

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 4411

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 12-22-83
DATE FOR REVIEW 1-3-84
DATE DUE 1-35-84

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

Approved _____ Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 12/23/83
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 12.15.83 Date

_____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

_____ Certificate of Board's Authorizing Resolution not submitted

✓ Notice of rulemaking
? Sufficiency does not contain any special notice to small bizzes - see my comment.

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

✓ Mailing list Certificate

✓ Publication in State Register
9.5.83 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 no changes

✓ LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness includes statement re sm. bizzes

N/A Petition for Adoption of a Rule

✓ 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
four days before submission to AG.

✓ Notice of Submission to the Attorney General

✓ Approved of Dofinance

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

STATE OF MINNESOTA

Office Memorandum

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

TO : Office of the Attorney General
Administration-Finance Division
G-25 Administration Building

DATE: 12/19/83

FROM : Lowell E. Torseth, Executive Secretary

PHONE: 6-2388

RECEIVED
DEC 22 1983
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SUBJECT: Rules Review

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

1. Letter dated 11/9/82 requesting approval of revised Board fee schedule.
2. Rules as Adopted - original and 3 copies.
3. Order Adopting Rules - original and 1 copy.
4. Certificate of Board's Resolution Adopting Rules - original.
5. Order for Notice of Intent to Adopt Rules Without Public Hearing - original.
6. Notice of Intent to Adopt Rules Without a Public Hearing - approved copy of Revisor's Office.
7. Photocopy of proposed Rules as published in the State Register 9/5/83.
8. Affidavit of Mailing Notice of Intent to Adopt a Rule Without a Public Hearing - original.
9. Certificate of Mailing List - original.
10. Rule as Proposed - Approved copy of Revisor's Office - same as attached to Notice of Intent.
11. Statement of Need and Reasonableness of Proposed Rules - original.
12. There were no written comments on the rule or requests for public hearing received by the agency.
13. Affidavit of Mailing Notice of Submission to the Attorney General with Notice of Submission to the Attorney General attached - originals.
14. Statement of Compliance with Rulemaking Procedures for signature by the Attorney General's office.

If there is any additional data we are to submit or if you have any questions relative to this submission, please call me at 296-2388.

LET:ca
Encls.

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : G. Leigh Morrow, P.E., Chairman DATE: 1/5/84

Attn: MERWIN PETERSON, Assistant Attorney General

FROM : MARTHA J. CASSERLY MJC PHONE: 296-4692
Special Assistant
Attorney General

SUBJECT: In the Matter of the Proposed Adoption of Rules of the State Board of Architecture, Enginerring, Land Surveying and Landscape Architecture.

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

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

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

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

Encs.
MJC/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Commerce

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Rule as Adopted

4 MCAR S 7.004 Fees.

A. Requirements. Application for examination for certification as an engineer-in-training, landscape architect-in-training, or licensure, including renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for in this rule. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

B. Refunds; validity of application. Examination or registration fees may not be refunded. Applications for examination shall be valid for a period of one year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit his application, together with an examination fee, unless his failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application which is still pending three years after the date of its receipt by the board shall be void.

C. Initial licensure and renewal. The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect is $22.50 per year. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is $45; for months 18 to 12, $33.75; for months 12 to 6, $22.50; and for months 6 to 0, $11.25. 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.

D. Delayed renewal fee. A renewal fee is a delayed renewal fee within the meaning of Minnesota Statutes, section 326.10, subdivision 5 if it is not postmarked on or before June 30 of the year specified in C. The delayed renewal fee is $5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided in C. The delayed renewal fee is computed from July 1 of any even-numbered year.

E. Certification or licensure examination fee. The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect is as follows:

1. Architect:

a. Application for admission to examination, $25;

b. Uniform Architecture Registration Examination, $220.

2. Professional engineer:

a. Fundamentals of Engineering Examination, $30;

b. Principles and Practice of Engineering Examination, $100.

The fee for the Fundamentals of Engineering Examination taken for the board will be credited to the applicant toward the fee for application for the Principles and Practice of Engineering Examination for up to ten years.

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination.

3. Land surveyor:

a. Fundamentals of Land Surveying Examination, $30;

b. Principles and Practice of Land Surveying Examination, $100.

4. Landscape architect:

a. Application for admission to examination, $25;

b. Uniform National Examination, $105.

F. Reexamination fees. The fee for retaking all or any part of any examination for certification or registration is as

follows each time the examination, or any part of it, is retaken:

1. Architect; Uniform Architect Registration Examination:

a. Division A, Pre-Design, $33;

b. Division B, Site Design, $33;

c. Division C, Building Design, $55;

d. Division D, Structural Technology, General, $16.50;

e. Division E, Structural Technology, Lateral Forces, $12.50;

f. Division F, Structural Technology, Long Span, $8.50;

g. Division G, Mechanical, Plumbing, Electrical, and Life Safety, $16.50;

h. Division H, Materials and Methods, $21;

i. Division I, Construction Documents and Services, $24.

2. Professional engineer:

a. Fundamentals of Engineering, $20;

b. Principles and Practice of Engineering, $20.

3. Land surveyor:

a. Fundamentals of Land Surveying, $20;

b. Principles and Practice of Land Surveying:

(1) Part III, $15;

(2) Part IV, $30;

(3) Parts III and IV, $45.

4. Landscape architect:

a. Subject A - History, $15;

b. Subject B - Professional Practice, $15;

c. Subject C - Design, $37.50;

d. Subject D - Design Implementation, $37.50.

G. Additional fees. In addition to all other fees for examination or registration, as provided in this rule or Minnesota Statutes, section 326.10, subdivision 1, the following schedule of fees is applicable:

1. For each application for registration by comity under Minnesota Statutes, section 326.10, subdivision 1, clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, a

fee of $100;

2. For reissuance of a revoked, lost, destroyed, or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, $10;

3. For certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing the document, as the board determines;

4. For monitoring licensing examinations for applicants of boards of other states at overseas test sites, the fee shall be $10, payable by the applicant.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 6 1984
Joan Anderson
Secretary of State

4:10 PM

APPROVED AS TO FORM AND LEGALITY
January 5 1984
HUBERT H. HUMPHREY III
ATTORNEY GENERAL
BY Martha J Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Rule as Proposed

4 MCAR S 7.004 Fees.

A. Requirements. Application for examination for certification as an engineer-in-training, landscape architect-in-training, or licensure, including renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for in this rule. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

B. Refunds; validity of application. Examination or registration fees may not be refunded. Applications for examination shall be valid for a period of one year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit his application, together with an examination fee, unless his failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application which is still pending three years after the date of its receipt by the board shall be void.

C. Initial licensure and renewal. The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect is ~~$17~~ $22.50 per year. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is ~~$34~~ $45; for months 18 to 12, ~~$25.50~~ $33.75; for months 12 to 6, ~~$17~~ $22.50; and for months 6 to 0, ~~$8.50~~ $11.25. 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.

D. Delayed renewal fee. A renewal fee is a "delayed renewal fee" within the meaning of ~~Minn. Stat.~~ S Minnesota Statutes

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

~~section~~ 326.10, ~~subd.~~ subdivision 5 if it is not postmarked on or before June 30 of the year specified in C. The delayed renewal fee is $5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided in C. The delayed renewal fee is computed from July 1 of any even-numbered year.

E. Certification or licensure examination fee. The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect is as follows:

1. Architect:

a. Application for admission to examination, $25.00;

b. ~~Qualifying Test in 1982 and thereafter $60.00~~ Uniform Architecture Registration Examination, $220.

~~c. Section A, Professional Examination in 1982 and thereafter $50.00~~

~~d. Section B, Professional Examination in 1982 and thereafter $75.00~~

2. Professional engineer:

a. Fundamentals of Engineering Examination, $30.00;

b. Principles and Practice of Engineering Examination , $100.00.

The fee for the Fundamentals of Engineering Examination taken for the board will be credited to the applicant toward the fee for application for the Principles and Practice of Engineering Examination for up to ten years.

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination.

3. Land surveyor:

a. Fundamentals of Land Surveying Examination, $30.00;

b. Principles and Practice of Land Surveying Examination, $100.00.

4. Landscape architect:

a. Application for admission to examination, $25.00;

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

b. Uniform National Examination ~~in 1982 and 1983~~ ~~$150.00~~, $105.

~~c. Uniform National Examination in 1984 and 1985 $165.00~~

F. Reexamination fees. The fee for retaking all or any part of any examination for certification or registration is as follows each time the examination, or any part of it, is retaken:

1. Architect; Uniform Architect Registration Examination:

~~a. Qualifying Test per part retaken $15.00~~

~~b. Section A, Professional Examination in 1982 and thereafter $50.00~~

~~c. Section B, Professional Examination in 1982 and thereafter $75.00~~

a. Division A, Pre-Design, $33;

b. Division B, Site Design, $33;

c. Division C, Building Design, $55;

d. Division D, Structural Technology, General, $16.50;

e. Division E, Structural Technology, Lateral Forces, $12.50;

f. Division F, Structural Technology, Long Span, $8.50;

g. Division G, Mechanical, Plumbing, Electrical, and Life Safety, $16.50;

h. Division H, Materials and Methods, $21;

i. Division I, Construction Documents and Services, $24.

2. Professional engineer:

a. Fundamentals of Engineering, ~~$20.00~~;

b. Principles and Practice of Engineering, ~~$20.00~~.

3. Land surveyor:

a. Fundamentals of Land Surveying, ~~$20.00~~;

b. Principles and Practice of Land Surveying:

(1) Part III, ~~$15.00~~;

(2) Part IV, ~~$30.00~~;

(3) Parts III and IV, ~~$45.00~~.

4. Landscape architect:

a. Subject A - History, ~~$15.00~~;

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

b. Subject B - Professional Practice, ~~$15.00~~;

c. Subject C - Design ~~$60.00~~, $37.50;

d. Subject D - Design Implementation ~~$60.00~~, $37.50.

G. Additional fees. In addition to all other fees for examination or registration, as provided in this rule or ~~Minn. Stat.~~ Minnesota Statutes, section 326.10, ~~subd.~~ subdivision 1, the following schedule of fees is applicable:

1. For each application for registration by comity under ~~the provisions of Minn. Stat.~~ Minnesota Statutes, section 326.10, ~~subd.~~ subdivision 1, clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, a fee of $100;

2. For reissuance of a revoked, lost, destroyed, or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, ~~$5~~ $10;

3. For certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing the document, as the board determines;

4. For monitoring licensing examinations for applicants of boards of other states at overseas test sites, the fee shall be $10, payable by the applicant.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD403

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

Agency Contact: Lowell E. Torseth

Rule Numbers: 4 MCAR S 7.004

Title: Proposed Rules Governing Fee Changes

Type of Rules: Permanent

Incorporations by Reference: None
Rule Number: Material Incorporated:

Duplication of Statutory Language: None
Rule Number: Statutory Section Duplicated:

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Linda S. Jessen
Assistant Deputy Revisor
Phone: 297-2953
Date: August 15, 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

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 September 5, 1983 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes Section 14.21 - 14.28 on August 26, 1983. 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 reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as relating to the increase of certain licensing fees (4MCAR Sect. 7.004) are adopted this 15th day of December, 1983 pursuant to authority vested in the Board by Minnesota Statutes Section 326.06, 1982.

G. Leigh Morrow

G. Leigh Morrow, P.E.
Chairman

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 14th day of October, 1982 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 Torseth

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

STATE OF MINNESOTA

OFFICE OF THE BOARD
5TH FLOOR, METRO SQUARE
7TH AND ROBERT STREETS
SAINT PAUL, MINNESOTA 55101

PHONE: 296-2388

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

Department of Commerce

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Proposed Rules Amending Fees

Notice of Intent to Adopt Rules 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. 14.21 - 14.28.

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. 14.13 - 14.20.

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
162 Metro Square
Saint Paul, Minnesota 55101
(612) 296-2388

Authority for the adoption of this rule is contained in Minn. Stat. Sects. 214.06 and 326.06. Additionally, a statement of need and reasonableness that describes the need 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. Sect. 10 A.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

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 26th day of August, 1983, 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 26th day of August, 1983.

Carol A. Andersen

Carol A. Andersen
Notary Public, Dakota County, Minnesota
My Commission Expires February 15, 1990.

RULEMAKING NOTICE LIST

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

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

Floyd E. Erickson
Room 911 - Dept. of Education
Capitol Square Building
St. Paul, MN 55101

Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Avenue
Minneapolis, MN 55488

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

J. D. Giallombardo
Asst. Chief Engineer, Bldgs. & Environ.
Burlington Northern
176 E. 5th St. Room 1280
St. Paul, MN 55101

Harold H. Haugh
Jones, Haugh & Smith, Inc.
515 S. Washington
Albert Lea, MN 56007

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

Eric W. Ingvaldson
Delaney, Thompson & Solum, Ltd.
700 Galaxy Building
330 Second Avenue South
Minneapolis, MN 55401

David R. Knodell
Olson, Gunn and Seran, Ltd.
315 Peavey Building
730 2nd Avenue So.
Minneapolis, MN 55402

Richard C. Lockwood
Mac Arthur Co.
2400 Wycliff St.
St. Paul, MN 55114

Donald E. Montgomery
MN Chapter Assoc. Bldrs & Contrs
6300 Walker St. Suite 109
Minneapolis, MN 55416

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

Phillips Legislative Service, Inc.
459 Rice St.
St. Paul, MN 55103

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

POST Board
333 Sibley Street Suite 495
St. Paul, MN 55101

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

Ms. Susan P. Robertson
Executive Director
Rm. 430 State Office Building
St. Paul, MN 55155

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Building
310 S. 4th Avenue
Minneapolis, MN 55415

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

James D. Wolverton
Wolverton Engineering Co
847 - 40th Avenue NE
Columbia Heights, MN 55421

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

Earl G. Oxley
Executive Director, CEC/M
5407 Excelsior Blvd. Suite A
St. Louis Park, MN 55416

Mr. Donald W. Schmidt, L.S.
Georgi-Schmidt & Associates
3092 Lexington Avenue No.
Roseville, MN 55113

Peter A. Rand, AIA
Executive Director, MSAIA
314 Clifton Avenue
Minneapolis, MN 55403

Robert J. Schlentz, PE
3040 Buchanan Street NE
Minneapolis, MN 55418

Lawrence F. Feldsien, PE
ASCE Professional Practices Committee
c/o Geotechnical Engineering Corp.
1925 Oakcrest
St. Paul, MN 55113

Gary L. Backer, L.S.
Room 703A Hennepin County Government Center
300 South 6th Street
Minneapolis, MN 55487

Kevin Von Reidel, ASLA
Von Reidel, Morrison and
Eoloff and Associates
529 South 7th Street Suite 535
Minneapolis, MN 55415

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. 14.21 - 14,28, 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 26th day of August, 1983.

Lucille Smith

RULEMAKING NOTICE LIST

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

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

Floyd E. Erickson
Room 911 - Dept. of Education
Capitol Square Building
St. Paul, MN 55101

Bob Franklin, City Editor
Minneapolis Tribune
425 Portland Avenue
Minneapolis, MN 55488

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

J. D. Giallombardo
Asst. Chief Engineer, Bldgs. & Environ.
Burlington Northern
176 E. 5th St. Room 1280
St. Paul, MN 55101

Harold H. Haugh
Jones, Haugh & Smith, Inc.
515 S. Washington
Albert Lea, MN 56007

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

Eric W. Ingvaldson
Delaney, Thompson & Solum, Ltd.
700 Galaxy Building
330 Second Avenue South
Minneapolis, MN 55401

David R. Knodell
Olson, Gunn and Seran, Ltd.
315 Peavey Building
730 2nd Avenue So.
Minneapolis, MN 55402

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Mac Arthur Co.
2400 Wycliff St.
St. Paul, MN 55114

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MN Chapter Assoc. Bldrs & Contrs
6300 Walker St. Suite 109
Minneapolis, MN 55416

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

Phillips Legislative Service, Inc.
459 Rice St.
St. Paul, MN 55103

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

POST Board
333 Sibley Street Suite 495
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Peter S. Popovich
Peterson, Popovich, Knutson & Flynn
314 Minnesota Building
St. Paul, MN 55101

Ms. Susan P. Robertson
Executive Director
Rm. 430 State Office Building
St. Paul, MN 55155

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Building
310 S. 4th Avenue
Minneapolis, MN 55415

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

James D. Wolverton
Wolverton Engineering Co
847 - 40th Avenue NE
Columbia Heights, MN 55421

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

Earl G. Oxley
Executive Director, CEC/M
5407 Excelsior Blvd. Suite A
St. Louis Park, MN 55416

Mr. Donald W. Schmidt, L.S.
Georgi-Schmidt & Associates
3092 Lexington Avenue No.
Roseville, MN 55113

Peter A. Rand, AIA
Executive Director, MSAIA
314 Clifton Avenue
Minneapolis, MN 55403

Robert J. Schlentz, PE
3040 Buchanan Street NE
Minneapolis, MN 55418

Lawrence F. Feldsien, PE
ASCE Professional Practices Committee
c/o Geotechnical Engineering Corp.
1925 Oakcrest
St. Paul, MN 55113

Gary L. Backer, L.S.
Room 703A Hennepin County Government Center
300 South 6th Street
Minneapolis, MN 55487

Kevin Von Reidel, ASLA
Von Reidel, Morrison and
Eoloff and Associates
529 South 7th Street Suite 535
Minneapolis, MN 55415

PROPOSED RULES

Pursuant to Minn. Stat. of 1980, §§ 14.21, 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 §§ 14.13-14.20 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. § 14.29, 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.

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

Proposed Rules Amending Fees

Notice of Intent to Adopt Rules 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. §§ 14.21-14.28.

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. §§ 14.13-14.20.

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
162 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 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

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.

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. § 10 A.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.

A. Requirements. Application for examination for certification as an engineer-in-training, landscape architect-in-training, or licensure, including renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect, shall be accompanied by a fee in the amount provided for in this rule. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

B. Refunds; validity of application. Examination or registration fees may not be refunded. Applications for examination shall be valid for a period of one year following notification of the date of examination, except as hereinafter provided. An applicant who fails to appear for examination shall be required to resubmit his application, together with an examination fee, unless his failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application which is still pending three years after the date of its receipt by the board shall be void.

C. Initial licensure and renewal. The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect is ~~$17~~ $22.50 per year. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is ~~$34~~ $45; for months 18 to 12, ~~$25.50~~ $33.75; for months 12 to 6, ~~$17~~ $22.50; and for months 6 to 0, ~~$8.50~~ $11.25. 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.

D. Delayed renewal fee. A renewal fee is a ~~"~~delayed renewal fee~~"~~ within the meaning of ~~Minn. Stat. §~~ Minnesota Statutes, section 326.10, ~~subd.~~ subdivision 5 if it is not postmarked on or before June 30 of the year specified in C. The delayed renewal fee is $5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided in C. The delayed renewal fee is computed from July 1 of any even-numbered year.

E. Certification or licensure examination fee. The fee for examination for certification or licensure as an architect, professional engineer, land surveyor, or landscape architect is as follows:

1. Architect:
   a. Application for admission to examination, $25~~.00~~;
   b. ~~Qualifying Test in 1982 and thereafter $60.00~~ Uniform Architecture Registration Examination, $220.
   ~~c. Section A, Professional Examination in 1982 and thereafter $50.00~~
   ~~d. Section B, Professional Examination in 1982 and thereafter $75.00~~
2. Professional engineer:
   a. Fundamentals of Engineering Examination, $30~~.00~~;
   b. Principles and Practice of Engineering Examination, $100~~.00~~.

The fee for the Fundamentals of Engineering Examination taken for the board will be credited to the applicant toward the fee for application for the Principles and Practice of Engineering Examination for up to ten years.

An applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination.

3. Land surveyor:
   a. Fundamentals of Land Surveying Examination, ~~$30.00~~;
   b. Principles and Practice of Land Surveying Examination, ~~$100.00~~.
4. Landscape architect:
   a. Application for admission to examination, ~~$25.00~~;
   b. Uniform National Examination ~~in 1982 and 1983 $150.00~~, $105.
   ~~c. Uniform National Examination in 1984 and 1985 $165.00~~

F. Reexamination fees. The fee for retaking all or any part of any examination for certification or registration is as follows each time the examination, or any part of it, is retaken:

1. Architect; Uniform Architect Registration Examination:
   ~~a. Qualifying Test per part retaken $15.00~~
   ~~b. Section A, Professional Examination in 1982 and thereafter $50.00~~
   ~~c. Section B, Professional Examination in 1982 and thereafter $75.00~~
   a. Division A, Pre-Design, $33;
   b. Division B, Site Design, $33;
   c. Division C, Building Design, $55;
   d. Division D, Structural Technology, General, $16.50;
   e. Division E, Structural Technology, Lateral Forces, $12.50;
   f. Division F, Structural Technology, Long Span, $8.50;
   g. Division G, Mechanical, Plumbing, Electrical, and Life Safety, $16.50;
   h. Division H, Materials and Methods, $21;
   i. Division I, Construction Documents and Services, $24.
2. Professional engineer:
   a. Fundamentals of Engineering, ~~$20.00~~;
   b. Principles and Practice of Engineering, ~~$20.00~~.
3. Land surveyor:
   a. Fundamentals of Land Surveying, ~~$20.00~~;
   b. Principles and Practice of Land Surveying:
      (1) Part III, ~~$15.00~~;
      (2) Part IV, ~~$30.00~~;
      (3) Parts III and IV, ~~$45.00~~.
4. Landscape architect:
   a. Subject A—History, ~~$15.00~~;
   b. Subject B—Professional Practice, ~~$15.00~~;

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.

c. Subject C—Design ~~$60.00~~, $37.50;

d. Subject D—Design Implementation ~~$60.00~~, $37.50.

G. Additional fees. In addition to all other fees for examination or registration, as provided in this rule or ~~Minn. Stat. §~~ Minnesota Statutes, section 326.10, ~~subd.~~ subdivision 1, the following schedule of fees is applicable:

1. For each application for registration by comity under ~~the provisions of Minn. Stat. §~~ Minnesota Statutes, section 326.10, ~~subd.~~ subdivision 1, clause (2), applicable to any person registered in another state or territory of the United States, or in any province of Canada, a fee of $100;

2. For reissuance of a revoked, lost, destroyed, or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, ~~$5~~ $10;

3. For certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing the document, as the board determines;

4. For monitoring licensing examinations for applicants of boards of other states at overseas test sites, the fee shall be $10, payable by the applicant.

Department of Health

Proposed Amendments to Rules Relating to Services for Children With Handicaps

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Commissioner of Health (hereinafter "commissioner") proposes to amend 7 MCAR § 1.651 B.26. and 7 MCAR § 1.654 B. of the Rules of the Minnesota Department of Health relating to the services for children with handicaps and adults with cystic fibrosis and hemophilia for eligibility, cost-sharing and reimbursement. A copy of the proposed amendments is attached.

The commissioner has determined that these proposed amendments will be noncontroversial in nature. Therefore, the commissioner has elected to follow the procedures set forth in Minn. Stat. §§ 14.21 through 14.28 (1982) which provides for an expedited process for the adoption of noncontroversial administrative rule changes without the holding of a public hearing. The amendment is proposed in order to update the amount of the gross median income and the cost-share schedule on which family cost-shares for services are computed.

The public is hereby advised that:

1. There is a period of 30 days in which to submit comment on the proposed rule;

2. No public hearing will be held on this matter unless seven or more persons make a written request for a hearing within the 30 day comment period;

3. All comments and any written requests for a public hearing shall be submitted to Alpha Adkins, Assistant Director, Services for Children with Handicaps, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440;

4. The proposed amendments may be modified if modifications are supported by the data and views submitted, and do not result in a substantial change in the proposed language;

5. Authority to amend 7 MCAR § 1.651 B.26. and 7 MCAR § 1.654 B. is contained in Minn. Stat. §§ 144.07, 144.12, 144.05, 144.10 and 144.11 (1982). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed amendments has been prepared and is now available. Anyone wishing to receive a copy of this document may contact Alpha Adkins at the above-listed address;

6. Under this expedited procedure, the agency must submit any action on its rules to the Attorney General for review of the form and legality of the rule change. Notice of the submission of this matter to the Attorney General will be made to all persons who request to be informed of the submission. Requests to be informed must be submitted to Alpha Adkins at the above-listed address;

7. If seven or more persons request a public hearing on this matter, notice of any such hearing will be given in the same manner as has this notice and the agency will then proceed pursuant to Minn. Stat. §§ 14.13-14.20 (1982);

CERTIFICATE OF BOARD'S
RESOLUTION ADOPTING RULES

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, 1983, 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 rule relating to the increase of certain licensing fees (4MCAR Sect. 7.004) be and it hereby is approved and adopted, pursuant to authority vested in us by 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 this rule and further is authorized to perform the necessary acts to provide that this rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of December, 1983.

G. Leigh Morrow, P.E.
Chairman

Elaine 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

STATEMENT OF NEED AND REASONABLENESS OF PROPOSED RULES

STATEMENT OF NEED AND AUTHORITY

Minnesota Statutes Sections 326.02-326.15 (1982) provide for the regulation of architects, engineers, land surveyors, and landscape architects. This statute was originally enacted as Minnesota Laws 1921, Chapter 523. Chapter 523, Section 9, permitted the Board of Architecture, Engineering and Land Surveying to subject applicants to an examination which would test qualifications and fix standards for determining the qualifications of applicants for registration. 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 (1982).

Minnesota Statutes Section 214.06 (1982) 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 equal anticipated expenditures during the fiscal biennium. It further provides that examination fees shall be set by rule so that the total amount of annual examination income approximately meets the anticipated cost of administering examinations during the fiscal biennium.

FACTS ESTABLISHING REASONABLENESS

The fact that board fee-generated revenues for the Fiscal Year 1984-85 Biennium are projected to fall short of disbursement requirements by approximately $103,400 requires that a fee increase be made in accordance with Minnesota Statutes Section 214.06, Subdivision 1 (1982). Minnesota Statutes Section 16A.128 (1982) permits the board to adjust fees without public hearing when the total fees estimated to be received during the fiscal biennium will not exceed the sum of all direct appropriations, indirect costs, 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 Board requested, and received, an additional $12,000 for each year of its appropriation for the Fiscal Year 1984-85 Biennium to improve its law enforcement program. Personnal costs have increased approximately 10% over the Fiscal Year 1982-83 Biennium or about $12,500 per year. Indirect costs for Fiscal Year 1984 will be $26,600 and $27,700 for Fiscal Year 1985. These expenses account for the shortfall we will experience during the Fiscal Year 1984-85 without the proposed fee increase to amounts as explained below.

The proposed change to 4 MCAR Section 7.004C. will increase the biennial license fee from the current $34.00 to $45.00. This increase is expected to generate $103,000 in additional funds which are needed to offset increased operating expenses not to include examination costs. License fees for new licensees are prorated over six-month periods over each biennium as in the current rule.

Proposed changes to 4 MCAR Section 7.004D. are made to clarify existing language. Quotation marks are placed before and after the term delayed renewal fee to clarify the purpose of the fee. The abbreviation for Minnesota Statutes, Section, and Subdivision are stricken and replaced with the words spelled out for clarification purposes.

The proposed changes to 4 MCAR Section 7.004E.1. result from the elimination of the old Qualifying Test; Section A, Professional Examination; and Section B, Professional Examination. The fees for these examinations are being deleted because the examinations are no longer available. The eliminated examinations are being replaced by the nine-part Uniform Architect Registration Examination (ARE) given over a four-day period in June of each year. The total cost of the ARE is $220 as shown by the proposed fee for the examination. The fees generated by this increase could amount to approximately $1,400 for each year of the biennium. The architect examinations are prepared by the National Council of Architectural Registration Boards and sold to the member boards comprised of the 50 states, the District of Columbia, Guam, and the Virgin Islands.

The proposed changes to 4 MCAR Section 7.004E.4. result from the board grading its own performance problems for the Uniform National Examination for landscape architects. The $150 fee for 1982 and 1983 included a charge of $9 per sheet for five sheets charged by the Council of Landscape Architectural Registration Boards (CLARB). The $165 fee for 1984 and 1985 included an increase in the CLARB charge for grading. Since the board now grades its own performance problems the examination fee is reduced to $105 which covers the cost of the examination to include grading. This meets the requirement of Minnesota Statutes, Section 214.06, Subdivision 1 which states that examination fees shall be set so that the total amount of annual examination fee income approximately meets the anticipated cost of administering the examinations during the fiscal biennium. The existing $25.00 application fee covers the administrative costs of administering examinations. This fee reduction will result in the loss of about $480 each year. The change is necessary in fairness to the applicant.

The proposed changes to 4 MCAR Section 7.004F.1. results from the replacement of the examination series comprised of the Qualifying Test

and Sections A and B of the Professional Examination by the Uniform Architect Registration Examination (ARE). The current sub-parts a, b, and c have been stricken because those examinations are no longer available. These have been replaced by new sub-parts a thru i which name the nine divisions of the new Uniform Architect Registration Examination along with the fee for each division of the examination. The fee is identical to the cost to the board of each division of the examination. An applicant is required to retake only those divisions of the ARE previously failed. Credit is given for parts of the old examinations passed. We anticipate a possible increase in fee income of about $200 with the change in these fees.

The proposed changes to 4 MCAR Section 7.004F.4. reflect the change from the grading of landscape architect Uniform National Examination performance problems by the Council of Landscape Architectural Registration Boards (CLARB) to local grading. There are three performance problems each in Subjects C and D of the Uniform National Examination. Local grading results in reduced grading costs to the board which should be passed on to the candidate. The retake fee for Subjects C and D are therefore reduced from $60.00 to $37.50. Applicants are required to retake only those subjects previously failed. We anticipate a loss of fee income of about $250 with this change. The board believes this change is necessary in fairness to the applicant.

The proposed changes to 4 MCAR Sections 7.004G. and 7.004G.1. are for clarification purposes only. The current language reading Minn. Stat. S. Subd. is stricken and replaced by spelling out the words Minnesota Statutes, Section, and Subdivision to clarify the intent of the rule. The words "the provision of" are stricken in Section 7.004G.1. as being redundant. The fee for the replacement of revoked, lost, destroyed, or mutilated certificates in Section 7.004G.1. is increased from $5 to $10 to cover the cost of handling the request for replacement and the cost of engrossing the new certificate. Section 7.004G.4 adds a new fee of $10 for monitoring licensing examinations for applicants of other boards at overseas test sites. This cost covers the handling and postage costs in sending these examinations to the overseas site at Army or Fleet Post Office addresses.

The agency has considered the impact that the proposed increase in fees will have on small business and finds that such impact will be minimal. The Board licenses individuals rather than corporations, partnerships and other firms and has found that more than ninety percent of all licensees pay their license fees from personal funds. The proposed increase will cost each licensee $5.50 a year. The proposed rule was sent to each of the major professional societies on August 26, 1983 for comment and publication in their monthly newsletters to their memberships. The Board has received no criticism of its proposal to raise its license fees. Small businesses involved in the design professions will benefit from the program in that unscrupulous licensees will be prosecuted. Adequate building plans and specifications and proper land surveys will also benefit contractors, building owners, and land owners, many of whom are also small businesses.

Lowell Torseth

Lowell E. Torseth
Executive Secretary

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, Mervin 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.

Mervin Peterson

Assistant Attorney General

Dated: 12-21-83

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 19th day of December, 1983, 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 wthat the rules in the above entitled matter have been submitted to the Attorney General.

Lowell E Torseth

Subscribed and sworn to before me
this 19th day of December, 1983.

Carol A. Andersen

Carol A. Andersen
Notary Public, Dakota County, Minnesota
My Commission Expires February 15, 1990.

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 14.21 - 14.28:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, December 19, 1983, 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, 162 Metro Square, Saint Paul, Minnesota 55101, telephone (612) 296-2388.

Lowell E Torseth

Lowell E. Torseth
Executive Secretary