

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

JLE REVIEW CHECKLIST

File No. 1471

DATE RECEIVED 4/15/88

REVIEW DATE 4/24/88

DUE DATE 4/29/88

APPROVED 4/29/88

DISAPPROVED

WITHDRAWN

Docket No. 03.0009.0134

ADOPTED W/O HEARING X

EMERGENCY RULE

REVISOR APPROVED

REVISOR DISAPPROVED

FIELD W/SEC.STATE

RETURNED TO AGENCY

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion

1/4/88 Date published in State Register

yes Comments

~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution 11/2/87

✓ Proposed rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

214.06 + 326.06 Statutory Authority

yes Small Business Statement

NO Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness

yes Small Business Statement

yes Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

2/8/88 Date 30/25 days before adoption

✓ Publication in State Register

2/22/88 Date 30/25 days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting

4/11/88 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney

Allen Giles Name of SAAG representing agency

Notice of Submission to Attorney General

~~Affidavit of Mailing Notice to Attorney General~~

CBE

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : May 9, 1988

TO : Lowell Torseth, executive Secretary
State Board of Architecture Engineering,
Land Surveying, and Landscape Architecture

FROM : CHRISTIE B. ELLER
Assistant Attorney General

PHONE : 6-9421

SUBJECT : In the Matter of the Adopted Rule Relating to

Fees

The above-referenced rule has been approved as to its legality by the Attorney General on April 29, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must establish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

CBE:nah
Enclosures

cc: Maryanne Hruby
Duane Harves

AB Copy

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

Adopted Permanent Rules Relating to Fees

Rules as Adopted

1800.0500 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **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 an application, together with an examination fee, unless the failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application upon which no action has been taken for three years after the date of its receipt by the board shall be void.

Subp. 3. **Initial licensure and renewal.** The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect is $26 per year. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is $52; for months 18 to 12, $39; for months 12 to 6, $26; and for months 6 to 0, $13. 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.

Subp. 4. [Unchanged.]

Subp. 5. **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:

A. Architect Registration Examination (ARE), $340.

B. Professional engineer:

(1) fundamentals of engineering examination, $30;

(2) principles and practice of engineering examination, $70.

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.

C. Land surveyor:

(1) fundamentals of land surveying examination, $32.50;

(2) principles and practice of land surveying examination, $100.

D. Landscape architect Uniform National Examination (UNE), 1988 $235, 1989 $250.

Subp. 6. **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:

A. Architect, uniform architect registration examination:

(1) division A, pre-design, $35;

(2) division B, site design, $70;

(3) division C, building design, $85;

(4) division D/F, structural technology, general, $30;

(5) division E, structural technology, lateral forces, $15;

(6) division G, mechanical, plumbing, electrical, and life safety, $35;

(7) division H, materials and methods, $35;

(8) division I, construction documents and services, $35.

B. Professional engineer:

(1) fundamentals of engineering, $25;

(2) principles and practice of engineering:

(a) April 1988, $35;

(b) October 1988, $55.

C. Land surveyor:

(1) fundamentals of land surveying (effective as of September 1, 1988), $32.50;

(2) principles and practice of land surveying:

(a) part III, $30;

(b) part IV, $35;

(c) parts III and IV, $65.

D. Landscape architect:

(1) section 1, professional practice 1988 $20, 1989 $22;

(2) section 2, design, 1988 $25, 1989 $28;

(3) section 3, design application, 1988 $74, 1989 $77;

(4) section 4, design implementation, 1988 $69, 1989 $71; and

(5) section 5, grading and drainage, 1988 $47, 1989 $52.

Subp. 7. [Unchanged.]

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Fees

AGENCY: Board of Architecutre, Engineering, Land Surveying, and Landscape Architecture

MINNESOTA RULES: Chapter 1800

The attached rules are approved for
filing with the Secretary of State

David S. Niss
Assistant Revisor

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

Adopted Permanent Rules Relating to Fees

Rules as Adopted

1800.0500 FEES.

Subpart 1. [Unchanged.]

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A. Architect Registration Examination (ARE), $340.

B. Professional engineer:

(1) fundamentals of engineering examination, $30;

(2) principles and practice of engineering examination, $70.

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.

C. Land surveyor:

(1) fundamentals of land surveying examination, $32.50;

(2) principles and practice of land surveying examination, $100.

D. Landscape architect Uniform National Examination (UNE), 1988 $235, 1989 $250.

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A. Architect, uniform architect registration examination:

(1) division A, pre-design, $35;

(2) division B, site design, $70;

(3) division C, building design, $85;

(4) division D/F, structural technology, general, $30;

(5) division E, structural technology, lateral forces, $15;

(6) division G, mechanical, plumbing, electrical, and life safety, $35;

(7) division H, materials and methods, $35;

(8) division I, construction documents and services, $35.

B. Professional engineer:

(1) fundamentals of engineering, $25;

(2) principles and practice of engineering:

(a) April 1988, $35;

(b) October 1988, $55.

C. Land surveyor:

(1) fundamentals of land surveying (effective as of September 1, 1988), $32.50;

(2) principles and practice of land surveying:

(a) part III, $30;

(b) part IV, $35;

(c) parts III and IV, $65.

D. Landscape architect:

(1) section 1, professional practice 1988 $20, 1989 $22;

(2) section 2, design, 1988 $25, 1989 $28;

(3) section 3, design application, 1988 $74, 1989 $77;

(4) section 4, design implementation, 1988 $69, 1989 $71; and

(5) section 5, grading and drainage, 1988 $47, 1989 $52.

Subp. 7. [Unchanged.]

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

Adopted Permanent Rules Relating to Fees

Rules as Adopted

1800.0500 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **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 an application, together with an examination fee, unless the failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application upon which no action has been taken for three years after the date of its receipt by the board shall be void.

Subp. 3. **Initial licensure and renewal.** The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect is $26 per year. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is $52; for months 18 to 12, $39; for months 12 to 6, $26; and for months 6 to 0, $13. 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.

Subp. 4. [Unchanged.]

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architect is as follows:

A. Architect Registration Examination (ARE), $340.

B. Professional engineer:

(1) fundamentals of engineering examination, $30;

(2) principles and practice of engineering examination, $70.

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.

C. Land surveyor:

(1) fundamentals of land surveying examination, $32.50;

(2) principles and practice of land surveying examination, $100.

D. Landscape architect Uniform National Examination (UNE), 1988 $235, 1989 $250.

Subp. 6. **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:

A. Architect, uniform architect registration examination:

(1) division A, pre-design, $35;

(2) division B, site design, $70;

(3) division C, building design, $85;

(4) division D/F, structural technology, general, $30;

(5) division E, structural technology, lateral forces, $15;

(6) division G, mechanical, plumbing, electrical, and life safety, $35;

(7) division H, materials and methods, $35;

(8) division I, construction documents and services, $35.

B. Professional engineer:

(1) fundamentals of engineering, $25;

(2) principles and practice of engineering:

(a) April 1988, $35;

(b) October 1988, $55.

C. Land surveyor:

(1) fundamentals of land surveying (effective as of September 1, 1988), $32.50;

(2) principles and practice of land surveying:

(a) part III, $30;

(b) part IV, $35;

(c) parts III and IV, $65.

D. Landscape architect:

(1) section 1, professional practice 1988 $20, 1989 $22;

(2) section 2, design, 1988 $25, 1989 $28;

(3) section 3, design application, 1988 $74, 1989 $77;

(4) section 4, design implementation, 1988 $69, 1989 $71; and

(5) section 5, grading and drainage, 1988 $47, 1989 $52.

Subp. 7. [Unchanged.]

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

Adopted Permanent Rules Relating to Fees

Rules as Adopted

1800.0500 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **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 an application, together with an examination fee, unless the failure to appear is due to circumstances which, in the opinion of the board, justify relief from the requirement. Any application upon which no action has been taken for three years after the date of its receipt by the board shall be void.

Subp. 3. **Initial licensure and renewal.** The fee for licensure, or renewal of licensure, as an architect, professional engineer, land surveyor, or landscape architect is $26 per year. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is $52; for months 18 to 12, $39; for months 12 to 6, $26; and for months 6 to 0, $13. 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.

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architect is as follows:

A. Architect Registration Examination (ARE), $340.

B. Professional engineer:

(1) fundamentals of engineering examination, $30;

(2) principles and practice of engineering examination, $70.

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.

C. Land surveyor:

(1) fundamentals of land surveying examination, $32.50;

(2) principles and practice of land surveying examination, $100.

D. Landscape architect Uniform National Examination (UNE), 1988 $235, 1989 $250.

Subp. 6. **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:

A. Architect, uniform architect registration examination:

(1) division A, pre-design, $35;

(2) division B, site design, $70;

(3) division C, building design, $85;

(4) division D/F, structural technology, general, $30;

(5) division E, structural technology, lateral forces, $15;

(6) division G, mechanical, plumbing, electrical, and life safety, $35;

(7) division H, materials and methods, $35;

(8) division I, construction documents and services, $35.

B. Professional engineer:

(1) fundamentals of engineering, $25;

(2) principles and practice of engineering:

(a) April 1988, $35;

(b) October 1988, $55.

C. Land surveyor:

(1) fundamentals of land surveying (effective as of September 1, 1988), $32.50;

(2) principles and practice of land surveying:

(a) part III, $30;

(b) part IV, $35;

(c) parts III and IV, $65.

D. Landscape architect:

(1) section 1, professional practice 1988 $20, 1989 $22;

(2) section 2, design, 1988 $25, 1989 $28;

(3) section 3, design application, 1988 $74, 1989 $77;

(4) section 4, design implementation, 1988 $69, 1989 $71; and

(5) section 5, grading and drainage, 1988 $47, 1989 $52.

Subp. 7. [Unchanged.]

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Fees

AGENCY: Board of Architecutre, Engineering, Land Surveying, and Landscape Architecture

MINNESOTA RULES: Chapter 1800

The attached rules are approved for
filing with the Secretary of State

David S. Niss
Assistant Revisor

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Solicitation of Outside Information or Opinions Regarding Revision of Fees for Examination and Licensing

Notice is hereby given that the Board of Architecture, Engineering, Land Surveying and Landscape Architecture is seeking information or opinions from sources outside the agency in preparing to revise rules governing the fees established by the Board. The Board must increase fees in order to cover the biennial appropriation, salary supplements and indirect costs assessed to the Board. It is proposed that the fees for licensing examinations be revised to cover the cost of those examinations to the Board and to revise licensing fees to generate sufficient funds to cover the cost of Board operations.

The adoption of these rules is authorized by *Minnesota Statutes*, Section 326.06 which allows the Board to set its own rules regulating the practice of architecture, engineering, land surveying and landscape architecture.

The Board requests information and opinions concerning the setting of fees. Interested persons or groups may submit data or views on the subject matter of concern either in writing or orally. Written statements should be addressed to:

Lowell E. Torseth, Executive Secretary
Board of Architecture, Engineering, Land Surveying and Landscape Architecture
402 Metro Square
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours by telephone at (612) 296-2388 or in person at the above address.

All statements will be accepted until the Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the Board will become part of the rulemaking record to be submitted to the attorney general in the event the revised rule is adopted.

Department of Commerce

Correction to Notices of the Minnesota Joint Underwriting Association

Notice years were published in error for the Minnesota Joint Underwriting Association notices of activation published in the *State Register*, issues dated November 2, November 9, November 23, November 30, and December 21. The incorrect year of 1987 was used for prehearing conferences and hearings. The correct year should be 1988. The dates stand as correct, only the year changes.

Department of Human Services

Health Care Management Division

Notice of Solicitation of Outside Information or Opinions Regarding Amendments to Rules Governing the Eligibility of Individuals to Receive Medical Assistance

Notice is hereby given that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose amendments to the rules governing the eligibility of individuals to receive medical assistance, *Minnesota Rules*, parts 9505.0010 to 9505.0150.

The adoption of the amendments to the rules is authorized by *Minnesota Statutes*, section 256B.04, subdivision 2.

The proposed amendments set standards for determining an individual's eligibility to receive medical assistance as set forth in

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.

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

Proposed Permanent Rules Relating to Fees

Rules as Proposed

1800.0500 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **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~~ an application, together with an examination fee, unless ~~his~~ the 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~~ upon which no action has been taken for three years after the date of its receipt by the board shall be void.

Subp. 3. **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~~ $26 per year. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is ~~$45~~ $52; for months 18 to 12, ~~$33.75~~ $39; for months 12 to 6, ~~$22.50~~ $26; and for months 6 to 0, ~~$11.25~~ $13. 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.

Subp. 4. [Unchanged.]

Subp. 5. **Certification or licensure examination fee.** The fee for examination for certification or licensure as an

Approved by Revisor DSN

architect, professional engineer, land surveyor, or landscape architect is as follows:

A. Architect~~:~~

~~(1) application for admission to examination, $25;~~

~~(2) uniform Architecture~~ Registration Examination (ARE), ~~$220~~ $340.

B. Professional engineer:

(1) fundamentals of engineering examination, $30;

(2) principles and practice of engineering examination, ~~$100~~ $70.

~~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.

C. Land surveyor:

(1) fundamentals of land surveying examination, ~~$30~~ $32.50;

(2) principles and practice of land surveying examination, $100.

D. Landscape architect~~:~~

~~(1) application for admission to examination, $25;~~

~~(2)~~ Uniform National Examination~~, $105.~~ (UNE), 1988 $235, 1989 $250.

Subp. 6. **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:

A. Architect, uniform architect registration examination:

(1) division A, pre-design, ~~$33~~ $35;

(2) division B, site design, ~~$33~~ $70;

(3) division C, building design, ~~$55~~ $85;

Approved by Revisor _____

(4) division ~~B~~ D/F, structural technology, general, ~~$16.50~~ $30;

(5) division E, structural technology, lateral forces, ~~$12.50~~ $15;

(6) ~~division F, structural technology, long span, $8.50;~~

~~(7)~~ division G, mechanical, plumbing, electrical, and life safety, ~~$16.50~~ $35;

~~(8)~~ (7) division H, materials and methods, ~~$21~~ $35;

~~(9)~~ (8) division I, construction documents and services, ~~$24~~ $35.

B. Professional engineer:

(1) fundamentals of engineering, ~~$20~~ $25;

(2) principles and practice of engineering~~, $20~~:

(a) April 1988, $35;

(b) October 1988, $55.

C. Land surveyor:

(1) fundamentals of land surveying (effective as of September 1, 1988), ~~$20~~ $32.50;

(2) principles and practice of land surveying:

(a) part III, ~~$15~~ $30;

(b) part IV, ~~$30~~ $35;

(c) parts III and IV, ~~$45~~ $65.

D. Landscape architect:

~~(1) subject A, history, $15;~~

~~(2) subject B, professional practice, $15;~~

~~(3) subject C, design, $37.50;~~

~~(4) subject B, design implementation, $37.50.~~

(1) section 1, professional practice 1988 $20, 1989 $22;

(2) section 2, design, 1988 $25, 1989 $28;

(3) section 3, design application, 1988 $74, 1989 $77;

(4) section 4, design implementation, 1988 $69, 1989 $71; and

Approved by Revisor _____

(5) section 5, grading and drainage, 1988 $47, 1989 $52.

Subp. 7. [Unchanged.]

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fees

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

MINNESOTA RULES: Chapter 1800

The attached rules are approved for publication
in the State Register

David S. Niss
Assistant Revisor

CERTIFICATE OF THE

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

RESOLUTION ADOPTING THE RULE

I, Rudolph W. Monson, 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, duly and properly called and held on the 11th day of April, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule relating to fees is approved and adopted, pursuant to authority vested in the Board by Minnesota Statutes 326.06. Lowell E. Torseth, the Executive Secretary of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture, is authorized to sign the findings of fact, conclusions, and order adopting the rule and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 11th day of April, 1988.

Rudolph W. Monson

Rudolph W. Monson, P.E., L.S.
Chairman

David A. Kirscht

Attest: David A. Kirscht, ASLA
Secretary

Department of C[illegible]erce

In the Matter of the Proposed Adoption of the Rule of the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture Governing Fees

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture ("board") intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is section 214.06 and 326.06.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the board will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Mr. Lowell E. Torseth, Executive Secretary, Board of Architecture, Engineering, Land Surveying and Landscape Architecture, 402 Metro Square, St. Paul, Minnesota, 55101, Telephone: (612) 296-2388.

The proposed rule may be modified if the modifications are supported by data and views submitted to the board and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this Notice.

Copies of this Notice and the proposed rule are available and may be obtained by calling Lowell E. Torseth.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Lowell E. Torseth upon request.

You are hereby advised, pursuant to Minnesota Statutes, section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

Copies of the proposed rule amendments have been served upon the Chairs of the House Appropriations Committee and Senate Finance Committee pursuant to Minnesota Statutes, section 16A.128, subdivison 2a.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Lowell E. Torseth.

February 8, 1988

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

Department of Commerce

In the Matter of the Proposed Adoption of the Rule of the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture Governing Fees

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture ("board") intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is section 214.06 and 326.06.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the board will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Mr. Lowell E. Torseth, Executive Secretary, Board of Architecture, Engineering, Land Surveying and Landscape Architecture, 402 Metro Square, St. Paul, Minnesota, 55101, Telephone: (612) 296-2388.

The proposed rule may be modified if the modifications are supported by data and views submitted to the board and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this Notice.

Copies of this Notice and the proposed rule are available and may be obtained by calling Lowell E. Torseth.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Lowell E. Torseth upon request.

You are hereby advised, pursuant to Minnesota Statutes, section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

Copies of the proposed rule amendments have been served upon the Chairs of the House Appropriations Committee and Senate Finance Committee pursuant to Minnesota Statutes, section 16A.128, subdivison 2a.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Lowell E. Torseth.

February 8, 1988

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

STATE OF MINNESOTA

BOARD OF ARCHITECTURE, ENGINEERNG

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
Governing Fees of the Board

STATEMENT OF NEED
AND REASONABLENESS
OF PROPOSED RULES

STATEMENT OF NEED AND AUTHORITY

Minnesota Statutes, Sections 326.02 to 326.15 (1986) 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 to fix standards for determining 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 to that responsibility the regulation of landscape architects in Minnesota Laws 1975, Chapter 329. Presently, the Board exercises regulatory authority through its rulemaking power given in Minnesota Statutes, Section 326.06 (1986).

Minnesota Statutes, Section 214.06 (1986) 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 each year of the fiscal biennium.

FACTS ESTABLISHING REASONABLENESS

The Board fee-generated revenues for the Fiscal Years 1988-89 Biennium are not projected to equal anticipated expenditures. Increases in the cost of national examinations purchased by the Board necessitate increasing certain examination fees. The additional income generated by these increased examination fees will not equal the funds appropriated by the Legislature for the 1988-89 Biennium. This requires that license fees be increased to $52 for the two year licensing period beginning July 1, 1988. Minnesota Statutes, Section 16A.128 (1986) permits the Board to adjust fees, with the approval of the Commissioner of Finance, so that 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. The approval of the Commissioner of Finance for this fee adjustment is at Appendix 1 and is incorporated herein as a part of this Statement of Need and Reasonableness. 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 Minnesota Rules, Part 1800.0500, Subpart 2, clarifies the current fee rule provision that an application which has been inactive for a period of three years shall be void. This action is taken only when the applicant has failed to fully comply with requirements of the application such as furnishing the required number of references, a transcript of grades from a college or university verifying the educational qualifications of the applicant for licensure, or failing to pay the required license fee and has made no effort during the three year period to complete the application. An occurrence of this nature is extremely rare.

The proposed change to Minnesota Rules, Part 1800.0500, Subpart 3, would increase the biennial license fee from $45.00 to $52.00 and the semi-annual prorated increase in fee by $1.75 for each succeeding six month period. This proposed change is made, as stated earlier herein, to offset increased appropriation made by the 1987 Legislature in keeping with the requirements of Minnesota Statutes, Section 214.06 (1986).

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 5.A. result from the fact that the current total of the application and examination fees do not cover the cost of administering the Uniform Architect Registration Examination (ARE). The application fee would be eliminated and the examination fee increased from $220 to $340 to cover the current shortfall.

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 5.B. are made because the current practice of crediting the Fundamentals

of Engineering (FE) Examination fee, paid to the Board, to the applicant as part of the $100 fee for the Principles and Practice of Engineering (P&PS) Examination is discriminatory to those applicants who have passed the FE examination in another state. Elimination of the fee credit provision and decreasing this examination fee from $100 to $70 will provide the equality the Board is seeking. The $70 examination fee will be adequate to cover the cost of administering this examination.

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 5.C. results from an increase in the cost of the fundamentals of land surveying examination to the Board from $25 to $32.50. The proposed increase will be adequate to cover the cost of administering this examination.

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 5.D. result from a change in the structure of the Uniform National Examination (UNE) by the Council of Landscape Architectural Registration Boards (CLARB) as well as an increase in the cost of the examination to the board in both 1988 and 1989. The separate application fee for the examination would be eliminated with that amount added to the examination fee. The proposed fee will cover the cost of administering the examination.

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 6.A. result from the fact that current re-examination fees do not cover the increased cost of the examination documents purchased from the National Council of Architectural Registration Boards (NCARB) nor do they include administration costs nor shipping charges. The increased fees shown in Subpart 6.A.(1). through (9). will cover the cost of administering these re-examinations.

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 6.B. result from the fact that the current re-examination fees do not cover the total cost of administering the Fundamentals of Engineering (FE) and the Principles and Practice of Engineering (P&PE) Examinations to re-examination applicants nor do they cover the increased cost of the P&PE Examinations to the Board. The cost paid by the Board for each P&PE Examination has been increased from $20.00 to $30.00 by the National Council of Engineering Examiners (NCEE) and will be increased to $50.00 for the October 1988 examination. NCEE prepares these national engineering examinations and sells the examinations to its member licensing boards. The proposed fees for the FE and P&PE Examinations will cover the cost of administering these re-examinations.

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 6.C. result from the fact that the current re-examination fees do not cover the total cost of purchasing and administering the Fundamentals of Land Surveying (FLS) and administering the Principles and Practice of Land Surveying (PLS) Examinations to re-examination applicants. The cost of the Fundamentals of Land Surveying Examination will increase from $25 to $32.50 with the October 1988 examination. The proposed re-examination fees will cover the cost of administering these re-examinations.

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 6.D. result from the fact that the Council of Landscape Architectural Registration Boards (CLARB) has restructured its Uniform National Examination (UNE) and increased the price of the examination payable in consecutive years by its member boards. The four Subject format of

History, Professional Practice, Design and Design Implementation has been changed to a five Section format of Professional Practice, Design Factors, Design Application, Design Implementation and Grading and Drainage. The proposed fees will cover the cost of administering these re-examinations.

The Board has considered the impact that the proposed fee increases will have on small business as required in Minnesota Statutes, Section 14.115, Subdivision 2, Clauses (a) through (e) as follows:

Clause (a) The establishment of less stringent compliance or reporting requirements for small businesses. The Board believes that this is not applicable for this rule change in that the Board licenses individuals rather than corporations, partnerships or other firms. All of the fee increases involve licensing examinations and will be paid by individuals seeking licensure. These changes do not impose any stringent compliance or reporting requirements on small business.

Clause (b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses. The fee changes requested do not impose schedules or deadlines for compliance on small businesses.

Clause (c) The consolidation or simplification of compliance or reporting requirements for small businesses. This method is not applicable to small businesses for the reasons stated in Clauses (a) and (b).

Clause (d) The establishment of performance standards for small businesses to replace design or operational standards required in the rule. The proposed changes do not impose performance standards on small business nor does the rule contain design or operational standards.

Clause (e) The exemption of small businesses from any or all requirements in the rule. As stated in Clause (a), the proposed fee changes in this rule effect individuals rather than firms. Those small businesses engaged in the practice of architecture, engineering, land surveying or landscape architecture are required by law to have a properly licensed person in responsible charge of the professional services offered. The fees to be paid are the responsibility of the person seeking licensure rather than the firm employing those individuals.

It is the opinion of the Board that the requested fee changes will have negligible impact on small businesses doing business in the State of Minnesota. The proposed rule was sent to each of the major professional societies on February 6, 1986. The Board has received no criticism of its proposal to modify its fee schedule.

Lowell Torseth 2-2-88

Lowell E. Torseth

Executive Secretary

JAN 1 4 1988

SF-00006-05 (4/86)

DEPARTMENT : Of Finance

STATE OF MINNESOTA

Office Memorandum

DATE : January 13, 1988

TO : Lowell E. Torseth, Executive Secretary
Board of Architecture, Engineering,
Land Surveying and Landscape Architecture
Room 162, Metro Square Bldg.

FROM : Bruce J. Reddemann, Director
Budget Operations and Support BJR

PHONE : 296-5188

SUBJECT : Approval To Process Fee Increases

The following fees as requested in your December 28, 1987 memo are approved to become effective when the required rule making procedures have been met:

1.	Architect Registration Examination (ARE) (With retake fees as shown)		$340.00
	A - Pre-Design		35.00
	B - Site Design		70.00
	C - Building Design		85.00
	D/F - Structural, General		30.00
	E - Structural, Lateral Forces		15.00
	G - Mechanical, Electrical		35.00
	H - Materials and Methods		35.00
	I - Construction Documents and Services		35.00
2.	Land Surveyor-in-Training Examination		32.50
	LSIT Retake Exam		32.50
3.	Engineer Retake Exam (effective 10/88)		55.00
4.	Uniform National Examination (UNE)	1988	235.00
		1989	250.00

With retake fee as shown	1988	1989
(1) Professional Practice	$20.00	$22.00
(2) Design	25.00	28.00
(3) Design Application	74.00	77.00
(4) Design Implementation	69.00	71.00
(5) Grading and Drainage	47.00	52.00

License and license renewal fees will be increased to $52.00 for the F.Y. 1988-89 Biennium.

BOBN384T

STATE OF MINNES_ :A

OFFICE OF THE BOARD
ROOM 402, METRO SQUARE
7TH AND ROBERT STREETS
SAINT PAUL, MINNESOTA 55101

PHONE: 296-238[illegible]

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

December 29, 1987

The Honorable Glen H. Anderson
Chair, House Appropriations Committee
365 State Office Building
St. Paul, Minnesota 55155

Dear Representative Anderson:

Enclosed is a copy each of our notice to adopt rules increasing certain fees and our proposed rule. This is done in compliance with Minn. Stat. Sect. 16A.128, Subd.2a. The proposed changes are necessary to recover funds to cover our FY 1988-89 biennial appropriation, other direct costs and indirect costs. We believe that this fee adjustment will result in our meeting our fee generating obligations in full.

If you have any questions concerning our proposed fee increase, please call me at 6-2388.

Sincerely,

Lowell Torseth

Lowell E. Torseth
Executive Secretary

LET:jr

cc: Tom Triplett, Commissioner, Department of Finance
Josie Ashton, Executive Budget Officer
Tammy Wetterling, Finance Director, Department of Commerce
John C. Anderson, AIA, Treasurer, Board of AELSLA
File

AN EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA

OFFICE OF THE BOARD
ROOM 402, METRO SQUARE
7TH AND ROBERT STREETS
SAINT PAUL, MINNESOTA 55101

PHONE: 296-2388

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

December 29, 1987

The Honorable Gene Merriam
Chair, Senate Finance Committee
122 Capital Building
St. Paul, Minnesota 55155

Dear Senator Merriam:

Enclosed is a copy each of our notice to adopt rules increasing certain fees and our proposed rule. This is done in compliance with Minn. Stat. Sect. 16A.128, Subd.2a. The proposed changes are necessary to recover funds to cover our FY 1988-89 biennial appropriation, other direct costs and indirect costs. We believe that this fee adjustment will result in our meeting our fee generating obligations in full.

If you have any questions concerning our proposed fee increase, please call me at 6-2388.

Sincerely,

Lowell E Torseth

Lowell E. Torseth
Executive Secretary

LET:jr

cc: Tom Triplett, Commissioner, Department of Finance
Josie Ashton, Executive Budget Officer
Tammy Wetterling, Finance Director, Department of Commerce
John C. Anderson, AIA, Treasurer, Board of AELSLA
File

AN EQUAL OPPORTUNITY EMPLOYER

In the Matter of the Proposed Adoption of the Rule of the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture Governing Fees of the Board

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Lowell E. Torseth, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture rulemaking mailing list is accurate, complete, and current as of this 8th day of February, 1988.

That on the 8th day of February, 1988, at the City of Saint Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the United States mail, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Lowell E. Torseth
Executive Secretary

Subscribed and sworn to before me
this 8th day of February, 1988.

Karen A. O'Connor

RULEMAKING NOTICE ST - SENT 2/8/88

John M. Broeker
Broeker, Geer, Fletcher
& LaFond
8500 Normandale Lake Blvd.
Bloomington, MN 55347

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

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

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

Conrad M. Fredin
Attorney at Law
334 West Superior St., #515
Duluth, MN 55802-1804

J. D. Giallombardo
9401 Indian Creek Pkwy.
P.O. Box 29133
Overland Park, KS 66201-9158

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

J. W. Haun
General Mills, Inc.
Post Office Box 1113
Minneapolis, MN 55440

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

James D. Wolverton
3953 N.E. Arthur Street
Columbia Heights, MN 55421

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

Richard C. Lockwood
Mac Arthur Company
2400 Wycliff Street
Saint Paul, MN 55114

Ms. Joanne Peterson
Office Manager
MN Board of Electricity
Griggs Midway Building,
Room N-19
1821 University Avenue
Saint Paul, MN 55104

Phillips Legislative Service
459 Rice Street
Saint Paul, MN 55103

Peter S. Popovich
2301 South River Road
St. Mary's Point
Saint Paul, MN 55125

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

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

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

Peter A. Rand, AIA
Executive Vice President, MSAIA
275 Market Street, Suite 54
Minneapolis, MN 55405

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

Mark DeBower
President, MASLA
1899 Marshall Avenue
Saint Paul, MN 55104

Donald W. Schmidt, L.S.
Georgi-Schmidt & Associates
3092 Lexington Avenue North
Roseville, MN 55113

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

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

.1600; .1700; .2500; .2600; .2700; .2800; .2900; .3000; .3100; .3200; .3300; .3400; .3500; .3600; .3700; .3800; .3900; .4000 (repealed) 1451

9549.0059;.0060; (proposed) 1649
9553.0020; .0030; .0035; .0040; .0050; .0075 (adopted) 1711
9553.0041; .0050; .0060 (proposed) 1429

Proposed Rules

Pursuant to Minn. Stat. of 1982, §§ 14.22, 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 25 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 the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 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 §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 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 Permanent Rules Relating to Fees

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture ("board") intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is section 214.06 and 326.06.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the board will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to: Mr. Lowell E. Torseth, Executive Secretary, Board of Architecture, Engineering, Land Surveying and Landscape Architecture, 402 Metro Square, St. Paul, Minnesota, 55101, Telephone: (612) 296-2388.

The proposed rule may be modified if the modifications are supported by data and views submitted to the board and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this Notice.

Copies of this Notice and the proposed rule are available and may be obtained by calling Lowell E. Torseth.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Lowell E. Torseth upon request.

You are hereby advised, pursuant to *Minnesota Statutes*, section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule amendments will have no adverse effect on small businesses.

Copies of the proposed rule amendments have been served upon the Chairs of the House Appropriations Committee and Senate Finance Committee pursuant to *Minnesota Statutes*, section 16A.128, subdivision 2a.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Lowell E. Torseth.

Dated: 8 February 1988

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

Rules as Proposed

1800.0500 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **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~~ an application, together with an examination fee, unless ~~his~~ the 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~~ upon which no action has been taken for three years after the date of its receipt by the board shall be void.

Subp. 3. **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~~ $26 per year. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is ~~$45~~ $52; for months 18 to 12, ~~$33.75~~ $39; for months 12 to 6, ~~$22.50~~ $26; and for months 6 to 0, ~~$11.25~~ $13. 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.

Subp. 4. [Unchanged.]

Subp. 5. **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:

A. Architect:

~~(1) application for admission to examination, $25;~~

~~(2) uniform Architecture~~ Registration Examination (ARE), ~~$220~~ $340.

B. Professional engineer:

(1) fundamentals of engineering examination, $30;

(2) principles and practice of engineering examination, ~~$100~~ $70.

~~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.

C. Land surveyor:

(1) fundamentals of land surveying examination, ~~$30~~ $32.50;

(2) principles and practice of land surveying examination, $100.

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.

D. Landscape architect:

~~(1) application for admission to examination, $25;~~

~~(2)~~ Uniform National Examination~~, $105.~~ (UNE), 1988 $235, 1989 $250.

Subp. 6. **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:

A. Architect, uniform architect registration examination:

(1) division A, pre-design, ~~$33~~ $35;

(2) division B, site design, ~~$33~~ $70;

(3) division C, building design, ~~$55~~ $85;

(4) division ~~D~~ D/F, structural technology, general, ~~$16.50~~ $30;

(5) division E, structural technology, lateral forces, ~~$12.50~~ $15;

~~(6) division F, structural technology, long span, $8.50;~~

~~(7)~~ division G, mechanical, plumbing, electrical, and life safety, ~~$16.50~~ $35;

~~(8)~~ (7) division H, materials and methods, ~~$21~~ $35;

~~(9)~~ (8) division I, construction documents and services, ~~$24~~ $35.

B. Professional engineer:

(1) fundamentals of engineering, ~~$20~~ $25;

(2) principles and practice of engineering~~, $20~~:

(a) April 1988, $35;

(b) October 1988, $55.

C. Land surveyor:

(1) fundamentals of land surveying (effective as of September 1, 1988), ~~$20~~ $32.50;

(2) principles and practice of land surveying:

(a) part III, ~~$15~~ $30;

(b) part IV, ~~$30~~ $35;

(c) parts III and IV, ~~$45~~ $65.

D. Landscape architect:

~~(1) subject A, history, $15;~~

~~(2) subject B, professional practice, $15;~~

~~(3) subject C, design, $37.50;~~

~~(4) subject D, design implementation, $37.50.~~

(1) section 1, professional practice 1988 $20, 1989 $22;

(2) section 2, design, 1988 $25, 1989 $28;

(3) section 3, design application, 1988 $74, 1989 $77;

(4) section 4, design implementation, 1988 $69, 1989 $71; and

(5) section 5, grading and drainage, 1988 $47, 1989 $52.

Subp. 7. [Unchanged.]

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of the Rule of the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture Governing Fees	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on February 22, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on February 8, 1988. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public. Before the notice was submitted to the State Register, a copy of the notice of intent to adopt rules without a public hearing and the proposed rule was sent to the chairs of the house appropriations committee and senate finance committee.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

Two supporting comments on the rule were received by the agency. The Board received no requests for a public hearing and no requests for notice of date of submission to the attorney general.

Based on the comments and evidence in the record before the agency, I make the following findings and conclusions:

There has been no change from the rule as proposed. The rule adopted is the same as the rule proposed.

This rule is needed because Minnesota Statutes § 214.06 requires that revenues generated by fees equal anticipated expenses for the fiscal biennium.

Revenues generated by the current fees are not projected to equal anticipated expenditures for the 1988-89 fiscal biennium.

The Commissioner of Finance has approved the increase authorized by these rules as the additional amount necessary for fee revenues to approximately equal anticipated expenditures.

The increases contained in these rules will provide the additional revenues so that total fees collected in the 1988-89 biennium will approximately equal anticipated expenditures.

This rule is reasonable because the increase in fees authorized by the rules is no more than that necessary to meet anticipated expenditures.

NOW, THEREFORE, IT IS ORDERED that the 1988 fee adjustment rule is adopted this 11th day of April, 1988, pursuant to authority vested in the Board by Minnesota Statutes, section 214.06 and 326.06.

Lowell E. Torseth
Executive Secretary

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of the Rule of the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture Governing Fees

SUPPLEMENTAL FINDINGS AND CONCLUSIONS

1. Lowell E. Torseth is authorized by the Board to sign findings and conclusions and to perform the necessary acts to provide that the rule shall have the force and effect of law.

2. The fee increases for retaking the principles and practice of land surveying examination, parts III and IV as contained at the adopted rule at 1800.0500 subp. 6 C (2) (a), (b) and (c) have not been approved by the Department of Finance.

3. Because the Department of Finance has not approved the increase, the amendment effecting the fee increases identified in paragraph 2 above is being withdrawn and no such change to this part of the rule will occur.

4. This modification is not a substantial change because it returns the fees to the level they were prior to the proposed amendment and the modification benefits the public because the cost for retaking will not be increased. The Board anticipates that approximately 8 persons will apply to retake the subject examination in each year of the biennium.

NOW, THEREFORE, IT IS ORDERED that the part of the rule relating to fee increases for retaking the land surveying examination, parts III and IV contained at 1800.0500 subp. 6 C (2) (a), (b) and (c) are hereby withdrawn.

Dated: April 28, 1988

Lowell E. Torseth
Executive Secretary

In the Matter of the Adoption
of the Rule of the State Board of
Architecture, Engineering, Land
Surveying and Landscape Architecture
Governing Fees

DECLARATION
OF COUNSEL

I, Allen E. Giles, Special Assistant Attorney General do herby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 25.5A24.0134.

Allen E. Giles
Special Assistant Attorney General

Dated: April 11, 1988

CERTIFICATE OF BOARD'S

AUTHORIZING RESOLUTION

I, Rudolph W. Monson, 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 2nd day of November, 1987, 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 the rule setting fees for examination and licensure (Minnesota Rules, Part 1800.0500).
>
> "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 promulgating said rule as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice as well as acting as the Board's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 2nd day of November, 1987.

Rudolph W. Monson

Rudolph W. Monson, P.E., L.S.
Chairman

John R Madden

Attest: John R. Madden, P.E.

JAN 1 3 1988

MCL
ARCHITECTS, INC.

12 January 1988

Mr. Lowell E. Torseth
Executive Secretary
Board of A, E, LS, and LA
402 Metro Square
St. Paul, MN 55101

Re: Proposed Revision of Fees for Examination/Licensing

Dear Mr. Torseth:

You and the Board are to be commended for the manner in which the responsibilities of the agency have been accomplished, particularly in view of the minimal financial resources available to execute those obligations. It is my opinion that an increase in the level of funding is essential to provide services necessary for effective execution of Board obligations and responsibilities.

I believe that the cost of conducting and administering registration examinations should be borne by the examinees and that fees should be raised to the level necessary to cover those costs. Furthermore, licensed professionals have an obligation to support Board operational costs in a significant manner and license fees should be established at a level which allows effective and efficient conduct of Board business. It has been my impression that many Board functions cannot be fully met because of inadequate funding, and those of us who enjoy the privileges of registration should assume responsibility for that condition.

To that end, I encourage the Board to raise license fees to the extent necessary for effective Board operation. Current license fees are an insignificant component of professional practice costs and are a fraction of discretionary professional association dues. It is my opinion that current fees could be increased 100% without placing undue hardship on license holders.

Sincerely,

Arnold S. Lucke

McGUIRE COURTEAU LUCKE ARCHITECTS, INC. 710 Amhoist Tower, St. Paul, MN 55102 (612) 222-8451

Minnesota Society
American Institute of Architects

275 Market Street, Suite 54
Minneapolis, MN 55405
(612) 338-6763

February 11, 1988

FEB 16 1988

Lowell Torseth
Executive Secretary
Board of Registration A, E, LS & LA
402 Metro Square
St. Paul, MN 55101

Dear Lowell,

The MSAIA is aware of the Registration Board's solicitation of opinions regarding examination and licensing fees. At our January Board of Directors meeting we passed a resolution supporting the increase in licensing fees assuming those fees can be used for improved enforcement of the registration law and administration of your offices.

Further, it was the sense of our Board that fees for examinees should only be increased to cover direct costs of examinations but that the brunt of improved financial support should come from licensed professionals.

The architectural profession, along with the other professions your office regulates, supports the concept of increased registration fees particularly if that income can enhance registration enforcement efforts. We are aware that these fees currently go into the "General Fund" and that your office does not directly receive this income. The MSAIA is prepared to provide lobbying assistance, testimony, or other support necessary to enable the Board to improve its operation and the enforcement of Minnesota's architectural registration laws.

Please feel free to call upon me, our members, and our staff at any time regarding support for these measures.

Sincerely,

David T. Runyan, AIA
President

DTR:ar

FEB 2 4 1988

Offic of the Revisor o. Statutes
Administrative Rules

David S. Niss
Assistant Revisor
297-2948



700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

February 22, 1988

Lowell Torseth
State Board of Architecture Engineering, Land
Surveying, and Landscape Architecture
162 Metro Square Building
Saint Paul, Minnesota 55101

RE: AR1276 Fees

Dear Mr. Torseth:

Enclosed is a stripped copy of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your proposed emergency rules or proposed rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your proposed rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

David S. Niss

David S. Niss

DSN/at
Encl.

Office of the Revisor of Statutes

JAN 2 9 1988

Administrative Rules

David S. Niss
Assistant Revisor
297-2948

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

January 28, 1988

Mr. Lowell Torseth
Board of Architecture, Engineering,
Land Surveying, and Landscape Architecture
Room 162 Metro Square
7th and Robert Streets
Saint Paul, Minnesota 55101

RE: RD1276 - Fees

Dear Mr. Torseth:

We are enclosing six copies of your rule, approved as to form.
Please submit two copies to the State Register.

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

Very truly yours,

David S. Niss

DSN/cf
Encl.

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT Commerce - AELSLA

Office Memorandum

TO: Office of the Attorney General
Administration Division
515 Transportation Building

DATE: April 13, 1988

FROM: Lowell E. Torseth, Executive Secretary

PHONE: 6-2388

SUBJECT: Fee Rule Review

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

1. Letter of Approval to Process Fee Increases.
2. Notification to Chair, House Appropriations Committee and Chair, Senate Finance Committee.
3. Notice of Solicitation of Outside Information as published in the State Register.
4. Certificate of Board's Authorizing Resolution.
5. Two supporting comments received from the public.
6. Rules as proposed as approved to form from the Revisor of Statutes.
7. Notice of Intent to Adopt a Rule Without a Public Hearing.
8. Statement of Need and Reasonableness.
9. Affidavit of Mailing and a copy of the mailing list.
10. A copy of the Notice of Intent to Adopt the Rule Without a Public Hearing as published in the State Register.
11. Four copies of the rule as adopted and approval as to form by the Revisor of Statutes.
12. Certificate of the Resolution Adopting the Rule.
13. Findings of Fact, Conclusions and Order.
14. Declaration of Counsel.

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

LET:kao

Enclosures

RECEIVED
APR 15 1988
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155