. This rule relates to those instances where an existing building might be renovated or remodeled to change its use or occupancy in relation to requirements of the UBC. For example, a small warehouse might be remodeled for use as an eating and drinking establishment or a retail store thereby significantly changing its use

and occupancy. Major changes would be made to loads placed on the building air handling, plumbing and electrical system because of new equipment added to accommodate the new usage. Subd. B.1. of this rule incorporates the express statutory exemptions contained in sections 326.02, subdivision 5 and 326.03, subdivision 2(a-d). This incorporation by reference is made to clarify that no intent is exhibited to remove or conflict with these statutory exemptions. Subdivision B.2. of the proposed rule limits the exemptions provided for in Table I. Accordingly, pursuant to B.2.a., any remodeling or renovation work that would change the load on the heating, ventilating, and air conditioning (hereinafter HVAC) system, plumbing system, electrical system, or structural system of the building; or adversely change the access or exiting pattern to and from the building, or change the building's use classification would require the design services and statutory certification of a licensed architect or engineer. For example, a building being remodeled to provide for increased occupancy such as a warehouse being changed to an eating and drinking establishment, requires complex ventilation design changes to provide for a specific number of changes of air per hour and substantial increases on the plumbing system to handle waste water and waste disposal. The electrical system must be redesigned to change from a simple system needed in a warehouse to a rather complex system needed to handle the substantially increased power requirements of mechanical equipment, lighting requirements, fire protection warning devices, and the like. The structural system must be checked and redesigned to provide for a possible installation of a roof-top mechanical system that increases substantially the dead load on the roof structural members as well as a vibrating load not experienced during its original intended usage. Access and exiting patterns will change due to increased occupancy which may change the number of exists required by

the UBC. Access for the handicapped also makes significant design changes necessary for access to the building, restrooms and other facilities within the building. The complex design requirements inherent in the remodeling for such a project require the expertise of a qualified architect or engineer to ensure compliance with design requirements set forth in the UBC. Correspondingly, pursuant to B.2.b., any remodeling or renovation of buildings of a use classification, size, and construction type listed in Table I is exempt from the requirement of professional design services and statutory certification of an architect or engineer.

Proposed AE&LS Rule 22C relates to applicability of definitions contained in the UBC and provides that building use shall be specified by the owner and verified by the appropriate building inspection official. The owner is best able to specify the use of the building since he is having the building designed and built for a specific purpose. The use must be verified by the responsible building official who is responsible for issuing the building permit and the occupancy permit. The Board believes that this requirement fulfills the protection of the public as mandated by Minn. Stat. 1976, sections 326.02 - 326.15.

Proposed AE&LS Rule 22D1 restates a requirement contained in section 301 of the UBC that two sets of plans and specifications must be provided in support of an application for a building permit and that the name and address of the person preparing the documents must appear thereon. This restatement is made in an attempt to remind plan preparers that these requirements exist. This rule would require that the preparer of the document must also certify that reasonable care has been given to compliance with applicable laws, ordinances, and building codes relating to design. This requirement is proposed to give reasonable assurance to the building inspection official that the plans and specifications are in substantial compliance with the appropriate codes before they are

submitted to the building official for review. Proper compliance with applicable laws, ordinances, and building codes will ensure timely issuance of building permits and will preclude costly delays in beginning construction because plans and specifications must be corrected to comply with these requirements of law. The Board believes that this requirement fulfills the mandate of Minn. Stat. 1976, sections 326.02 - 326.15 that the Board ensure the protection of the public life, health and property and safeguard the public welfare.

AE&LS Rule 22D2 provides that the responsible building inspection official may require a project design to be prepared and certified by a licensed architect or engineer regardless of whether it is exempt by these rules if the official finds unusual circumstances having a possible adverse effect on the safety of an assembly of persons or other life safety matters. This provision enables the official to be assured that the proposed design will perform as intended through the certification by a qualified licensed architect or engineer that he or she has taken responsibility for the design, that the document is adequate and accurate, and that it reflects the professional skill and judgment of the certificant.

Table I to proposed AE&LS Rule 22 provides for the exemption of ten (10) building classifications from the provisions of Minn. Stat., sections 326.02 - 326.15. Each classification also provides for construction type, i.e., whether one or two story or with or without basement; and the maximum gross square footage or dwelling units to be exempted. These criteria are used because they compare with corresponding sections of the Uniform Building Code. The Table also provides that no use of structural concrete, poured in place, for roofs and supported floors would be permitted for those buildings whose design is exempted from the provisions of Minn. Stat., sections 326.02 - 326.15. This prohibition is included for reasons of safety in design requirements. By way of example

supported floors, poured in place, without properly designed footings and foundations are subject to cracking, seeping of ground water and other costly problems.

The proposed changes to AE&LS Rule 10, Examination of Engineer Applicant, are designed to update the rule, clarify existing language and to provide for the granting of credit for engineering experience gained prior to graduation from an engineering curriculum for those applicants whose education has been interrupted for reasons beyond their control.

The proposed amendment to subdivision A of AE&LS Rule 10 provides that an applicant for registration as professional engineer by examination may, upon approval by the Board, submit one example of his engineering work along with a written critique of that exhibit in lieu of appearing before the Board for oral examination. The purpose of this change is proposed to assist those candidates who are qualified for registration by examination who reside and work some distance from St. Paul. Such exhibit and critique would be reviewed by the appropriate engineer member of the board. The term "Fundamentals of Engineering (EIT)" is added to specifically identify the examination which is the subject of this rule. The word "professional" is added before the word engineer to specify registration as professional engineer. Other added words are provided for the purpose of improving the language and syntax of subdivision A.

The proposed amendment to subdivision A. 1. of AE&LS Rule 10 merely identifies the Engineers' Council for Professional Development (hereinafter ECPD) as the accrediting agency for engineering curricula and provides for the possibility for a non-ECPD graduate to qualify on the basis of an education equivalent to that offered through an ECPD accredited engineering curriculum. ECPD has been approved as an accrediting agency by the U. S. Department of Health, Education and Welfare. ECPD accredi-

tation is selected by the board as a measurement because the ECPD reviews and accredits specific engineering curricula rather than institutions as is the case with regional accrediting organizations. Engineering curricula are reviewed and instructional departments visited every four years by the appropriate ECPD Visiting Committee.

Subdivision A.2. of AE&LS Rule 10 provides that an applicant must have completed at least three (3) years of diversified engineering experience, after graduation, satisfactory to the board. This language has caused misunderstanding with applicants and the board wishes to clarify the unclear rule. The proposed amendment requires an applicant to have four years of qualifying engineering experience if a graduate of an ECPD accredited baccalaureate program and three years of qualifying engineering experience if a Masters degree or doctoral degree in an engineering program is held. This is intended to specify the experience requirements for registration as professional engineer by examination. In addition, the board would be permitted to grant credit for up to two years of engineering experience, obtained under specified circumstances, prior to graduation from an approved engineering curriculum. Such experience must have been gained in the United States due to the board's difficulty in obtaining verification of experience obtained outside the U.S. in the case of applicants residing in the United States on an approved visa or immigration permit.

The proposed amendment to subdivision A.3. of AE&LS Rule 10, and the Table contained therein, are for clarification purposes and eliminate provisions for the qualification of non-graduates that have been of no effect since January 1, 1973. The existing AE&LS Rule 10A3, promulgated on October 22, 1971 provided for the elimination of the stricken provisions effective on January 1, 1973. The purpose of the current change is merely to remove the language stricken by the rule change action in October 1971.

The proposed amendment to subdivision A.4. of AE&LS Rule 10

specifies 'engineering curriculum' and requires graduates of non-ECPD accredited curricula to provide a description of completed courses to facilitate evaluation of such courses in the event that a determination of equivalent education is required.

The proposed amendment to subdivision B of AE&LS Rule 10 provides for the submission of two exhibits of engineering work by applicants appearing before the board for an oral examination. This is merely a reaffirmation of existing practice. The proposed changes would further permit the board to require qualified applicants to submit one exhibit of engineering work and a written critique thereof in lieu of appearing for an oral examination. This provision primarily assists those persons who reside outside the metropolitan area who would have to travel great distances to appear for an oral examination in St. Paul. It also is of great value to the board in the evaluation and registration of those applicants who serve with the U. S. Armed Forces in jurisdictions outside the U.S. The board believes that the formal verification of an applicant's experience assists in ensuring that the public interest is served through the licensure of qualified candidates.

The amendments to subdivision C. 1. of AE&LS Rule 10 identifies the name of the eight-hour examination that may be taken upon graduation from an ECPD accredited engineering curriculum or the educational equivalent thereof. It also clarifies existing language relating to the required examination and the order in which such examinations must be taken. The improved language is merely a restatement of the existing AE&LS Rule 10C1. The Fundamentals of Engineering or Engineer-in-Training Examination is a test to determine whether a candidate has a sufficient grasp of the basic engineering subjects to proceed to the professional practice examination.

The proposed amendments to subdivision C. 2. of AE&LS Rule 10

identifies the proper title to the professional practice examination and updates the existing list of engineering disciplines in which examinations are available. The professional practice examination is entitled Principles and Practice of Engineering Examination and is a national examination for 13 engineering disciplines. The Board will also offer locally prepared examinations in the disciplines of geological, metallurgical and mining/minerals engineering. The board proposes to drop the disciplines of highway engineering and naval architecture. Highway engineering is a sub-discipline of civil engineering and applicants for registration by examination as highway engineer would be admitted to the civil engineering examination. Only one applicant has requested the highway engineering examination in the last three years. The discipline of naval architecture would be deleted because there have been no applicants for registration as naval architect since prior to 1970. Additionally, the University of Minnesota has not offered naval architecture as a curriculum for over ten years.

The proposed amendments to subdivision C. 3 of AE&LS Rule 10 would delete the listing of topics included in the fundamentals of engineering examination. This listing is subject to frequent change by the National Council of Engineering Examiners (hereinafter NCEE). The NCEE is the national organization of state boards of engineering examiners and, as such, provides the national examinations utilized by the board. The NCEE publishes the pamphlet Typical Questions - Fundamentals of Engineering Examination. This publication contains a syllabus of subjects included in the examination. A copy of the pamphlet is provided to each applicant for informational purposes and as a study guide in preparing for the examination. Other proposed changes clarify existing language by using current terminology in discussing the purpose of the registration examinations.

The existing name and purpose of the professional practice

examination as set forth in AE&LS Rule 10C4 is obsolete. The proposed change to subdivision C.4 of AE&LS Rule 10 makes the language consistent with the conditions in existence in November 1978. The purpose of the exam is to correspond with the language used in the NCEE pamphlet Typical Questions - Principles and Practice of Engineering Examination.

The proposed change to AE&LS Rule 10C5 specifies the reference materials and equipment permitted for use during examinations. The existing rule previously permitted the use of handbooks, tables and reference books. The new proposed language retains "handbooks" and "reference books" but replaces "table" with "bound tabular material and notes." No loose sheets are permitted because these encourage note taking and hence examination security is endangered. The use of silent hand-held, electronic calculators is permitted because of the complex mathematical calculations required to complete examination problems.

Proposed changes to AE&LS Rule 10E clarify admission requirements for examination for those persons who do not hold degrees from engineering curricula accredited by the ECPD. It also eliminates the provision that enabled non-graduates to be registered by examination that has had no effect since January 1, 1973. Effective January 1, 1973, the board adopted a rule change which eliminated the stricken provision. The stricken language is now being removed from the rule since it is no longer of any effect.

Respectfully submitted,

Lowell E. Torseth

November 9, 1978

Lowell E. Torseth
Executive Secretary

RULE AS PROPOSED

APPENDIX B

PROPOSED AMENDMENT TO RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO THE LICENSE REQUIREMENTS FOR PROFESSIONAL ENGINEERS

AE&LS 10 Examination of Engineer Applicants

A. Education and Experience. An applicant for registration as ~~an~~ a Professional Engineer shall be required to pass an oral and a writte~~n~~ examination as provided hereinafter. The submission of one exhibit of engineering work accomplished along with a written critique of such exhibit may be substituted in lieu of the oral examination upon the approval of the Board. Oral and written examinations will be required of all applicants except those registered under Rule AE&LS 7(e) and (f) which apply to those registered in one or more states other than Minnesota. In these cases the same minimum requirements for these applicants will be required as existed in Minnesota at the time of the original registration of the applicant in the other state. The written Fundamentals of Engineering (EIT) examination may be waived by the Board if the applicant meets the requirements stated in paragraph (d). To qualify for admission to such oral and written examination, ~~he~~ the applicant shall present satisfactory evidence that he/she has:

1. Graduated from an ~~accredited~~ engineering curriculum ~~of Engineering of a University, College, or technical school appearing on the list of Accredited Schools of Engineering~~ accredited by the Engineers' Council for Professional Development (ECPD) and appearing on the list of Accredited Programs Leading to Degrees in Engineering current at the time of his graduation as published by the ~~Engineers Council for Professional Development.~~ ECPD or the educational equivalent thereof.

2. Completed a minimum of ~~three (3)~~ four (4) years of qualifying engineering experience, satisfactory to the Board, after graduation from a baccalaureate program in engineering accredited by the ECPD, or three (3) years of qualifying engineering experience, satisfactory to the Board, after graduation from a Masters or Doctoral program in engineering from an institution with an ECPD accredited baccalaureate program in that discipline of engineering. Up to two (2) years credit for diversified, qualifying engineering experience, gained prior to graduation from an approved engineering curriculum, may be granted by the Board when evaluated on an individual basis. The two (2) years experience prior to graduation must have been gained after completion of the second year of approved engineering education and must have been gained in the United States. Such experience shall be credited at the rate of 50% up to the maximum allowable credit of two (2) years.

3. An applicant may qualify for admission to the examinations provided that ~~he submits to the Board~~ satisfactory evidence is submitted to the Board that ~~his~~ education and experience completed are ~~substantially equivalent~~ meet the requirements set forth in the following table:

Classification	Education in years	Experience in years	Total Education and Experience
~~*~~ Graduate of ~~Accredited~~ Engineering Curriculum Accredited by Engineers' Council for Professional Development (ECPD).			
5-year Course with M.S. or PhD.....	5	3	8
4 or 5-year Course.....	4	4	8
Graduate of Non-ECPD Accredited Engineering Curriculum Approved by the Board			
5-year Course.....	4	5	9
4-year Course.....	3	6	9
~~**Certificate Holder---recognized~~			
~~**Correspondence Courses~~	~~2~~	~~10~~	~~12~~
~~**Non-School Trained Candidate~~	~~0~~	~~13~~	~~13~~

~~**Note: For each year short of graduation add two years of experience, but not to exceed 12 years of education and experience except for the non-schooled trained candidate.~~

~~*--Accredited by Engineers' Council for Professional Development.~~

~~**-These classifications are deleted as of January 1, 1973.~~

4. Recognized equivalent education. The education requirements of an applicant whose education was not obtained in a an engineering curriculum accredited by the Engineers' Council for Professional Development will be accepted only if such education is determined by the Board to be equivalent to the content of the accredited curriculum required for a Bachelor of Science Degree in engineering. The applicant will be required to submit a transcript of grades, along with descriptions of courses taken from the educational institution from which he graduated, for evaluation by the Board to determine the credit to be allowed for such non-accredited engineering education.

~~Effective January 1, 1973.~~

B. Oral Examination: An applicant will be required to appear before the Board for oral examination and submit two exhibits of engineering work he has performed unless he is registered under Rule AE&LS 7(e) or (f). He may be given the option, by the Board, to submit one exhibit of engineering work he has performed with a written critique of that exhibit in lieu of appearing before the Board for an oral examination.

C. Written Examination:

1. The written examination consists of two parts. Part I is a preliminary examination, the Fundamentals of Engineering Examination (FE), which may be taken upon graduation from an engineering curriculum approved by the Board. ~~prior to completion of the statutory qualifications for registration.~~ The passing of this preliminary examination will give the applicant the status of Engineer-in-Training as defined in Section 326.10, Subdivision 7, and such applicant ~~he~~ will not again be required to take this examination. The applicant shall take and pass the Fundamentals of Engineering ~~Fundamentals~~ Examination, EIT, before being ~~he is~~ permitted to take the Professional examination.

2. The Professional examination (Part II), the Principles and Practice of Engineering Examination, is an examination in a field of major practice and is required as hereinafter outlined. Examinations are presently ~~given~~ offered in the following fields of major practice in engineering: Aeronautical/Aerospace, Agricultural, Ceramic, Chemical, Civil, Electrical, Geological, ~~Highway,~~ Industrial, Manufacturing, Mechanical, Metallurgical, Mining/Minerals, Nuclear, Petroleum, Sanitary, and Structural, ~~and Naval Architecture.~~ Any applicant who is a graduate with a degree in Architectural Engineering from an accredited curriculum will be considered for registration by the Board as a Professional Engineer by examination in a field of major practice based on his experience record.

3. The scope of the Fundamentals of Engineering ~~Fundamentals~~ Examination, EIT (Part I), and the ~~Professional~~ Principles and Practice of Engineering Examination (Part II) is as follows:

a. Fundamentals of Engineering ~~Fundamentals~~ Examination, EIT (Part I): ~~Practical questions and/or~~ Multiple-choice questions in fundamental mathematics and the basic and engineering sciences ~~of physics and chemistry~~ as presented in accredited college or university engineering curriculum, ~~including application to hydraulics, strength of materials, and mechanics, and problems in planning and designing of elementary engineering projects.~~ Allotted time - 8 hours.

b. ~~Professional~~ Principles and Practice of Engineering Examination (Part II): Problems embracing knowledge of professional practice and applied economics such as should be acquired in connection with the planning, design and construction of engineering work during the statutory period leading ~~up~~ to ~~the final~~-registration as professional engineer. This part of the examination, together with the oral examination or exhibit with written critique, will not be required until the full statutory period of qualifying engineering ~~work~~ experience has been completed. Allotted time - 8 hours.

4. The Principles and Practice of Engineering examination ~~in engineering design and construction~~ is given for the purpose of determining the proficiency of the applicant in professional practice. This examination will include questions designed to test whether training and experience have taught the applicant to apply the knowledge and understanding of the basic and engineering sciences to the solution of engineering problems. ~~show the applicant's ability to use his fundamental training and his skill in planning, designing and supervising the construction of engineering projects. The judgment and resourcefulness shown in respect to appropriateness of design for the purpose intended, relative economy, and appearance of the structure designed, will be taken into account in determining the grade.~~

5. Handbooks, ~~tables and~~ reference books, bound tabular material and notes, and silent, hand-held, electronic calculators are permitted for use during examinations when authorized by the Board.

D. Engineers Qualified by Graduation, Long Experience, and Examination. The applicant must have graduated from an accredited engineering curriculum, or have received a graduate degree based upon at least one academic year of resident study in a department whose undergraduate curriculum is accredited; be not less than forty years of age; have a verified professional engineering record of twenty years or more, as defined by and of a character satisfactory to the ~~Registration~~ Board; and shall pass a written professional practice examination of at least eight hours duration. The applicant's engineering experience shall show responsible charge of engineering projects for at least ten years and advancement in the character of the work performed. The experience gained prior to his reaching the age of twenty years shall not be credited as a part of the required engineering experience, except that graduation from an accredited engineering curriculum shall be considered equivalent to four years of engineering experience. Credit shall not be given for more than a total of four years experience because of undergraduate educational qualifications.

E. Engineer-in-Training. Any applicant who is a graduate of a ~~bachelor of engineering degree from a school or college having~~ an ECPD accredited engineering curriculum, or who has education equivalent thereto as determined by the Board, may be ~~allowed~~ permitted to take the Fundamentals of Engineering ~~fundamentals~~ examination (EIT). ~~For a non-graduate, for each year he is short of engineering education he will be required to acquire two years of qualifying experience not exceeding eight years total. Educational credits for institute courses, correspondence courses, etc., shall be determined by the Board.~~

Adopted January 16, 1922. Amended 1940; October 2, 1945; May 5, 1948; July 9, 1951; March 20, 1953; February 4, 1956; June 13, 1958; May 16, 1962; March 5, 1964; October 6, 1965; November 9, 1967; August 20, 1970; October 22, 1971.

RULE AS PROPOSED

APPENDIX A

PROPOSED RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSE REQUIREMENTS

AE&LS 22

A. Purpose. The purpose of these rules is to indicate circumstances where the services of a licensed architect or engineer are not required pursuant to Minn. Stat. Sections 326.02-326.16.

B. General Requirement. Plans and specifications for the erection, enlargement, alteration, or remodeling or renovation of any building, structure, or other work shall be prepared and certified by an architect or engineer licensed pursuant to Minn. Stat. Sections 326.02-326.16 except as set forth below:

1. Statutory Exception. Building components or classes of buildings enumerated in Minn. Stat. Sections 326.02, Subd. 5 and 326.03, Subd. 2(a)-(d).

2. Remodeling or Renovation Exception.

a. Any remodeling or renovation to part or all of an existing building, structure or work which does not:

(1) change the load on its mechanical or electrical systems or change the live or dead load on its structural system adversely affecting their ability to perform,

(2) adversely change the building's access or exit pattern, or

(3) change the Uniform Building Code (UBC) use classification of the building.

b. Any remodeling or renovation, of any kind, in a building in the UBC use classes and consistent with the size and construction type thresholds specified in Table 1.

3. Classes of Buildings Exceptions. Any privately owned new construction of or new addition to a building in the specified UBC use classes and consistent with the size and construction type thresholds specified in Table 1. Provided that an exemption under this paragraph shall not apply:

a. for a second new building to be constructed by the same person on the same parcel or a contiguous parcel to a new building previously exempted hereunder or for a second addition to the same building where a prior addition was exempt hereunder, in either case, within twenty-four calendar months after the date of building permit issuance. Same person means the same owner or same general contractor, as, or ownership or general contractor entity having one or more participants in common with, the owner or general contractor of the first building. Parcel means a non-subdivided tract of land.

b. for an addition to an existing building, where the existing building exceeds the exemption size thresholds under this paragraph if the addition results in either of the effects set forth in paragraphs B.2.(1) or B.2.(2), regardless of the size of the new addition proposed.

c. for new construction within a larger building (e.g., individual shops within a shopping center) where the larger building exceeds the exemption size thresholds under this paragraph if the new construction results in either of the effects set forth in paragraphs B.2.(1) or B.2.(2), regardless of the size of the new construction proposed.

C. Definitions.

1. Definitions. All terms used herein shall be as defined in the Uniform Building Code, 1976 edition, unless otherwise specified in these rules.

2. Use. Use shall be specified by the owner and verified by the building official in the manner provided in the UBC.

D. General Provisions:

1. Plans Mandatory. The exceptions in paragraphs B.2. and B.3. shall be available only if the building permit applicant supplies the responsible building official with two sets of plans and specifications for the building or remodeling. The name and address of the preparer of the plans and specifications shall appear thereon. The plan preparer shall certify that reasonable care has been given to compliance with applicable laws, ordinances, and building codes relating to design.

2. Nonexclusivity. Notwithstanding the exceptions in subsection B.3. the responsible building official shall require plans and specifications to be designed and prepared by a licensed architect or engineer, if he finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular use. Nothing herein shall preclude or supercede any provisions of other applicable laws or regulations.

TABLE 1

Use Classification	Construction Type		Maximum Gross Square Footage (GSF) or Dwelling Units (whichever is less)
(i) Warehouse (storage rooms) for combustible or non-combustible goods	one story, no basement	No use of structural concrete, poured in place, for roofs and supported floors	5000 GSF
(ii) Retail or wholesale stores, paint stores without bulk handling	two story and basement		1500 GSF
(iii) Office buildings	two story and basement		2250 GSF
(iv) Factories and workshops using materials that are not highly flammable	one story, no basement		3000 GSF
(v) Aircraft hangars where no repair work is done except exchange of parts and maintenance requiring no open flame, welding, or the use of highly flammable liquids	one story, no basement		3000 GSF
(vi) Lodging houses	two story and basement		5 rooms or 1500 GSF
(vii) Eating and drinking establishments	two story and basement		Seating for not more than 20 persons or 1000 GSF
(viii) Apartment houses	two story and basement or three story including half basement		4 dwelling units or 5000 GSF
(ix) Garages, carports, and sheds used as accessories	one story, no basement		1000 GSF
(x) Convents and monasteries	two story and basement		10 dwelling units or 3000 GSF

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of a Rule of the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture Relating to Classes of Buildings With Respect to Which Persons Performing Architectural and Professional Engineering Services May be Exempt From Licensure Requirements and Proposed Amendments to the Rule Relating to the Lecensure Requirements for Professional Engineers

CERTIFICATE OF DELIVERY
SECRETARY
OF STATE LIST

I hereby certify that the attached 585 labels and 2 sheets constitute the complete list of persons, associations, and other interested groups who as of 2:25 o'clock P.m., this 26th day of October, 1978 have requested pursuant to M.S. 1976 Sec. 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

SECRETARY OF STATE

Joan Anderson Growe

By Donna Scott

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of a Rule of the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture Relating to Classes of Buildings With Respect to Which Persons Performing Architectural and Professional Engineering Services May Be Exempt From Licensure Requirements and Proposed Amendments to the Rule Relating to the Licensure Requirements for Professional Engineers

AFFIDAVIT OF RECEIPT OF THE SECRETARY OF STATE'S LIST

JUDY C. OSTERTAG, being duly sworn on oath, deposes and says:

1. That she is an employee of the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture.

2. That on the 26th day of October, 1978, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3. That on the 26th day of October, 1978, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

FURTHER AFFIANT SAYETH NOT.

Judy C. Ostertag

JUDY C. OSTERTAG

Subscribed and sworn to before me this 31st day of October, 1978.

Carol A. Andersen

Notary Public

CAROL A. ANDERSEN
NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My Commission Expires Feb. 5, 1983

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of a Rule of the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture Relating to Classes of Buildings With Respect to Which Persons Performing Architectural and Professional Engineering Services May be Exempt From Licensure Requirements and Proposed Amendments to the Rule Relating to the Lecensure Requirements for Professional Engineers

AFFIDAVIT OF MAILING

Lowell E. Torseth, being first duly sworn, deposes and says:

That on the 31st day of October, 1978, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State.

Lowell E. Torseth

Subscribed and sworn to before me this 31st day of October, 1978.

Carol A. Andersen
Notary Public

CAROL A. ANDERSEN
NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My Commission Expires Feb. 5, 1983

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CITY OF BROOKLYN PARK
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8138 HENSLOWE AVE S
COTTAGE GROVE MN
55016

FORBES GORDON MINN RRS ASSN
203 HANOVER 480 CEDAR
ST PAUL MN
55101

FORSBERG AGR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FREDLUND MRS PHYLLIS
RR 4 BOX 37
CANBY MN
56220

DOW CHEMICAL
47 BLDG
MIDLAND MI
48640

DUNN CLIVER PLUMBERS LCC
708 SC 10TH ST
MPLS MN
55404

E CENTRAL REG. DEV. COMM
COURTHOUSE 18 N VINE ST
MORA MN
55051

EDEVOLD RUTH
PO BOX 248
BEMIDJI MN
56601

EICHTEN DANIEL
3794 HAZEL
WHITE BEAR LK MN
55110

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

EMERICK RICHARD A
1908 IDS CENTER
MPLS MN
55402

ENV SERV-GEN RESOURCE CORP
6340 INDUSTRIAL DR
HOPKINS MN
55343

ERDMAN ROGER TENNANT CO
701 N LILAC DR
MPLS MN
55441

ESSE KENNETH
4801 W 50TH ST
EDINA MN
55424

ETHICS COMM
RM 410 STATE OFF BLDG
ST PAUL MN
55155

FABISH MIKE INTL UN OP EN
307 1ST ST W
VIRGINIA MN
55792

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FARSETH PAUL FOOD STAMPS
WELFARE DEPT 690 N ROBT
ST PAUL MN

FINLEY JAMES F
920 MINN BLDG
ST PAUL MN
55101

FINNEGAN J.R.
55 E. 4TH
ST.PAUL MN
55101

FLEMING FREDERICK A
1860 HIGHLAND PARKWAY
ST PAUL MN
55116

FLADLAND CLINT MN L&P BUR
795 RAYMOND AVE
ST PAUL MN
55114

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FRANKLIN ROBERT B MPLS TR
426 PORTLAND
MPLS MN
55415

FREDRIKSON BYRON ET AL
47TH FLR IDS CENTER M
PLS MN
55402

FRIESEN MILLER A
RAHR BD 624 13TH ST S
VIRIGINIA MN
55792

GEBERT K L
220 GRAIN EXCH
MPLS MN
55415

GEO A HORMEL & CO LAW DEPT
PO BOX 800
AUSTIN MN
55912

GLEN. HILLS HOSP.R.VAN HAUER
3901 GOLDEN VALLEY RD.
MPLS. MN
55422

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GRAHAM THOS H
854 MIDLAND BK BLDG
MPLS MN
55401

GRANATH MARVIN -HONEYWELL
2701 4TH AVE SO
MPLS MN
55408

GREEN GARY J
41 SHERBURNE AVE
ST PAUL MN
55102

GREEN JANET
9773 N SHORE DR
DULUTH MN
55804

H B FULLER CO
2400 KASOTA AVE
ST PAUL MN
55108

HAROLD J WESTIN CONSTRUCTORS
45 E 8TH ST
ST PAUL MN
55101

HARRY RICK
RT 1 BOX 138
KETTLE RIVER MN
55757

HART PATRICK V
112 E LIBERTY BOX 3271
MANKATO MN
56001

HARTFELDT WILL
434 HAMM BLDG
ST PAUL MN
55102

HEADWATERS REG DEV. COMM
BOX 584 MENTAL HEALTH
BEMIDJI MN
56601

HEALTH MANPOWER C LARSON
717 DELAWARE ST SE
MPLS MN
55440

HEIM PAUL M
3944 IDS CENTER 80 S 8
MPLS MN
55402

HEISENFELT WM
BOX 516
BEMIDJI MN
56601

HENDRICKSON MRS VIRGINIA
3324 COUNTRY WOOD DR
BURNSVILLE MN
55337

HINRICHSEN PATRICK
MANKATO FREE PRESS
MANKATO MN
56001

HOPKINS WM.B. DIR.MISCCA
3915 GOLDEN VALLEY ROAD
GOLDEN VALLEY MN
55422

HORNER WALDORF - KAZIUKEWICZ
PO BOX 3260
ST PAUL MN
55165

GALVIN M J JR
W2162 1ST NATL BK BLDG
ST PAUL MN
55101

GARDNER HDW - R A JOHNSON
515 WASHINGTON AVE N
MPLS MN
55401

GIEL DAVID
RM B-28 STATE CAPITOL
ST PAUL MN
55155

GLEESON MICHAEL
909 SCC SC BLDG U OF M
MPLS MN
55455

GOLDBERG PROF MELVIN
WM MITCHELL COL OF LAW
ST PAUL MN
55105

GOODMAN DF TEL CABLE TV
302 E SUPERIOR
DULUTH MN
55802

GREATER MET AREA HOSPITALITY
5152 CEDAR AVE S
MPLS MN
55417

GREEN DEL CITY MGR
BLOOMINGTON CITY HALL
BLOOMINGTON MN
55431

GRUMMERT REV DONALD
1435 ADAMS ST
MPLS MN
55413

GUSTAFSON WALLACE
BOX 567
WILLMAR MN
56201

HANFT PHILIP M
1200 ALWORTH BLDG
DULUTH MN
55802

HANSON WARREN A SKELGAS
PO BOX 1650
TULSA OK
74102

HAUN DR J W GEN MILLS
PO BOX 1113
MPLS MN
55440

HAYES,THOMAS W
700 SELLWOOD BLG
DULUTH MN
55812

HAVEN ROBT TWIN TN TREATMENT
1706 UNIV AVE
ST PAUL MN
55104

HEAD & TRUHN
1007 SCO LINE BLDG
MPLS MN
55402

HEANEY BILL
30 W SUPERIOR ST
DULUTH MN
55802

HEARING EX.OFF. M GREENBE
1745 UNIV AVE
ST PAUL MN
55104

HELTZER JAMES DAYTON HUDSON
777 NICOLLET MALL
MPLS MN
55402

HENDRICKSON A WM
100 FREEMAN DRIVE
ST PETER MN
56082

HOLEY GEORGE
1509 SW SIXTH STREET
FARIBAULT MN
55021

HOLMES EUSTIS ET AL
4610 IDS CENTER
MPLS MN
55402

HOLT JOHN
517 4TH ST NW
FARIBUALT MN
55021

HOULE MELVIN
881 W HWY 96
SHOREVIEW MN
55112

HOUSE APPROPRIATIONS COMM
RM 109 STATE CAPITOL
ST PAUL MN
55101

HULSTRAND ANDERSON & LARSON
PO BOX 130
WILLMAR MN
56201

HUTCHISON R.M. ANOKA CO.COMP
COURT HOUSE
ANOKA MN
55303

HYLAND DEAN
1501 W 50TH ST
MPLS MN
55419

INGEBRIGTSEN DR K H
23 SE 4TH ST
MPLS MN
55414

INGRAM ALAN NASW MN CH
22 NO DALE ST
ST PAUL MN

INTERSTATE POWER RW STEELE
1000 MAIN ST
DUBUQUE IA
52001

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JASPER GLEN
ROUTE 1
MONTROSE MN
55363

JENSEN CARL A
127 E MAIN ST
SLEEPY EYE MN
56085

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON G ROBERT
4344 IDS CENTER
MPLS MN
55402

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

JONES C NORTHSIDE RES REDEV
1800 OLSON MEMORIAL HWY
MPLS MN
55411

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEABLE MIKE
909 6TH AVE N
ST CLOUD MN
56301

KLOSTER MARION PEAVEY CO
730 2ND AVE S
MPLS MN
55402

KLUZ STEVEN J
1910 1ST NATL BK BLDG
MPLS MN
55402

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KOLLER MR & MRS ERWIN A
1568 DULUTH ST
ST PAUL MN
55108

KROEGER CHARLES
122 NW 7TH STREET
FARIBAULT MN
55021

KRONLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

HUMAN RIGHTS
200 CAPITOL SQ BLDG
ST PAUL MN
55101

HUSEBYE, CRAIG J.
5036 FRANCE S.
EDINA MN
55410

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700 Florida Avenue So.
Golden Valley, Mn. 55426

IMS PAUL

ECHC MN

INGVALSON VERN MN.FARM BU
1976 WOODDALE BOX 43370
ST PAUL MN
55164

INS FED OF MINN
902 SCO LINE BLDG
MPLS MN
55402

IZAAK WALTON MN DIV
111 E FRANKLIN RM-210
MPLS MN
55404

Al Mjorud
Armstrong, Torseth Et Al
4901 Olson Hwy
Minneapolis, Mn. 55422

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN ARTHUR,CITY CLK
2215 W OLD SHAKOPEE RD
BLOOMINGTON MN
55431

JOHANSEN BUS SERV INC
19 DAYTON RD
CHAMPLIN MN
55316

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON LEROY
9939 BLUEBIRD ST NW
COON RAPIDS MN
55433

JOHNSON M.D. FRUNDT & FRU

BLUE EARTH MN
56013

KABLE RICHARD W

BETHEL MN
55006

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KJERVIK DIANE
4302 POWEL HALL U OF M
MPLS MN

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON DR KEITH,BIOLOGY
ST. CLOUD STATE
ST CLOUD MN
56301

KOPP MRS VERNON
2050 65TH ST E
INVER GR HGHT MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KROON H CLIFTON
210 E WALNUT
MANKATO MN
56001

KVB ENGINEERING INC
600 S CO RD 18
MPLS MN
55426

LABELLE JUANITA MRS
5816 AQUILA AVE NO
NEW HOPE MN
55428

LANGVIN DAVID
7500 80TH ST S
COTTAGE GROVE MN
55016

LAPP LAZAR LAURIE ET AL
1200 BUILDERS EXCHANGE
MINNEAPOLIS MN
55402

LEAGUE MN MUNIC
300 HANOVER 480 CEDAR
ST PAUL MN
55101

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LEVEY JESS MET STATE UNIV
METRO SQ RM 121
ST PAUL MN
55101

LEAVEY THOS
829 22ND AVE SE
MPLS MN
55414

LINDALL & JONATHAN DEVELOP.
VILLAGE ONE CENTER
CHASKA MN
55318

LOCKNER GARY
R R 1 BOX 23
BAUDETTE MN
56623

LYNCH DONALD SIBLEY CO
184 E 6TH ST
ST PAUL MN
55102

MAHCF RICK CARTER
2850 METRO DR SUITE 431
BLOOMINGTON MN
55420

MALECKI JAMES
1 SO STATE ST
NEW ULM MN
56073

MANKATO STATE STUDENT ASSN
BOX 58 MANKATO COLLEGE
MANKATO MN
56001

MANTHEY T J PICKANDS MATHER
1100 SUPERIOR AVE
CLEVELAND OH
44114

MAYO FOUNDATION G ORWOLL
200 FIRST AVE NW
ROCHESTER MN
55901

MCCLURG EUNICE
1061 109TH AVE NE
BLAINE MN
55434

MCKIBBON MRS SHIRLEY
11 EVERGREEN LN
BABBITT MN
55706

MCNEILLY GREG MNDSVIEW ED AS
41 SHERBURNE AVE
ST PAUL MN
55103

MET TFR MEN ASSN A ROSENTHAL
1821 UNIV AVE
ST PAUL MN
55104

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MILLER M ADMIN AGENCIES DIV
G19K STATE ADM BLDG
ST PAUL MN
55155

MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

LAKE SUPERICR INCUSTRIAL BUR
828 FIRST AM. BK. BLDG.
DULUTH MN
55802

LANAHAN E F - SIBLEY CC
184 E 6TH ST
ST PAUL MN
551C1

LARSCN C L
38CJ MINNEHAHA AVE SO
MPLS MN
55406

LARSCN HANS P DIV HOSP SE
717 DELAWARE ST SE
MPLS MN
5544C

LEG.REF.LIB-Z. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LEG REPCRT SERV-P STURDEV
PO BOX 3259
ANNAPCLIS MD
2140

LEWIS DR.G.M JR.
ABBCTT 110 E 18TH ST
MPLS MN
55403

LIBBEY LEONARD
BCX 17C11 NCKOMIS STA
MPLS MN
55417

LCWE DOUG
27C1 N LEXINGTON AVE
ROSEVILLE MN
55113

LUTH SCC SERVICE CF MN
2414 PARK AVE
MPLS MN
55404

MACLIN ALAN ASST ATTY GEN
720 AMERICAN CENTE BLDG
ST PAUL MN
551C1

MALCNE E I CCMM LABCR & INDU
444 LAFAYETTE RD 5TH FL
ST PAUL MN
55101

MANKATC STAT STUDENT SENA
CENTENNIAL STUDENT UN
MANKATC MN
56001

MASTCR & MATTSON LTD
315 PEAVEY BLDG
MPLS MN
55402

MAUL WARREN E
320 S 4TH ST
MPLS MN
55415

MCDCNALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCFADDEN G R DISPATCH-PR
55 E 4TH ST
ST PAUL MN
55101

MEIEROTTO, JOAN
1794 SO LEXINGTCN
ST PAUL MN
55118

MET. WASTE CCNTCL COMM.
350 METRO SQ BLG
ST PAUL MN
551C1

MEYER HERBERT
10824 ZENITH AVE S
BLCCMINGTON MN
55431

MIDLAND GLASS-HD SPURLING
PO BCX 69
SHAKOPEE MN
55379

MILLER RICHARC A
1020 PLYMOUTH BLDG
MPLS MN
55402

MILLER TCM
2311 PILLSBURY AVE S
MPLS MN
55404

MINN APT ASSN
GRIGGS-MIDWAY BLDG
ST PAUL MN
55104

MINN ASPHALT PAVEMENT ASSN
555 WABASHA RM 209
ST PAUL MN
55102

MINN. ASSN. PET RETAILERS
1115 2ND AVE. SO.
MINNEAPOLIS MN
55403

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
55114

MINN COMM FOR HANDICAPPED
METRO SQ 492 7TH & ROBT
ST PAUL MN
55101

MINN COMMUNITY DEVELOP SERV
512 ROSSMOR BLDG
ST PAUL MN
55101

MINN FOOD RETAILERS ASSN
555 WABASHA
ST PAUL MN
55101

MINN GOV ENG COUNCIL
2400 SHERWOOD HILL RD
MINNETONKA MN
55343

MINN HWYS MANAGEMENT SERVICE
407 HWY BLDG
ST PAUL MN
55101

MINN LAND USE COMMITTEE
4344 IDS CENTER
MPLS MN
55402

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POLLUTION CONTROL AGCY
1935 W CO RD B2
ROSEVILLE MN
55113

MINN RETAIL FED INS
131 METRO SP
ST PAUL MN
55101

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN STATE EMP UNION COUNC 6
236 E PLATO BLVD
ST PAUL MN
55107

MINN STATE MEDICAL ASSOC
STE 900 AM NATL BK BLDG
STPAUL MN
55101

MINN TBR PRODUCERS ASSN
200 CHRISTIE BLDG
DULUTH MN
55802

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN-WISC BOUNDARY AREA COMM
600 2ND ST
HUDSON WI
54016

MIXA FRANK LK MNTKA CONS DIS
402 E LAKE ST
WAYZATA MN
55391

MINNESOTA AFL-CIO
175 AURORA AVE
ST PAUL MN
55103

MN.BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

MN PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN ELEC COOPERATIV
4901 W 77TH ST
MPLS MN
55435

MINN ASSN WATERSHED DIST'S

ADA MN
56510

MINN CHAP ASSOC BLDRS-CON
7204 W 27TH ST
MPLS MN
55426

MINN DEPT HEALTH J C MCKASY
717 DELAWARE S E
MPLS MN
55440

MINNESOTA FARMERS UNION
1717 UNIVERSITY AVE
ST PAUL MN
55104

MINN HEREFORD-LJ SCHAFER

BUFFALO LAKE MN
55314

MINN. HOTEL & MTR. ASSN
2001 UNIVERSITY AVE
ST PAUL MN

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN.MTR.TRANSP. .J.N.D
1821 UNIV.
ST.PAUL MN
55104

MINN POULTRY & HATCHERY ASSN
BOX 158
MADELIA MN
56062

MINN RESTAURANT ASSN
2001 UNIVERSITY AVE.
ST PAUL MN
55104

MINN STATE BAR ASSN
100 MINN FED BLDG
MPLS MN
55402

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE RETIREMENT SYSTEM
529 JACKSON ST
ST PAUL MN
55101

MINN TEAMSTERS CREDIT UNI
2021 HENN AVE E
MPLS MN
55413

MINN VETERANS MED ASSN
2175 W HWY 36
ROSEVILLE MN
55113

MINN WATER RESOURCES BD
RM 206 555 WABASHA ST
ST PAUL MN
55102

MN AUTOMOBILE DEALERS ASSN
277 UNIV AVE
ST PAUL MN
55103

MN. ASN.C&INC H.D.PETERSO
480 CEDAR ST.
ST.PAUL MN
55101

MN ELECTRICAL ASSN
3100 HUMBOLT SO
MPLS MN
55408

MN GRAPHIC DESIGNERS ASSO
PO BOX 24272
MPLS MN
55424

MN SOC SERV ASS J HOOD
614 PORTLAND
ST PAUL MN
55102

MN ST PHARMACEUTICAL ASSN
2469 UNIVERSITY AVE
ST PAUL MN
55114

MN STATE SER BLIND-K NATARDY
1745 UNIVERSITY AVE
ST PAUL MN
55104

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOSS DR JEROME
125 PEIK 159 PILLSBURY
MPLS MN
55455

MOSTCA
PO BOX J
PERHAM MN
56573

MPLS ASSN RETARDED CITIZENS
3100 W LAKE ST
MPLS MN
55416

MPLS CITY ATTORNEY
325M CITY HALL
MPLS MN
55415

MT OLIVET ROLLING ACRES
R 1 BOX 576
EXCELSIOR MN
55331

MURPHY DIANA E
4200 IDS-LINDQUIST VENN
MPLS MN
55402

R. A. Minetor
1808 Cascade Street NW
Rochester, Mn. 55901

NASS GEO V HENN CO GEN HOSP
5TH AND PORTLAND AVE
MPLS MN
55415

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NEUMAN RALPH W
RT 2 BOX 125
EMBARRASS MN
55732

NO SUB MONTESSORI-S SADDLER
2487 HELEN COURT
NO ST PAUL MN
55109

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS MN
55404

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NYQUIST DEAN A
3707 53RD PL N
BROOKLYN CTR MN
55429

Allan E. Pint
5301 Winchester Lane
Brooklyn Center, Mn. 55429

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLOFSON ARTHUR MBO & MAINC
927 SOO LINE BLDG
MPLS MN
55402

Curtis B. Tvinnereim
5008 Bryant Avenue No.
Minneapolis, Mn. 55430

PARKER SANDY
7480 CHANHASSEN ROAD
EXCELSIOR MN
55331

PAYNE WM B
2400 FIRST NATL BK BLDG
MPLS MN
55402

PETERSEN DOUG ESIDE NEIGHBOR
HOOD SERV 1929 2ND STNE
MPLS MN
55418

MOOD R BLOOMINGTON HLTH DEPT
10200 PENN SO
BLOOMINGTON MN
55431

MORTON BUILDINGS INC
R #1
FOLEY MN
56329

MOTOR VEHICLE MFRS ASSN
411 MAIN ST (215)
ST PAUL MN
55102

MPIRG
BOX 45 ST MARYS COLLEGE
WINONA MN
55987

MPLS STAR PRESS ROOM
STATE CAPITOL
ST PAUL MN
55101

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MURPHY PATRICK SSR INC
BOX 986 COURTHOUSE STA
ARLINGTON VA
22216

MURPHY PATRICK DUFFY
1440 SUMMITT AVE
ST PAUL MN
55105

NATL CAR RENTAL ATT D MITZEL
5501 GREEN VALLEY DR
MPLS MN
55437

NATL COUNCIL JEWISH WOMEN
4330 CEDAR LK RD
MPLS MN
55416

NELSON HOWARD I

LINDSROM MN
55045

NEREN MADONNA
376 NEAL AVE S
AFTON MN
55001

NORTH CENTRAL ELEC ASSN
PO BOX 202
BATTLE LAKE MN
56515

NURSING HOME ADMRS BD EXA
RM 340 717 DELAWARE SE
MPLS MN
55414

NW COUNTRY ELEVATOR ASSN
802 GRAIN EXCH BLDG
MPLS MN
55415

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON MN
56716

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

O'CONNELL RAY
MN GAS CO 733 MARQ AVE
MPLS MN
55402

OLSON KATHLEEN
192 SEYMOUR AVE SE
MPLS MN
55414

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PATTISON ORVIS
BOX 645
WILLMAR MN
56201

PAYNE COL ALVIN

DEGRAFF MN
56233

PETERSON MYRON D
ROUTE 2 BOX 99
SACRED HEART MN
56285

PFEIFER AND SHULTZ, INC
1433 UTICA AVE S
MPLS MN
55416

PHAR MFGRS ASSN WM D PATTON
1155 15TH ST NW
WASHINGTON DC DC
20005

PHILLIPS LEGISLATIVE SERVICE
459 RICE ST
ST PAUL MN
55103

PORTER DAVID
3002 27 AVE S
MPLS MN
55406

PORTER LYLE O

TRACY MN
56175

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE JOS.C.
2220 105TH AVE.N.W.
COON RAPIDS MN
55433

RAMSEY CO MEDICAL SCC
908 AM NATL BK BLDG
ST PAUL MN
55101

RAUENHORSTCORP-RONALD G KIRK
7900 XERXES S S-2200
MPLS MN
55431

REID DAVID H
6469 N GRAHAM RD
INDIANAPOLIS IN
46220

RED OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

REINO O LAINE 3M COMPANY
3M CENTER
ST PAUL MN
55101

RENNER R.H. ST PAUL AREA CC
300 OSBURN BLDG.
ST PAUL MN
55102

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

RIEKE DAVID
PO BOX 9311
MPLS MN
55440

ROBERTS DR ALAN
BOX 297 MAYO U OF M
MPLS MN
55455

ROBERTS DAVID E
1260 NW NATL BK BLDG
ST PAUL MN
55101

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER MN
55901

SPRAGUE CHARLOTTE B
AREA HOSPITAL BOX 339
WINDOM MN
56101

SW REGIONAL DEV COMM
2811 BDWY
SLAYTON MN
56172

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORT AUTH CITY OF ST PAUL
330 MINNESOTA BLDG
ST PAUL MN
55101

POSS DONALD G
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

PROCTOR&GAMBLE L THECHAROUS
IVORYDALE TECH CENTER
CINCINNATI OH
45217

PULSCHER RBT SPRINGSTED I
813 OSBORN BLDG
ST PAUL MN
55102

RADMAN RICHARD-LABOR TEMPLE
418 AUDITORIUM
ST PAUL MN
55102

RALPH BURKE ASSOCIATES
5200 W 73RD ST
MPLS MN
55435

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

REGION FIVE REG. DEV. COMM.
102 6TH ST N
STAPLES MN
56479

REGION NINE DEV. COMM.
709 N FRONT ST
MANKATO MN
56001

RENQUIST ARTHUR NSP CO
414 NICOLLET MALL
MPLS MN
55401

RICHARDSON THOS
7851 METRO PKWY S 103
MPLS MN
55420

ROE DAVID
175 AURORA
ST PAUL MN
55103

ROBBIE JOSEPH
904 CARGILL BLDG NO CTR
MPLS MN
55402

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

ROSS ROY J
CLK TREAS
LITCHFIELD MN
55355

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

ST PAUL BUR HLTH DR P COX
555 CEDAR ST
ST PAUL MN
55101

ST PAUL FOOD RETAILERS AS
1220 ARCADE
ST PAUL MN
55106

SCHAEN ETHEL
1745 UNIVERSITY AVE
ST PAUL MN
55104

SCHLICHT REV ROBT
611 W MAIN ST
BELLE PLAINE MN
56011

SCHMIDT H W TCHRS RETIREMENT
302 CAPITOL SQ BLDG
ST PAUL MN
55101

SCHMIDT LARRY WCCO-TV NEWS
50 S 9TH ST
MPLS MN
55402

SCHUTZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SCHWARTAU NEAL METH HOSP
201 W CENTER ST
ROCHESTER MN
55901

SCHNEIDER & NEESER
706 1ST ST SO PO BX 876
WILLMAR MN
56201

SCHROEDER ALFRED H
2172 CARROLL AVE
ST PAUL MN
55104

SENATE COUNSEL OFFICE
ROOM 480 STATE OFF BLDG
ST PAUL MN
55055

SENATE FINANCE COMMITTEE
ROOM 121 STATE CAPITOL
ST PAUL MN
55155

SHAW ROBERT M
616 MOBIL OIL BLDG
MPLS MN
55402

SIX EAST REG. DEV. COMM.
311 W 6TH ST
WILLMAR MN
56201

SMERIKA WN.
BOISE CASCADE PAPERS
INTL FALLS MN
56649

SNELL LYN
BOX 314
EDEN VALLEY MN
55329

SNYDER, R.W. U OF M
RM 248C CLASS OFF BLDG.
ST PAUL MN
55108

STANSFIELD ARLENE LAND OLKS
PO BOX 116
MPLS MN
55440

STATE & FEDERAL AGENCIES
1101-15TH NW
WASHINGTON DC
20005

STD AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

SULLIVAN J KIRK
PO BOX 200
BOISE ID
83701

SULLIVAN JEANETTE
CDIC SW STATE UNIV
MARSHALL MN
56258

SWANSON DALE
P O BOX 339
FOREST LAKE MN
55025

SWANSON MORTIMER C
5824 FRANCE AVE S
EDINA MN
55410

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

TENNESSEN SEN ROBERT J
RM 309 STATE CAPITOL
ST PAUL MN
55165

SCHMIDT WARREN WELLCOME MH5
GARDEN CITY MN
56034

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SCHWERMAN EARL JR
1535 8TH AVE SE
ROCHESTER MN
55901

SCHWINN ROBT.P.
1400 SCC LINE BLDG.
MPLS. MN
55402

SCOTT CTY BLDG OFFICIAL
428 SO HOLMES ST
SHAKOPEE MN
5537

SELECTVISION INC FR VALEN
1 DAG HAMMARSKJOLD PL
NEW YORK NY
10017

SENATE GOV OP COMM
RM 303 STATE CAPITOL
ST PAUL MN
55155

SHABATURA EUGENE H
2833 LAKE AVE SO
DULUTH MN
55811

SILVERMAN JUDITH
8545 W 28TH ST
ST LOUIS PARK MN
55426

SITE ENGINEER INC
12 OLD DEERFIELD RD
WELCH MN
55089

SMITH BOB III
PIONEER BLDG
ST PAUL MN
55101

SMITH MICHAEL
75 DE KALB AVE
BROCKLYN NY
11201

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

SODERMAN ANTHONY
1414 FOSHAY TOWER
MPLS MN
55402

STATE BD VETERINARY EXAMINER
C/O DR A C SPANNAUS DVM
WACONIA MN

STATE OF MN BLDG CODE DIV
408 METRO SQ BLDG
ST PAUL MN
5510

STOLPESTAD BROWN & SMITH
1550 NW BK BLDG
ST PAUL MN
55101

STUPKA & MOREM
MIDTOWN BLDG
AUSTIN MN
55912

SUMMIT NATL BANK D L MORRILL
205 AURORA AVE
ST PAUL MN
55103

SUSSEL CO.ATTN:TED SCHWEN
1850 COMO AVE.
ST PAUL MN
55108

THOMPSON HESSIAN ET AL
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

THORNTON PETER J PLBG-UN
107 SO 15TH AVE W
VIRGINIA MN

TIMESAVERS INC ATT R S VOLD
5270 HANSON COURT
MPLS MN
55422

TOWNSHIP OF WHITE BEAR
1281 HAMMOND RD
WHITE BEAR LK MN
5511

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

UTLEY JOHN
4610 IDS CENTER
MPLS MN
55402

VAN DRAKE STEPEN R
PO BOX 2134
TRIPOLI LIBYA N
ARAB

VAN EVERA MUNDT ET AL
700 TORREY BLDG
DULUTH MN
55802

VILLAGE OF WOODBURY
2100 RADIO DRIVE
WOODBURY MN
55042

VOSS REV GORDON C
11120 NE 7TH ST
BLAINE MN
55434

WALTERS THOMAS MN MFG HOUSE
4530 W 77TH ST STE 227
MPLS MN
55435

WALZ SAM CO ADMINISTRATION
ANOKA CTY COURTHOUSE
ANOKA MN
55303

WASHINGTON COUNTY
14900 61ST ST NO
STILLWATER MN
5508

WATERS, DONNA M.
110506 WINDMILL COURT
CHASKA MN
55318

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WM.MITCHEL COLLEGE LAW LIB.
2100 SUMMIT AVE.
ST.PAUL MN
55105

WILEY ENTERPRISES
101 5TH AVE SE
OSSEO MN
55369

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOLKERSTORTER THEODORE
676 17TH AVE NW
NEW BRIGHTON MN
55112

VANDERVOORT T J MET WASTE
350 METRO SQUARE BLDG
ST PAUL MN
55101

VERRILL JOHN E
DEPT SECONDARY ED UOF M
DULUTH MN
55812

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WANQUIST ALLEN
RM 252 FEDERAL BLDG
ST PAUL MN
55101

WAMPLER LINUS DIR USW OF AM
609 PROVIDENCE BLDG
DULUTH MN

WEST CENTRAL REG. DEV.
ADM BLDG, COMMUNITY COLL
FERGUS FALLS MN
56537

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WILCOX J PATRICK
1220 NORTHERN FED BLDG
ST PAUL MN
55102

WHITING RALPH
7316 BAILEY ROAD
NEWPORT MN
55055

WILSON R GARY PPG INDUST
1 GATEWAY CENTER
PITTSBURGH PA
15222

WILLETTE MARY
2711 W 47TH STREET
MPLS MN
55410

WYANT CLINTON W ATTY

ATKIN MN
56431

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

ZIMMERMAN & OFFERMAN
CAMBRIDGE STATE HOSP
CAMBRIDGE MN
55008

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of a Rule of the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture Relating to Classes of Buildings With Respect to Which Persons Performing Architectural and Professional Engineering Services May Be Exempt From Licensure Requirements and Proposed Amendments to the Rule Relating to the Licensure Requirements for Professional Engineers

AMENDED
NOTICE OF HEARING

Notice is hereby given that a public hearing in the above-entitled matter, originally scheduled to be held on December 6, 1978, has been rescheduled and will be held in the Department of Commerce Hearing Room at 500 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota on January 24, 1979 at 9:30 AM and continuing until all representatives of associations or interested groups or persons have had an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to George A. Beck, Office of Hearing Examiners, 1745 University Avenue, Room 300, St. Paul, Minnesota 55104, (612) 296-8114, the Hearing Examiner appointed to hear this matter, either

before the hearing or within five (5) working days after the close of the hearing. The Hearing Examiner may extend the time for receipt of written comments for a period not to exceed twenty (20) calendar days from the date of the hearing.

The new rule proposed for adoption, if adopted, would establish classes of buildings with respect to which persons performing architectural and professional engineering services may be exempt from licensure requirements. The proposed amendments to the rule relating to the licensure requirements for professional engineering, if adopted, will provide for the admission of candidates to the professional practice examination with two years of qualifying experience before graduation in those cases where the higher education of the candidate was interrupted. Subject matter included in examinations is removed because such information is frequently changed and is provided to each candidate upon application for admission to a particular examination. The proposed rule and amendments are published in the State Register at 3 S.R. 1008. One free copy of the proposed rules in their entirety may be obtained by writing to Lowell E. Torseth, Executive Secretary, Board of Architecture, Engineering, Land Surveying and Landscape Architecture, 500 Metro Square Building, St. Paul, Minnesota 55101. Additional copies of the rules will be available at the door on the day of the hearing.

The rule and amendments are proposed pursuant to the authority vested in the Board of Architecture, Engineering, Land Surveying and Landscape Architecture by the provisions of Minn. Stat. 326.06, as amended by Minn. Laws 1978, Ch. 577, Section 3.

It is not anticipated that adoption of the proposed rule and amendments will result in the expenditure of public moneys by local public bodies.

Any person may request notification of the date on which the Hearing Examiner's report will be available, after which date the Board may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Board. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's report), or to the Board (in the case of the Board's submitted or resubmission to the Attorney General.)

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the Board's office and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the Board at the hearing justifying both the need for and the reasonableness of the proposed rule and amendment. Copies of the Statement

of Need and Reasonableness may be obtained from the Office of Hearing Examiner at a minimal charge.

Minn. Stat. Sections 10A.01 - 10A.34 requires each lobbyist to register with the Ethical Practices Board within five (5) days after commencing lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is defined in Minn. Stat. Section 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivery testimony; or

(f) Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over $250, excluding his own travel expenses, in any year in communicating with public officials.

Questions regarding the registration of lobbyists should be directed

to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone number (612) 296-5615.

Dated: November 29, 1978.

Lowell E Torseth

LOWELL E. TORSETH
Executive Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

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(c) Individual while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over $250, excluding his own travel expenses, in any year in communicating with public officials.

Questions regarding the registration of lobbyists should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone number (612) 296-5615.

Dated: October 24, 1978.

Lowell E. Torseth

LOWELL E. TORSETH
Executive Secretary

APPENDIX A

PROPOSED RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSE REQUIREMENTS

AE&LS 22

A. Purpose. The purpose of these rules is to indicate circumstances where the services of a licensed architect or engineer are not required pursuant to Minn. Stat. Sections 326.02-326.16.

B. General Requirement. Plans and specifications for the erection, enlargement, alteration, or remodeling or renovation of any building, structure, or other work shall be prepared and certified by an architect or engineer licensed pursuant to Minn. Stat. Sections 326.02-326.16 except as set forth below:

1. Statutory Exception. Building components or classes of buildings enumerated in Minn. Stat. Sections 326.02, Subd. 5 and 326.03, Subd. 2(a)-(d).

2. Remodeling or Renovation Exception.

a. Any remodeling or renovation to part or all of an existing building, structure or work which does not:

(1) change the load on its mechanical or electrical systems or change the live or dead load on its structural system adversely affecting their ability to perform,

(2) adversely change the building's access or exit pattern, or

(3) change the Uniform Building Code (UBC) use classification of the building.

b. Any remodeling or renovation, of any kind, in a building in the UBC use classes and consistent with the size and construction type thresholds specified in Table 1.

3. Classes of Buildings Exceptions. Any privately owned new construction of or new addition to a building in the specified UBC use classes and consistent with the size and construction type thresholds specified in Table 1. Provided that an exemption under this paragraph shall not apply:

a. for a second new building to be constructed by the same person on the same parcel or a contiguous parcel to a new building previously exempted hereunder or for a second addition to the same building where a prior addition was exempt hereunder, in either case, within twenty-four calendar months after the date of building permit issuance. Same person means the same owner or same general contractor, as, or ownership or general contractor entity having one or more participants in common with, the owner or general contractor of the first building. Parcel means a non-subdivided tract of land.

b. for an addition to an existing building, where the existing building exceeds the exemption size thresholds under this paragraph if the addition results in either of the effects set forth in paragraphs B.2.(1) or B.2.(2), regardless of the size of the new addition proposed.

c. for new construction within a larger building (e.g., individual shops within a shopping center) where the larger building exceeds the exemption size thresholds under this paragraph if the new construction results in either of the effects set forth in paragraphs B.2.(1) or B.2.(2), regardless of the size of the new construction proposed.

C. Definitions.

1. Definitions. All terms used herein shall be as defined in the Uniform Building Code, 1976 edition, unless otherwise specified in these rules.

2. Use. Use shall be specified by the owner and verified by the building official in the manner provided in the UBC.

D. General Provisions:

1. Plans Mandatory. The exceptions in paragraphs B.2. and B.3. shall be available only if the building permit applicant supplies the responsible building official with two sets of plans and specifications for the building or remodeling. The name and address of the preparer of the plans and specifications shall appear thereon. The plan preparer shall certify that reasonable care has been given to compliance with applicable laws, ordinances, and building codes relating to design.

2. Nonexclusivity. Notwithstanding the exceptions in subsection B. 3. the responsible building official shall require plans and specifications to be designed and prepared by a licensed architect or engineer, if he finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular use. Nothing herein shall preclude or supercede any provisions of other applicable laws or regulations.

TABLE 1

Use Classification	Construction Type		Maximum Gross Square Footage (GSF) or Dwelling Units (whichever is less)
(i) Warehouse (storage rooms) for combustible or non-combustible goods	one story, no basement	No use of structural concrete, poured in place, for roofs and supported floors	5000 GSF
(ii) Retail or wholesale stores, paint stores without bulk handling	two story and basement		1500 GSF
(iii) Office buildings	two story and basement		2250 GSF
(iv) Factories and workshops using materials that are not highly flammable	one story, no basement		3000 GSF
(v) Aircraft hangars where no repair work is done except exchange of parts and maintenance requiring no open flame, welding, or the use of highly flammable liquids	one story, no basement		3000 GSF
(vi) Lodging houses	two story and basement		5 rooms or 1500 GSF
(vii) Eating and drinking establishments	two story and basement		Seating for not more than 20 persons or 1000 GSF
(viii) Apartment houses	two story and basement or three story including half basement		4 dwelling units or 5000 GSF
(ix) Garages, carports, and sheds used as accessories	one story, no basement		1000 GSF
(x) Convents and monasteries	two story and basement		10 dwelling units or 3000 GSF

APPENDIX B

PROPOSED AMENDMENT TO RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO THE LICENSE REQUIREMENTS FOR PROFESSIONAL ENGINEERS

AE&LS 10 Examination of Engineer Applicants

A. Education and Experience. An applicant for registration as ~~an~~ a Professional Engineer shall be required to pass an oral and a written examination as provided hereinafter. The submission of one exhibit of engineering work accomplished along with a written critique of such exhibit may be substituted in lieu of the oral examination upon the approval of the Board. Oral and written examinations will be required of all applicants except those registered under Rule AE&LS 7(e) and (f) which apply to those registered in one or more states other than Minnesota. In these cases the same minimum requirements for these applicants will be required as existed in Minnesota at the time of the original registration of the applicant in the other state. The written Fundamentals of Engineering (EIT) examination may be waived by the Board if the applicant meets the requirements stated in paragraph (d). To qualify for admission to such oral and written examination, ~~he~~ the applicant shall present satisfactory evidence that he/she has:

1. Graduated from an ~~aeeredited~~ engineering curriculum ~~of Engineering of a University, College, or technical school appearing on the list of Accredited Schools of Engineering~~ accredited by the Engineers' Council for Professional Development (ECPD) and appearing on the list of Accredited Programs Leading to Degrees in Engineering current at the time of his graduation as published by the ~~Engineers Council for Professional Development.~~ ECPD or the educational equivalent thereof.

2. Completed a minimum of ~~three (3)~~ four (4) years of qualifying engineering experience, satisfactory to the Board, after graduation from a baccalaureate program in engineering accredited by the ECPD, or three (3) years of qualifying engineering experience, satisfactory to the Board, after graduation from a Masters or Doctoral program in engineering from an institution with an ECPD accredited baccalaureate program in that discipline of engineering. Up to two (2) years credit for diversified, qualifying engineering experience, gained prior to graduation from an approved engineering curriculum, may be granted by the Board when evaluated on an individual basis. The two (2) years experience prior to graduation must have been gained after completion of the second year of approved engineering education and must have been gained in the United States. Such experience shall be credited at the rate of 50% up to the maximum allowable credit of two (2) years.

3. An applicant may qualify for admission to the examinations provided that ~~he submits to the Board~~ satisfactory evidence is submitted to the Board that ~~his~~ education and experience completed ~~are substantially equivalent~~ meet the requirements set forth in the following table:

Classification	Education in years	Experience in years	Total Education and Experience
~~*~~ Graduate of ~~Accredited~~ Engineering Curriculum Accredited by Engineers' Council for Professional Development (ECPD).			
5-year Course with M.S. or PhD.....	5	3	8
4 or 5-year Course.....	4	4	8
Graduate of Non-ECPD Accredited Engineering Curriculum Approved by the Board			
5-year Course.....	4	5	9
4-year Course.....	3	6	9
~~**Certificate Holder--recognized~~			
~~**Correspondence Courses~~	~~2~~	~~10~~	~~12~~
~~**Non-School Trained Candidate~~	~~0~~	~~13~~	~~13~~

~~**Note: For each year short of graduation add two years of experience, but not to exceed 12 years of education and experience except for the non-schooled trained candidate.~~

~~*--Accredited by Engineers' Council for Professional Development.~~

~~**-These classifications are deleted as of January 1, 1973.~~

4. Recognized equivalent education. The education requirements of an applicant whose education was not obtained in a an engineering curriculum accredited by the Engineers' Council for Professional Development will be accepted only if such education is determined by the Board to be equivalent to the content of the accredited curriculum required for a Bachelor of Science Degree in engineering. The applicant will be required to submit a transcript of grades, along with descriptions of courses taken from the educational institution from which he graduated, for evaluation by the Board to determine the credit to be allowed for such non-accredited engineering education.

~~Effective January 1, 1973.~~

B. Oral Examination: An applicant will be required to appear before the Board for oral examination and submit two exhibits of engineering work he has performed unless he is registered under Rule AE&LS 7(e) or (f). He may be given the option, by the Board, to submit one exhibit of engineering work he has performed with a written critique of that exhibit in lieu of appearing before the Board for an oral examination.

C. Written Examination:

1. The written examination consists of two parts. Part I is a preliminary examination, the Fundamentals of Engineering Examination (FE), which may be taken upon graduation from an engineering curriculum approved by the Board. ~~prior to completion of the statutory qualifications for registration.~~ The passing of this preliminary examination will give the applicant the status of Engineer-in-Training as defined in Section 326.10, Subdivision 7, and such applicant ~~he~~ will not again be required to take this examination. The applicant shall take and pass the Fundamentals of Engineering ~~Fundamentals~~ Examination, EIT, before being ~~he is~~ permitted to take the Professional examination.

2. The Professional examination (Part II), the Principles and Practice of Engineering Examination, is an examination in a field of major practice and is required as hereinafter outlined. Examinations are presently ~~given~~ offered in the following fields of major practice in engineering: Aeronautical/Aerospace, Agricultural, Ceramic, Chemical, Civil, Electrical, Geological, ~~Highway,~~ Industrial, Manufacturing, Mechanical, Metallurgical, Mining/Minerals, Nuclear, Petroleum, Sanitary, and Structural. ~~and Naval Architecture.~~ Any applicant who is a graduate with a degree in Architectural Engineering from an accredited curriculum will be considered for registration by the Board as a Professional Engineer by examination in a field of major practice based on his experience record.

3. The scope of the Fundamentals of Engineering ~~Fundamentals~~ Examination, EIT (Part I), and the ~~Professional~~ Principles and Practice of Engineering Examination (Part II) is as follows:

a. Fundamentals of Engineering ~~Fundamentals~~ Examination, EIT (Part I): ~~Practical questions and/or~~ Multiple-choice questions in fundamental mathematics and the basic and engineering sciences ~~of physics and chemistry~~ as presented in accredited college or university engineering curriculum. ~~including application to hydraulics, strength of materials, and mechanics, and problems in planning and designing of elementary engineering projects.~~ Allotted time - 8 hours.

b. ~~Professional~~ Principles and Practice of Engineering Examination (Part II): Problems embracing knowledge of professional practice and applied economics such as should be acquired in connection with the planning, design and construction of engineering work during the statutory period leading ~~up~~ to ~~the final~~-registration as professional engineer. This part of the examination, together with the oral examination or exhibit with written critique, will not be required until the full statutory period of qualifying engineering ~~work~~ experience has been completed. Allotted time - 8 hours.

4. The Principles and Practice of Engineering examination ~~in engineering design and construction~~ is given for the purpose of determining the proficiency of the applicant in professional practice. This examination will include questions designed to test whether training and experience have taught the applicant to apply the knowledge and understanding of the basic and engineering sciences to the solution of engineering problems. ~~show the applicant's ability to use his fundamental training and his skill in planning, designing and supervising the construction of engineering projects. The judgment and resourcefulness shown in respect to appropriateness of design for the purpose intended, relative economy, and appearance of the structure designed, will be taken into account in determining the grade.~~

5. Handbooks, ~~tables and~~ reference books, bound tabular material and notes, and silent, hand-held, electronic calculators are permitted for use during examinations when authorized by the Board.

D. Engineers Qualified by Graduation, Long Experience, and Examination. The applicant must have graduated from an accredited engineering curriculum, or have received a graduate degree based upon at least one academic year of resident study in a department whose undergraduate curriculum is accredited; be not less than forty years of age; have a verified professional engineering record of twenty years or more, as defined by and of a character satisfactory to the ~~Registration~~ Board; and shall pass a written professional practice examination of at least eight hours duration. The applicant's engineering experience shall show responsible charge of engineering projects for at least ten years and advancement in the character of the work performed. The experience gained prior to his reaching the age of twenty years shall not be credited as a part of the required engineering experience, except that graduation from an accredited engineering curriculum shall be considered equivalent to four years of engineering experience. Credit shall not be given for more than a total of four years experience because of undergraduate educational qualifications.

E. Engineer-in-Training. Any applicant who is a graduate of ~~a bachelor of engineering degree from a school or college having~~ an ECPD accredited engineering curriculum, or who has education equivalent thereto as determined by the Board, may be ~~allowed~~ permitted to take the Fundamentals of Engineering ~~fundamentals~~ examination (EIT). ~~For a non-graduate, for each year he is short of engineering education he will be required to acquire two years of qualifying experience not exceeding eight years total. Educational credits for institute courses, correspondence courses, etc., shall be determined by the Board.~~

Adopted January 16, 1922. Amended 1940; October 2, 1945; May 5, 1948; July 9, 1951; March 20, 1953; February 4, 1956; June 13, 1958; May 16, 1962; March 5, 1964; October 6, 1965; November 9, 1967; August 20, 1970; October 22, 1971.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of a Rule of the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture Relating to Classes of Buildings With Respect to Which Persons Performing Architectural and Professional Engineering Services May Be Exempt From Licensure Requirements and Proposed Amendments to the Rule Relating to the Licensure Requirements for Professional Engineers

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned rules be held in the hearing room at 500 Metro Square Building, Seventh and Robert Streets, Saint Paul, Minnesota, on DECEMBER 6, 7 & 8, 1978 commencing at 9:30 AM and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing be published in the State Register.

Dated: 12 OCTOBER 1978

Lowell E Torseth

LOWELL E. TORSETH
Executive Secretary

STATE OF MINNESOTA

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING & LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING & LANDSCAPE ARCHITECTURE GOVERNING CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSURE REQUIREMENTS	CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Richard F. Whiteman, do hereby certify that I am Secretary of the Board of Architecture, Engineering, Land Surveying & Landscape Architecture, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at the meeting of the Board of Architecture, Engineering, Land Surveying & Landscape Architecture duly and properly called and held on the 29th day of September, 1978; that a quorum was present at the meeting; that a majority of those present voted for the resolution; that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified.

"RESOLVED, that Lowell E. Torseth, Executive Secretary of the Board of Architecture, Engineering, Land Surveying & Landscape Architecture, be and he hereby is granted the authority and directed to call a hearing for the purpose of adopting rules of the board governing classes of buildings with respect to which persons performing architectural and engineering services may be exempt from licensure requirements. Further, the Executive Secretary of this board is hereby authorized to sign an Order for Hearing and Notice of Hearing."

IN WITNESS WHEREOF, I have hereunder subscribed my name this 29th day of September, 1978.

Richard F. Whiteman

RICHARD F. WHITEMAN, Secretary
State Board of Architecture,
Engineering, Land Surveying
& Landscape Architecture

ATTESTED:

G. Leigh Morrow

G. LEIGH MORROW
State Board of Architecture,
Engineering, Land Surveying,
& Landscape Architecture

STATE OF MINNESOTA

BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE RULE OF THE BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE GOVERNING REQUIREMENTS FOR PROFESSIONAL EXPERIENCE FOR LICENSURE AS A PROFESSIONAL ENGINEER	))))))	CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I, Richard F. Whiteman, do hereby certify that I am Secretary of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at the meeting of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture duly and properly called and held on the 29th day of September, 1978; that a quorum was present at the meeting; that a majority of those present voted for the resolution; that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified.

"RESOLVED, that Lowell E. Torseth, Executive Secretary of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture, be and he hereby is granted the authority and directed to call a hearing for the purpose of amending Rule AE&LS 10. The proposed amendment will permit the granting of credit for experience prior to graduation from an accredited engineering curriculum for those persons with interrupted college or university education under certain conditions; will permit applicants to submit an exhibit of engineering and written critique for Board review in lieu of appearing before the Board for oral examination; will eliminate a listing of subject matter contained in the Fundamentals of Engineering Examination due to frequent changes to this listing; and will change existing language for purposes of clarification. Further, the Executive Secretary of this board is hereby authorized to sign an Order for Hearing and Notice of Hearing."

IN WITNESS WHEREOF, I have hereunder subscribed my name this

29th day of September, 1978.

RICHARD F. WHITEMAN, Secretary
State Board of Architecture, Engineering,
Land Surveying and Landscape Architecture

ATTESTED:

G. LEIGH MORROW
State Board of Architecture,
Engineering, Land Surveying and
Landscape Architecture

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, when, in preparing to propose rules, an agency seeks to obtain information or opinion form sources outside of the agency, a notice of intent to solicit such information or opinion is published in the *State Register* and interested persons are afforded an opportunity to submit data and views on the subject.

The *State Register* also contains any other official notice requested to be published by an agency, pursuant to Laws of 1977, ch. 305 § 3.

Department of Personnel

Notice of Intent to Solicit Outside Opinions on Rules Governing the Taking of Official Action by State Employees in Matters Involving Businesses in Which They Have an Interest

Notice is hereby given that the Department of Personnel is drafting rules amending the code of ethics for employees in the executive branch of the State of Minnesota. The rules governing a code of ethics are authorized by Minn. Stat. 43.05, subd. 2 (13) 1976. It is the intent of these new rules to define significant financial interest in outside businesses, and to specify the conditions when employees should not be involved in official actions involving businesses in which they have a significant financial interest.

The department invites all interested persons or groups to provide information or comment on the above subject in writing to:

Richard R. Cottrell
Department of Personnel
Third Floor Space Center
444 Lafayette Road
St. Paul, MN 55101

All statements of information or comment must be received by March 31, 1978. Any written material received by the department on or before this date will become part of the hearing record.

Department of Commerce Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Intent to Solicit Outside Opinions on Rules Governing the Examination of Engineer Applicants and the Certification and Signature on Plans

Notice is hereby given that the Board of Architecture, Engineering, Land Surveying and Landscape Architecture is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the examination of engineer applicants and the certification and signature on plans by licensed design professionals. Any interested persons may submit data or views on these subjects in writing or orally to:

Lowell E. Torseth
Executive Secretary
500 Metro Square
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-2388

Any written material received by the agency shall become part of the hearing record in the event rules governing these subjects are promulgated.

Department of Commerce Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Intent to Solicit Outside Opinions on Rules to Define Classes of Buildings Which May be Exempted From the Provisions of Minn. Stat. 1976, Sections 326.02 to 326.15

Notice is hereby given that the Board of Architecture, Engineering, Land Surveying and Landscape Architecture is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the definition of those classes of buildings which may be exempted from the provisions of Sections 326.02 to 326.15, by a finding of no probable risk to life, health, property or public welfare. Any interested persons may submit data or views on this subject in writing or orally to:

Lowell E. Torseth
Executive Secretary
500 Metro Square
Seventh and Robert Streets
St. Paul, Minnesota 55101
(612) 296-2388

Any written material received by the agency shall become part of the hearing record in the event rules governing this subject are promulgated.

Department of Commerce Banking Division

Banking Division Bulletin No. 1874, Maximum Lawful Rate of Interest for Mortgages for the Month of April, 1978

Notice is hereby given that the Banking Division, Department of Commerce, State of Minnesota, pursuant to Minn. Stat. § 47.20, the Conventional Home Loan Assistance and Protection Act, as amended by Laws of 1977, ch. 350, hereby determines that the maximum lawful rate of interest for home mortgages for the month of April, 1978, is nine and one-half (9.50) percent.

Robert A. Mampel
Commissioner of Banks
March 15, 1978

Department of Commerce Banking Division

Notice of Intent to Propose Rules Pursuant to the Act (H.F. No. 1180) Permitting the Establishment and Operation of Electronic Funds Transfer Facilities Immediate Release, Banking Division Bulletin No. 1873

The Minnesota Commissioner of Banks hereby gives notice of his intent to propose rules pursuant to Laws of 1978, ch. 469, relating to the operation of electronic funds transfer facilities as to the manner and information required in the submission of applications for authorization; establishing minimum technical operating standards; and requiring disclosure of consumer protection information to customers using electronic financial terminals. All persons wishing to submit data or views concerning the session law and its implementation may submit this information either orally or in writing to the Commissioner of Banks at the following address:

Commissioner of Banks
Fifth Floor, Metro Square Bldg.
Seventh and Robert Streets
St. Paul, Minnesota 55101

Any written material received by the Commissioner shall become a part of the public record pertaining to the consideration of these proposed rules.

Robert A. Mampel
Commissioner of Banks
March 13, 1978

Ethical Practices Board

Notice of Intent to Solicit Outside Opinions on Emergency Rules Governing Campaign Financing, Public Financing and Economic Interest Disclosure

Notice is hereby given that the State Ethical Practices Board is drafting emergency rules clarifying the 1978 amendments to *Minn. Stat.* 10A regarding campaign and public financing and economic interest disclosure.

The department invites all interested persons or groups to provide information or comment on the above subject in writing to:

Ethical Practices Board
41 State Office Building
St. Paul, Minnesota 55155

All statements of information or comment must be received by April 10, 1978. Any written material received by the department on or before this date will become part of the hearing record.

Ethical Practices Board

Notice of Intent to Solicit Outside Opinion of Any Individual or Association Regarding the Following Request for an Advisory Opinion Prior to Review for Approval of an Advisory Opinion on March 24, 1978

March 20, 1978

ARCH-79-001-AK

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDING WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSURE REQUIREMENTS AND PROPOSED AMENDMENTS TO THE RULE RELATING TO THE LICENSURE REQUIREMENTS FOR PROFESSIONAL ENGINEERS	STATEMENT OF COMPLIANCE WITH MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Barry R. Greller, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed with the exceptions noted in Finding of Fact 1, as propounded by the Board of Architecture, Engineering, Land Surveying and Landscape Architecture.

Barry R. Greller
Special Assistant Attorney General

Dated: March 14th, 1979.

RULE AS ADOPTED

PROPOSED RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSE REQUIREMENTS

AE&LS 22

A. Purpose. The purpose of these rules is to indicate circumstances where the services of a licensed architect or engineer are not required pursuant to Minn. Stat. Sections 326.02-326.16.

B. General Requirement. Plans and specifications for the erection, enlargement, alteration, or remodeling or renovation of any building, structure, or other work shall be prepared and certified by an architect or engineer licensed pursuant to Minn. Stat. Sections 326.02-326.16 except as set forth below:

1. Statutory Exception. Building components or classes of buildings enumerated in Minn. Stat. Sections 326.02, Subd. 5 and 326.03, Subd. 2(a)-(d).

2. Remodeling or Renovation Exception.

a. Any remodeling or renovation to part or all of an existing building, structure or work which does not:

(1) change the load on its mechanical or electrical systems or change the live or dead load on its structural systems, ~~adversely affecting their ability to perform,~~ in either case, in such a manner that a violation of the Uniform Building Code, 1976 edition, might occur,

(2) ~~adversely~~ change the building's access or exit pattern, ~~or~~ in such a manner that a violation of the Uniform Building Code, 1976 edition, might occur, or

(3) change the Uniform Building Code (UBC) use classification of the building.

b. Any remodeling or renovation, of any kind, in a building in the UBC use classes and consistent with the size and construction type thresholds specified in Table 1.

3. Classes of Buildings Exceptions. Any ~~privately-owned~~ new construction of or new addition to a building in the specified UBC use classes and consistent with the size and construction type thresholds specified in Table 1. Provided that an exemption under this paragraph shall not apply:

a. for a second new building to be constructed by the same person on the same parcel or a contiguous parcel to a new building previously exempted hereunder or for a second addition to the same building where a prior addition was exempt hereunder, in either case, within twenty-four calendar months after the date of building permit issuance. Same person means the same owner or same general contractor, ~~as,~~ or ownership or general contractor entity having one or more participants in common with, the owner or general contractor of the first building. The person seeking a building permit shall certify that the same person has not utilized this exemption within the prior twenty-four month period. Parcel means a non-subdivided tract of land.

b. for an addition to an existing building, where the existing building exceeds the exemption size thresholds under this paragraph if the addition results in either of the effects set forth in paragraphs B.2.(1) or B.2.(2), regardless of the size of the new addition proposed.

c. for new construction within a larger building (e.g., individual shops within a shopping center) where the larger building exceeds the exemption size thresholds under this paragraph if the new construction results in either of the effects set forth in paragraphs B.2.(1) or B.2.(2), regardless of the size of the new construction proposed.

C. Definitions.

1. Definitions. All terms used herein shall be as defined in the Uniform Building Code, 1976 edition, unless otherwise specified in these rules. The abbreviation 'UBC' as used in this rule means the Uniform Building Code, 1976 edition.

2. Use. Use shall be specified by the owner and verified by the building official in the manner provided in the UBC.

D. General Provisions:

1. Plans Mandatory. The exceptions in paragraphs B.2. and B.3. shall be available only if the building permit applicant supplies the responsible building official with two sets of plans and specifications for the building or remodeling. The name and address of the preparer of the plans and specifications shall appear thereon. The plan preparer shall certify that reasonable care has been given to compliance with applicable laws, ordinances, and building codes relating to design.

2. ~~Nonexclusivity.~~ Non-Applicability of Exemptions. Notwithstanding the exceptions in subsection B.3. the responsible building official ~~shall~~ may require plans and specifications to be designed and prepared by a licensed architect or engineer, if he finds a hazard to life, health, safety, or welfare due to the unusual circumstances of the building or structure or an unusually large number of potential occupants in relation to square footage for a particular use.

3. Nonexclusivity. Nothing herein shall preclude or supercede any provisions of other applicable laws or regulations.

4. Severability. If any provision of this rule is held invalid, such invalidity shall not affect other provisions of this rule which can be given effect without the invalid provision, and to this end the provisions of this rule shall be deemed severable.

TABLE 1

~~Use~~ Occupancy Classification		Number of Stories and Basement ~~Construction Type~~		Maximum Gross Square Footage (GSF) or Dwelling Units (whichever is less)
(i)	Warehouse (storage rooms) for combustible or non-combustible goods	one story, no basement	No use of structural concrete, poured in place, for roofs and supported floors	5000 GSF
(ii)	Retail or wholesale stores, paint stores without bulk handling	two story and basement		1500 GSF
(iii)	Office buildings	two story and basement		2250 GSF
(iv)	Factories and workshops using materials that are not highly flammable	one story, no basement		3000 GSF
(v)	Aircraft hangars where no repair work is done except exchange of parts and maintenance requiring no open flame, welding, or the use of highly flammable liquids	one story, no basement		3000 GSF
(vi)	Lodging houses	two story and basement		5 rooms or 1500 GSF
(vii)	Eating and drinking establishments	two story and basement		Seating for not more than 20 persons or 1000 GSF
(viii)	Apartment houses	two story and basement or three story including half basement		4 dwelling units or 5000 GSF
(ix)	Garages, carports, and sheds used as accessories	one story, no basement		1000 GSF
(x)	Convents and monasteries	two story and basement		10 dwelling units or 3000 GSF

RULE AS ADOPTED

PROPOSED AMENDMENT TO RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO THE LICENSE REQUIREMENTS FOR PROFESSIONAL ENGINEERS

AE&LS 10 Examination of Engineer Applicants

A. Education and Experience. An applicant for registration as a Professional Engineer shall be required to pass an oral and a written examination as provided hereinafter. The submission of one exhibit of engineering work accomplished along with a written critique of such exhibit may be substituted in lieu of the oral examination upon the approval of the Board. Oral and written examinations will be required of all applicants except those registered under Rule AE&LS 7(e) and (f) which apply to those registered in one or more states other than Minnesota. In these cases the same minimum requirements for these applicants will be required as existed in Minnesota at the time of the original registration of the applicant in the other state. The written Fundamentals of Engineering (EIT) examination may be waived by the Board if the applicant meets the requirements stated in paragraph (d). To qualify for admission to such oral and written examination, the applicant shall present satisfactory evidence that he/she has:

1. Graduated from an engineering curriculum accredited by the Engineers' Council for Professional Development (ECPD) and appearing on the list of Accredited Programs Leading to Degrees in Engineering current at the time of his graduation as published by the ECPD or the educational equivalent thereof.

2. Completed a minimum of four (4) years of qualifying engineering experience, satisfactory to the Board, after graduation from a baccalaureate program in engineering accredited by the ECPD, or three (3) years of qualifying engineering experience, satisfactory to the Board, after graduation from a Masters or Doctoral program in engineering from an institution with an ECPD accredited baccalaureate program in that discipline of engineering. Up to two (2) years credit for diversified, qualifying engineering experience, gained prior to graduation from an approved engineering curriculum, may be granted by the Board when evaluated on an individual basis. The two (2) years experience prior to graduation must have been gained after completion of the second year of approved engineering education and must have been gained in the United States, its territories, possessions and military jurisdictions. Such experience shall be credited at the rate of 50% up to the maximum allowable credit of two (2) years.

3. An applicant may qualify for admission to the examinations provided that satisfactory evidence is submitted to the Board that education and experience completed meet the requirements set forth in the following table:

Classification	Education in years	Experience in years	Total Education and Experience
Graduate of Engineering Curriculum Accredited by Engineers' Council for Professional Development (ECPD)			
5-year Course with M.S. or PhD.....	5	3	8
4 or 5-year Course.....	4	4	8
Graduate of Non-ECPD Accredited Engineering Curriculum Approved by the Board			
5-year Course.....	4	5	9
4-year Course.....	3	6	9

4. Recognized equivalent education. The education requirements of an applicant whose education was not obtained in an engineering curriculum accredited by the Engineers' Council for Professional Development will be accepted only if such education is determined by the Board to be equivalent to the content of the accredited curriculum required for a Bachelor of Science Degree in engineering. The applicant will be required to submit a transcript of grades, along with descriptions of courses taken from the educational institution from which he graduated, for evaluation by the Board to determine the credit to be allowed for such non-accredited engineering education.

B. Oral Examination: An applicant will be required to appear before the Board for oral examination and submit two exhibits of engineering work he has performed unless he is registered under Rule AE&LS 7(e) or (f). He may be given the option, by the Board, to submit one exhibit of engineering work he has performed with a written critique of that exhibit in lieu of appearing before the Board for an oral examination.

C. Written Examination:

1. The written examination consists of two parts. Part I is a preliminary examination, the Fundamentals of Engineering Examination (FE), which may be taken upon graduation from an engineering curriculum approved by the Board. The passing of this preliminary examination will give the applicant the status of Engineer-in-Training as defined in Section 326.10, Subdivision 7, and such applicant will not again be required to take this examination. The applicant shall take and pass the Fundamentals of Engineering Examination, EIT, before being permitted to take the Professional examination.

2. The Professional examination (Part II), the Principles and Practice of Engineering Examination, is an examination in a field of major practice and is required as hereinafter outlined. Examinations are presently offered in the following fields of major practice in engineering: Aeronautical/Aerospace, Agricultural, Ceramic, Chemical, Civil, Electrical, Geological, Industrial, Manufacturing, Mechanical, Metallurgical, Mining/Minerals, Nuclear, Petroleum, Sanitary, and Structural. Any applicant who is a graduate with a degree in Architectural Engineering from an accredited curriculum will be considered for registration by the Board as a Professional Engineer by examination in a field of major practice based on his experience record.

3. The scope of the Fundamentals of Engineering Examination, EIT (Part I), and the Principles and Practice of Engineering Examination (Part II) is as follows:

a. Fundamentals of Engineering Examination, EIT (Part I): Multiple-choice questions in fundamental mathematics and the basic and engineering sciences as presented in accredited college or university engineering curriculum. Allotted time - 8 hours.

b. Principles and Practice of Engineering Examination (Part II): Problems embracing knowledge of professional practice and applied economics such as should be acquired in connection with the planning, design and construction of engineering work during the statutory period leading to registration as professional engineer. This part of the examination, together with the oral examination or exhibit with written critique, will not be required until the full statutory period of qualifying engineering experience has been completed. Allotted time - 8 hours.

4. The Principles and Practice of Engineering examination is given for the purpose of determining the proficiency of the applicant in professional practice. This examination will include questions designed to test whether training and experience have taught the applicant to apply the knowledge and understanding of the basic and engineering sciences to the solution of engineering problems.

5. Handbooks, reference books, bound tabular material and notes, and silent, hand-held, electronic calculators are permitted for use during examinations when authorized by the Board.

D. Engineers Qualified by Graduation. Long Experience and Examination. The applicant must have graduated from an accredited engineering curriculum, or have received a graduate degree based upon at least one academic year of resident study in a department whose undergraduate curriculum is accredited; be not less than forty years of age; have a verified professional engineering record of twenty years or more, as defined by and of a character satisfactory to the Board; and shall pass a written professional practice examination of at least eight hours duration. The applicant's engineering experiense shall show responsible charge of engineering projects for at least ten years and advancement in the character of the work performed. The experience gained prior to his reaching the age of twenty years shall not be credited as a part of the required engineering experience, except that graduation from an accredited engineering curriculum shall be considered equivalent to four years of engineering experience. Credit shall not be given for more than a total of four years experience because of undergraduate educational qualifications.

E. Engineer-in-Training. Any applicant who is a graduate of an ECPD accredited engineering curriculum, or who has education equivalent thereto as determined by the Board, may be permitted to take the Fundamentals of Engineering examination (EIT).

F. Severability. If any provision of this rule is held invalid, such invalidity shall not affect other provisions of this rule which can be given effect without the invalid provision, and to this end the provisions of this rule shall be deemed severable.

Adopted January 16, 1922. Amended 1940; October 2, 1945; May 5, 1948; July 9, 1951; March 20, 1953; February 4, 1956; June 13, 1958; May 16, 1962; March 5, 1964; October 6, 1965; November 9, 1967; August 20, 1970; October 22, 1971.

STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

LIST OF PERSONS TO REPRESENT THE BOARD AT HEARING

Lowell E. Torseth, Executive Secretary

G. Leigh Morrow, P.E., Chairman

Richard F. Whiteman, AIA, Secretary

Peter H. Grills, Board Counsel

Panel subject to change as is deemed necessary by the Executive Secretary. Any proposed change in the agency panel will be immediately filed with Natalie L. Gaull, Hearing Examiner, as soon as a decision is made to change composition of the agency panel.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of a Rule of the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture Relating to Classes of Buildings With Respect to Which Persons Performing Architectural and Professional Engineering Services May Be Exempt From Licensure Requirements and Proposed Amendments to the Rule Relating to the Licensure Requirements for Professional Engineers

STATEMENT OF NUMBER OF PERSONS EXPECTED TO ATTEND AND LENGTH OF HEARING

The number of persons expected to attend the hearing in the above-captioned matter is twenty (20).

It is estimated that the length of the hearing will be three (3) days.

Dated: 12 October 1978

STATE OF MINNESOTA
BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

Lowell E. Torseth

LOWELL E. TORSETH
Executive Secretary

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSURE REQUIREMENTS) AND PROPOSED AMENDMENTS TO THE RULE RELATING TO THE LICENSURE REQUIREMENTS FOR PROFESSIONAL ENGINEERS.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on January 24, 1979, before Allan W. Klein, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. § 15.052, Subd. 3, was issued to the Minnesota Board of Architecture, Engineering, Land Surveying and Landscape Architecture (hereinafter "Board") on February 28, 1979; and

WHEREAS, the Board has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, Subd. 4; and

WHEREAS, the Board has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, Subd. 4, and Rule 9 MCAR § 2.110; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Board has met all requirements of Minn. Stat. § 15.0412, Subd. 4.

NOW, THEREFORE, upon receipt of this Report, the Board has the responsibility of submitting the complete hearing record and the rules as adopted by the Board to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 14th day of March, 1979.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING
AND LANDSCAPE ARCHITECTURE

IN THE MATTER OF THE PROPOSED ADOPTION OF A RULE OF THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING AND LANDSCAPE ARCHITECTURE RELATING TO CLASSES OF BUILDINGS WITH RESPECT TO WHICH PERSONS PERFORMING ARCHITECTURAL AND PROFESSIONAL ENGINEERING SERVICES MAY BE EXEMPT FROM LICENSURE REQUIREMENTS AND PROPOSED AMENDMENTS TO THE RULE RELATING TO THE LICENSURE REQUIREMENTS FOR PROFESSIONAL ENGINEERS	CERTIFICATE OF BOARD'S RESOLUTION ADOPTING RULES

I, Lowell E. Torseth, do hereby certify that I am Executive Secretary to the Board of Architecture, Engineering, Land Surveying and Landscape Architecture, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at the meeting of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture duly and properly called and held on the 12th day of March, 1979; that a quorum was present at said meeting, that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"Resolved that the rules relating to the Classes of Buildings with Respect to Which Persons Performing Architectural and Professional Engineering Services May be Exempt from Licensure Requirements and to the Licensure Requirements for Professional Engineers, identified as Minn. Rules AE&LS 22 and 10, be and they are hereby approved and adopted, pursuant to the authority vested in the Board of Architecture, Engineering, Land Surveying and Landscape Architecture by Minn. Stat. 1978, Sections 15.0412 and 326.06, and that G. Leigh Morrow, P.E., Chairman of the Board of Architecture,

Engineering, Land Surveying and Landscape Architecture, be and hereby is authorized to sign an order adopting those rules."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of March, 1979.

Lowell E. Torseth

Lowell E. Torseth, Executive Secretary
Board of Architecture, Engineering,
Land Surveying and Landscape Architecture

ATTESTED:

Edward A. Sövik

Edward A. Sövik, FAIA, Secretary
Board of Architecture, Engineering,
Land Surveying and Landscape
Architecture