

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 781

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1-13-82
DATE FOR REVIEW 1-22-82
DATE DUE 1-27-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 1-27-82 Disapproved _____ Returned to Agency 1-29-82

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 1-29-82 Revisor approved 1/14/82 disapproved 1/14/82

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 12.15.81 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A ~~date of Hearing~~

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
10.22.81 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.9.81 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

N/A Agency's Findings of Fact only form changes

✓ LCRAR Report or agency Affidavit

? Certificate of Board's Resolution Adopting Rules — labelled "authorizing" but otherwise conforms to AG. form

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

N/A Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

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

STATE OF MINNESOTA

DEPARTMENT Commerce-Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Office Memorandum

RECEIVED
JAN 13 1982
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

TO : Judith Wehrwein
Office of the Attorney General
5th Floor, State Office Building

DATE: 1/12/82

FROM : Lowell E. Torseth, Executive Secretary

PHONE: 296-2388

SUBJECT: Rules Review

We are enclosing the following documents for your review and approval:

1. Rules as Adopted - Original and three copies, one copy showing additions and deletions.
2. Order Adopting Rules - Original and one copy.
3. Certificate of Board's Resolution Adopting Rules - Original.
4. Order for Notice of Intent to Adopt Rules Without Public Hearing - Original.
5. Notice of Intent to Adopt Rules Without a Public Hearing - Approved copy of Revisor's Office.
6. Affidavit of Mailing Notice of Intent to Adopt a Rule Without a Public Hearing - Original.
7. Certificate of Mailing List - Original.
8. Rule as Proposed - approved copy of Revisor's Office - same as attached to Notice of Intent.
9. Statement of Need and Reasonableness of Proposed Rules - Original.
10. Certificate of Board's Authorizing Resolution - Original.
11. Affidavit of Mailing Notice of Submission to the Attorney General with Notice of Submission to the Attorney General attached - Originals.
12. Statement of Compliance with Rulemaking Procedures signed by Board Counsel.
13. Photo copy of rules as printed in the State Register on November 9, 1981.

If there are any additional documents required, please call me at 296-2388.

LET:ca
Encls.

cc: Ann Bateson, Revisor's Office, 6th Floor, SOB/copies of documents

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : RULE FILE 781

DATE: 1/27/82

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, AND LANDSCAPE ARCHITECTURE

In reviewing this rule for legality, I discovered that authority for the license fee increase hinges upon approval by the Commissioner of Finance (Minn. Stat. § 214.06, Subd. 1).

In the Statement of Need and Reasonableness, the Executive Secretary of the Board of Architecture states that such approval has been secured for a biennial increase from $34 to $42 for the fiscal year 1983-1984. Implied in this is that approval for a biennial fee ceiling of $50 for the current biennium has not been secured.

After a telephone conversation with Merwin Peterson and a discussion with Mike Miles and Jerry Anderson, I have concluded that Minn. Stat. § 214.06, Subd. 1, can be read so as to authorize promulgation of a rule respecting license fees prior to approval by the Commissioner of Finance. I have, therefore, approved the rules with the admonitions as expressed in my approval memorandum.

LDS:drw

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : LOWELL E. TORSETH
Executive Secretary

DATE: 1/27/82

ATTN: MERWIN PETERSON, Ass't. Atty. Gen.

FROM : LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, AND LANDSCAPE ARCHITECTURE

Enclosed herewith is the rule you have submitted for approval. This rule has been approved by this office and filed with the Secretary of State. Please note that it has not been filed with the State Register. This must be done promptly by your agency.

In reviewing this rule, I note that while Minn. Stat. § 214.06, Subd. 1 authorizes rulemaking "with" the approval of the Commissioner of Finance, there is no clear expression of whether or not such approval should precede promulgation of the rule. What is clear, however, is that such approval must be secured before an increased fee can be charged for licensure.

I strongly suggest that the Commissioner's approval of the new license fee authorized in this rule be secured before the rule is published so that the rule cannot be challenged on this ground.

Furthermore, publication of the rule in the State Register prior to obtaining the Commissioner's approval might mislead the public into thinking that the new fee has the force and effect of law when in fact it does not.

Additionally, upon receipt and before transmittal to your agency, it is important that you recheck the rule as to:

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

2. Coverage by these stamps of all rules submitted;

3. Inclusion of all pages to the rules in the approved set.

If you have any questions, please contact me.

LDS:drw
Enclosures
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

changes shown — (form changes?) are from Rules as Proposed

Adopted Rule Amending Licensing Fee Requirement

OK, only as to form. LOS

Rule as Adopted

4 MCAR S 7.004 Fees.

C. The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect shall not exceed $25 per year. The initial license fee shall be prorated at six month intervals during each biennium not to exceed the amount indicated. The fee for months 24 to 18 is $50; for months 18 to 12, $37.50; for months 12 to 6, $25; and for months 6 to 0, $12.50. The renewal fee ~~for fiscal year 1978~~ shall be paid ~~on or before June 30, 1977 and~~ biennially on or before June 30 of each even-numbered year ~~thereafter, as required by Minn. Stat. S 326.10, subd. 4~~. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal fee ~~or if such~~. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of ~~the~~ each even-numbered year ~~specified herein~~.

1-14-82

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Rule Numbers: 4 MCAR S 7.004

Rule Title: Adopted Rule Amending Licensing Fee Requirement

Type of Rules: Permanent X

Temporary _____

Documents Incorporated by Reference: NONE

The attached Rules are approved as to form.

APPROVED AS TO LEGALITY
January 27, 1982
WARREN SPANNAUS, ATTORNEY GENERAL
BY Gary L. Abrams
SPECIAL ASSISTANT ATTORNEY GENERAL

Steven C. Cross
Revisor of Statutes

Name: Paul M. Marinac

Title: Assistant Revisor

Phone: 296-0948

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 29 1982
Joan Anderson Growe
Secretary of State
2:00 PM

CHAPTER 214

EXAMINING AND LICENSING BOARDS

214.01 Definitions.
214.06 Fees; license renewals.
214.10 Complaints; investigation and hearing.

214.01 DEFINITIONS.

[For text of subds 1 and 2, see M.S.1980]

Subd. 3. "Non-health related licensing board" means the board of teaching established pursuant to section 125.183, the board of barber examiners established pursuant to section 154.22, the board of assessors established pursuant to section 270.41, the board of architecture, engineering, land surveying and landscape architecture established pursuant to section 326.04, the board of accountancy established pursuant to section 326.17, the board of electricity established pursuant to section 326.241, the private detective and protective agent licensing board established pursuant to section 326.33, the board of examiners in watchmaking established pursuant to section 326.541, the board of boxing established pursuant to section 341.01, the board of abstracters established pursuant to section 386.63, and the peace officer standards and training board established pursuant to section 626.841.

History: *1981 c 357 s 68*

214.06 FEES; LICENSE RENEWALS.

Subdivision 1. Notwithstanding any law to the contrary, the commissioner of health as authorized by section 214.13, all health related licensing boards and all non-health related licensing boards shall by rule, with the approval of the commissioner of finance, adjust any fee which the board is empowered to assess a sufficient amount so that the total fees collected by each board will as closely as possible equal anticipated expenditures during the fiscal biennium, including the portion of the general support costs and statewide indirect costs of the department providing administrative support services to the board that is attributable to the board. Examination fees, if any, shall be set by rule so that the total amount of annual examination fee income approximately meets the anticipated cost of administering the examinations during the fiscal biennium. Fee adjustments authorized under this subdivision may be made without a public hearing when the total fees estimated to be received during the biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements to the board for the biennium. All fees received shall be deposited with the state treasurer and credited to the general fund.

[For text of subd 2, see M.S.1980]

History: *1981 c 357 s 69*

214.10 COMPLAINTS; INVESTIGATION AND HEARING.

[For text of subds 1 to 6, see M.S.1980]

Subd. 7. **Peace officers standards and training board; definition.** For purposes of subdivisions 4 to 6 the term "appropriate law enforcement agency" means the agency designated by the subcommittee of the board.

History: *1981 c 310 s 15*

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

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

STATEMENT OF NEED AND REASONABLENESS OF PROPOSED RULES

STATEMENT OF NEED AND AUTHORITY

Minnesota Statutes Sections 326.02 - 326.15 (1980) provide for the regulation of architects, professional engineers, land surveyors, and landscape architects. This statute was originally enacted as Minnesota Laws 1921, Chapter 523. 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 Minnesota Laws 1975, Chapter 329. Presently, the Board exercises regulatory authority through its rulemaking power which is found in Minnesota Statutes Section 326.06 (1980).

Minnesota Statutes Section 214.06 (1980) provides that the board may by rule, with the approval of the commissioner of finance, adjust any fee which the board is empowered to assess a sufficient amount so that the total fees collected by the board will, as closely as possible, approximate anticipated expenditures during the fiscal biennium.

FACTS ESTABLISHING REASONABLENESS

Laws of 1981, Chapter 357 provided that licensing boards be assessed a pro rata share of expenses incurred by other state departments in servicing board needs such as payroll, personnel actions, procurement, central mailing, and the like. The board was informed on September 17, 1981 that its share of expenses assessed by the Departments of Administration, Finance, and Employee Relations amounted to $3,819.00 for FY 1982 and charges assessed by the Department of Commerce for services rendered amounted to $23,636.00 for the same period.

The fact that board fee-generated revenues for Fiscal Year 1982 are projected to fall short of these new disbursement requirements by approximately $30,000.00 requires that a fee increase be made in accordance with Minnesota Statutes Section 214.06, Subdivision 1 (1980). Laws of 1981, Chapter 357 permits the Board to adjust fees without public hearing when the total fees estimated to be received during the fiscal biennium will not exceed 110 percent of the sum of all direct appropriations, transfers in, and salary supplements for that purpose for the biennium. Board fee-generated income is deposited in the State General Fund with Board expenses paid from an appropriation made by the Legislature on a biennial basis.

The proposed change to 4 MCAR Section 7.004C. will authorize the Board to increase the biennial license fee up to $50.00 per profession with the approval of the Commissioner of Finance. The Commissioner of Finance has approved raising the biennial license fee from $34.00 to $42.00 for the Fiscal Year 1983-1984 biennium. This increase is expected to generate $54,000.00 in additional funds which are designed to offset the newly assessed departmental costing charges. License fees for new licensees will be prorated over six-month periods over each biennium as in the current rule. The Board projects that this proposed fee increase will generate sufficient funds to cover increased expenses due to department assessments.

Lowell E. Torseth
Executive Secretary

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Rules as Adopted

4 MCAR S 7.004 Fees.

C. The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect ~~is $17 per year~~ shall not exceed $25 per year. The initial license fee ~~is~~ shall be prorated at six month intervals during each biennium not to exceed the amount indicated. The fee for months 24 to 18 is ~~$34~~ $50; for months 18 to 12, ~~$25.50~~ $37.50; for months 12 to 6, ~~$17~~ $25; and for months 6 to 0, ~~$8.50~~ $12.50. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal fee. The renewal fee, when paid by mail, is not timely paid unless it is postmarked on or before June 30 of each even-numbered year.

OFFICE OF THE REVISOR OF STATUTES
Disapproval of Form of Rules

___X___ The form of the attached rules is not approved. The revisor requests the changes described below before the rules will be approved.

page 1, line 2, delete "Rules" and insert "Rule"

The rule as submitted to this office does not accurately reflect the amendments adopted to the rule as proposed.

The attached draft suggests amendments to the rule as adopted to remedy this problem.

Steven C. Cross
Revisor of Statutes

Name: Paul M. Marinac
Paul M. Marinac

Title: Assistant Revisor

Phone: 296-0948

_____ The changes requested by the revisor are approved by the agency.

_____ The changes requested by the revisor are not approved by the agency

_____
Agency's Representative

_____ The attorney general agrees that the changes requested by the revisor are form changes, not substantive changes.

_____
Assistant Attorney General

Rule as Proposed

4 MCAR S 7.004 Fees.

C. The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect shall ~~be $15~~ not exceed $25 per year. The initial license fee shall be prorated at six month intervals during each biennium not to exceed the amount indicated. The fee for months 24 to 18 ~~shall be $30,~~ is $50; for months 18 to 12 ~~shall be $22.50~~, $37.50; for months 12 to 6 ~~shall be $15~~, $25; and for months 6 to 0 ~~shall be $7.50~~, $12.50. The renewal fee for fiscal year 1978 shall be paid on or before June 30, 1977 and biennially on or before June 30 of each even numbered year thereafter, as required by Minn. Stat. S 326.10, subd. 4. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal fee or if such renewal fee, when paid by mail, is not postmarked on or before June 30 of the year specified herein.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

Agency Board of Architecture, Engineering, Land Surveying and Landscape Architecture
Division

Agency Contact Lowell E. Torseth Phone Number 6-2388

Title: Proposed Rule Relating to Initial Licensure and Renewal Fees of Architects, Professional Engineers, Land Surveyors, or Landscape Architects

Type of Rules: Permanent X Temporary_____

Incorporations by References: None

Rule Number	Material Incorporated Author Title Place Publisher Date Cost Places Available

See Additional references on back Yes____ No____

Duplication of Statutory Language.

Rule Number	Statutory Section Duplicated
None	

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Paul M. Marinac
Paul M. Marinac

Title: Assistant Revisor

Phone: 296-0948

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

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

ORDER ADOPTING RULES

Notice of the Board's intent to adopt the above-entitled rules without a public hearing was published in the State Register on November 9, 1981 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes Section 15.0412, subdivision 4 on October 22, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as governing the increase of licensing fees (4 MCAR Sect. 7.004C) are adopted this 15th day of December, 1981 pursuant to authority vested in the Board by Minnesota Statutes Section 326.06, 1980.

G. Leigh Morrow

G. Leigh Morrow, P.E.
Chairman

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, G. Leigh Morrow, do hereby certify that I am a member and the Chairman 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 a meeting of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture duly and properly called and held on the 15th day of December, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution and 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 increase of licensing fees (4 MCAR Sect. 7.004C) be and they hereby are approved and adopted, pursuant to authority vested in us by the Minnesota Statutes 326.06 and that G. Leigh Morrow, the Chairman of the Board of Architecture, Engineering, Land Surveying,and Landscape Architecture be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of December, 1981.

G. Leigh Morrow

G. Leigh Morrow, P.E.
Chairman

Elaine M. Fink

Attest:
Public Member

STATE OF MINNESOTA

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 1st day of October, 1981 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture for that purpose and be published in the State Register.

STATE OF MINNESOTA

Lowell E. Torseth

EXECUTIVE SECRETARY OF THE
BOARD OF ARCHITECTURE,
ENGINEERING, LAND SURVEYING,
AND LANDSCAPE ARCHITECTURE

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, G. Leigh Morrow, do hereby certify that I am a member and the Chairman 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 a meeting of the Board of Architecture, Engineering, Land Surveying, and Landscape Architecture duly and properly called and held on the 1st day of October, 1981, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution is set forth in the minutes of said 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 sign an Order of the Board directing that Notice be given of the Board's intent to adopt without a public hearing a rule governing the increase of licensing fees (4 MCAR Sect. 7.004C) and certain changes in retake fees (4 MCAR Sect. 7.004F.4).
>
> BE IT FURTHER RESOLVED, the Executive Secretary is also authorized to sign the notice and the proceedings hereof, to perform any and all acts incidental thereto and in the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 1st day of October, 1981.

G. Leigh Morrow

G. Leigh Morrow, P.E.
Chairman

Lois E Anderson

Attest: _____
Public Member

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

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

That on the 22nd day of October, 1981, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture for the purpose of receiving notice of the proposed adoption of rules by this Board.

Lowell E Torseth

Subscribed and sworn to before me
this 22nd day of October, 1981.

Carol A. Andersen

Carol A. Andersen
Notary Public, Dakota County, Minnesota
My Commission Expires February 5, 1983

Board of Architecture, Engineering,

Land Surveying and Landscape Architecture

Proposed Rule Amending Licensing Fee Requirement

Notice of Intent to Adopt Rule Without a Public Hearing

Notice is hereby given that the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture proposes to adopt the above-entitled rule without a public hearing. The board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. Sect. 15.0412, subd. 4h.

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the board and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the board will proceed according to the provisions of Minn. Stat. Sect. 15.0412, Subds. 4 to 4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Lowell E. Torseth

Executive Secretary

Board of Architecture, Engineering, Land

Surveying and Landscape Architecture

500 Metro Square

Saint Paul, Minnesota 55101

(612) 296-2388

Authority for the adoption of this rule is contained in Minn. Stat. SS 214.06 and 326.06. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule, and that identifies the data and information relied upon to support the proposed rule, has been prepared and is available from Mr. Torseth upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rule as Adopted will be delivered to a designee of the Attorney General who will review the rule as to its legality, including the issue of substantial change, and its form as it relates to legality. Persons who wish to be advised of the submission of this rule for approval, or who wish to receive a copy of the final rule as adopted, should submit a written statement of such request to Mr. Torseth.

A copy of the proposed rule is attached to this Notice. Additional copies of this Notice and the proposed rule are available and may be obtained by contacting Mr. Torseth. 10

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. S 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 $250.00, 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 $250.00, 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.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

State of Minnesota

Lowell E. Torseth

Executive Secretary

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Proposed Rule Amending Licensing Fee Requirement

Notice of Intent to Adopt Rule without a Public Hearing

Notice is hereby given that the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture proposes to adopt the above-entitled rule without a public hearing. The board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

Persons interested in this rule shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the board and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the board will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4 to 4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Lowell E. Torseth
Executive Secretary
Board of Architecture, Engineering, Land
Surveying and Landscape Architecture
500 Metro Square
Saint Paul, Minnesota 55101
(612) 296-2388

Authority for the adoption of this rule is contained in Minn. Stat. §§ 214.06 and 326.06. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule, and that identifies the data and information relied upon to support the proposed rule, has been prepared and is available from Mr. Torseth upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to a designee of the Attorney General who will review the rule as to its legality, including the issue of substantial change, and its form as it relates to legality. Persons who wish to be advised of the submission of this rule for approval, or who wish to receive a copy of the final rule as adopted, should submit a written statement of such request to Mr. Torseth.

A copy of the proposed rule is attached to this notice. Additional copies of this notice and the proposed rule are available and may be obtained by contacting Mr. Torseth.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 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 $250.00, 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 $250.00, 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.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 40 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Lowell E. Torseth, Executive Secretary

Rule as Proposed

4 MCAR § 7.004 Fees.

C. The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect shall ~~be $15~~ not exceed $25 per year. The initial license fee shall be prorated at six month intervals during each biennium not to exceed the amount indicated. The fee for months 24 to 18 ~~shall be $30,~~ is $50; for months 18 to 12 ~~shall be $22.50~~, $37.50; for months 12 to 6 ~~shall be $15~~, $25; and for months 6 to 0 ~~shall be $7.50~~, $12.50. The renewal fee for fiscal year 1978 shall be paid on or before June 30, 1977 and biennially on or before June 30 of each even numbered year thereafter, as required by Minn. Stat. § 326.10, subd. 4. The board may delete from the roster the name of any licensee who fails to timely pay the required renewal fee or if such renewal fee, when paid by mail, is not postmarked on or before June 30 of the year specified herein.

Minnesota Housing Finance Agency

Proposed Amendment to and Adoption of Rules Governing Income Limits for Limited Unit Developments

Notice of Correction of Previously Published "Notice of Intent to Adopt Rules without a Public Hearing"

The "Notice of Intent to Adopt Rules without a Public Hearing" published in the *State Register* along with the Proposed Amendment to and Adoption of Rules Governing Income Limits for Limited Unit Developments (6 S.R. 213, August 24, 1981) did not include certain information required in the notice by the rules adopted by the Attorney General. Accordingly, the corrected notice is published below. The rules are identical to those printed in the original notice.

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Housing Finance Agency ("agency") proposes to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412 subd. 4h(1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minn. Stat. § 15.0412, subds. 4-4f. If a public hearing is requested, identification of the particular objection, the suggested modifications to the proposed language, and the reasons or data relied on to support the suggested modifications is desired.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of
Rules of the State Board of Architecture,
Engineering, Land Surveying, and Landscape
Architecture

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. Sect. 15.0412, Subd. 4, that their names be placed on file with and maintained by the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture for the purpose of receiving notice of the proposed adoption of rules by this Board is accurate and complete as of 8:00 AM, this 22nd day of October, 1981.

Lowell Torseth

RULEMAKING NOTICE LIST

Mr. Angus M. Vaughan
Broeker, Hartfeldt, Hedges & Grant
2850 Metro Drive
Suite 800
Minneapolis, Minnesota 55420

Mr. James D. Wolverton
Wolverton Engineering Company
847 - 40th Avenue N.E.
Columbia Heights, Minnesota 55421

Mr. John M. Broeker
2850 Metro Drive, Suite 800
Minneapolis, MN 55420

Ms. Joanne Peterson, Office Manager
MN State Board of Electricity
Griggs Midway Bldg. Room N-191
1821 University Avenue
St. Paul, MN 55104

POST Board
500 Metro Square Building
St. Paul, Mn. 55101

Mr. Donald Hassenstab
Executive Director, MSPE
130 Professional Building
555 Park Street
St. Paul, Minnesota 55103

Mr. Earl G. Oxley, Executive Director
Consulting Engineers Council of Minnesota
126 Excel Building
5009 Excelsior Blvd.
Minneapolis, Minnesota 55416

Mr. Elmer J. Peterson, Executive Secretary
Minnesota Land Surveyors Association
5724 - 11th Avenue South
Minneapolis, Minnesota 55417

Mr. James P. Cramer
Executive Director, MSAIA
314 Clifton Avenue
Minneapolis, Minnesota 55403

Ms. Betsy Rauenhorst
DNR - Bureau of Engineering
4th Floor Space Center
444 Lafayette Road
St. Paul, Minnesota 55101

Mr. Robert J. Schlentz, P.E.
3040 Buchanan Street NE
Minneapolis, MN. 55418

Mr. Lawrence F. Feldsien, P.E.
ASCE Professional Practice Committee
c/o Geotechnical Engineering Corp.
1925 Oakcrest
St. Paul, MN 55113

RULEMAKING NOTICE LIST

Ms. Bonnie Bannanno
Room 300
1745 University Avenue
St. Paul, Minnesota 55104

Mr. Fredrik M. Christiansen
Room 911
Capitol Square Building
St. Paul, Minnesota 55101

Ms. Jean Dawson, Editor
The Minnesota Government Report
B-12, Press Room
State Capitol Building
St. Paul, Minnesota 55155

Mr. Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Avenue
Minneapolis, Minnesota 55488

Mr. Conrad M. Fredin
Attorney at Law
811 First National Bank Building
Duluth, Minnesota 55802

Mr. J. D. Giallombardo
Asst. Chief Engineer, Bldgs. & Environment
Burlington Northern Inc.
176 East Fifth Street
Room 1280
St. Paul, Minnesota 55101

Mr. Harold H. Haugh
Jones, Haugh & Smith, Inc.
515 South Washington
Albert Lea, Minnesota 56007

Mr. J. W. Haun
General Mills, Inc.
P. O. Box 1113
Minneapolis, Minnesota 55440

Mr. Eric W. Ingvaldson
1036 Midland Bank Building
Minneapolis, Minnesota 55401

Mr. David R. Knodell
Olson, Gunn and Seran, Ltd.
315 Peavey Building
730 Second Avenue South
Minneapolis, Minnesota 55402

Mr. Richard C. Lockwood
Mac Arthur Co.
2400 Wycliff Street
St. Paul, Minnesota 55114

Mr. Donald E. Montgomery
MN Chapter Associated Builders & Contractors, Inc.
6300 Walker St.
Suite 109
Minneapolis, Minnesota 55416

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, Minnesota 55103

Mr. Thomas M. Polt
Attorney at Law
McCarthy Building
Eyota, Minnesota 55934

Mr. Peter S. Popovich
Peterson, Popovich, Knutson & Flynn
314 Minnesota Building
St. Paul, Minnesota 55101

Ms. Susan P. Robertson
Executive Director
Room 430
State Office Building
St. Paul, Minnesota 55155

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Marwin Peterson, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedures Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Marwin Peterson

Assistant Attorney General

Dated: Jan. 12, 1982

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

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

That on the 30th day of December, 1981, in the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above entitled matter have been submitted to the Attorney General.

Lowell Torseth

Subscribed and sworn to before me
this 30th day of December, 1981.

Carol A. Andersen

Carol A. Andersen
Notary Public, Dakota County, Minnesota
My Commission Expires February 5, 1983.

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

In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Engineering, Land Surveying, and Landscape Architecture

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, December 30, 1981, for review as to form and legality. Pursuant to 1 MCAR Sect. 1.206B., the Attorney General will not approve the rules for at least 8 calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after publication in the State Register and before submission to the Attorney General, you may contact Lowell E. Torseth, Executive Secretary, Board of Architecture, Engineering, Land Surveying, and Landscape Architecture, 500 Metro Square, Saint Paul, Minnesota 55101, telephone (612) 296-2388.

Lowell Torseth

Lowell E. Torseth
Executive Secretary