

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Bd of Architecture (Commerce - AELSLA) Re: Fees

AR 1659

MJC

call

RULE REVIEW CHECKLIST

File No. 1705

Docket No. 05-0009-0134

DATE RECEIVED 5-22-90

ADOPTED W/O HEARING X

REVIEW DATE 5-31-90

EMERGENCY RULE _____

DUE DATE 6-5-90

To Revisor: 5-22-90

REVISOR APPROVED 5-31-90

APPROVED 6-1-90 mjc

REVISOR DISAPPROVED _____

DISAPPROVED _____

FILED W/SEC. OF STATE 6-5-90

WITHDRAWN _____

RETURNED TO AGENCY 6-5-90

---

4 ✓ Rule as adopted (4 copies)

_____ ✓ Notice to Solicit Outside Information/Opinion (if applicable)
Jan 30, 1990 Date published in State Register
_____ Comments

_____ Petition for Adoption of a Rule (if applicable)

_____ ✓ Board's Authorizing Resolution
Jan 22, 1990 Date adopted

_____ ✓ Proposed Rule
_____ ✓ Revisor's Certificate no cert. Rec 5-31-90

_____ ✓ Notice of Intent to Adopt Rule 326.06
214.06 Statutory Authority
NA Small Business Statement
_____ Expenditure of public money statement
Jan 22, 1990 Signature

_____ Statement of Need and Reasonableness (if applicable)
_____ Small Business Statement
_____ Fees - § 16A.128

_____ ✓ Affidavit of Mailing Notice of Intent to Adopt Rule
March 20, 1990 Date 30/25 days before adoption
_____ Notice attached
_____ Copy of rule or summary attached

_____ ✓ Publication in State Register
April 9, 1990 Date 30/25 days before adoption

_____ ✓ 180-day deadline from:
NA Effective date of law requiring rule (14.12) (both rules) not new
✓ end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ ✓ Resolution Adopting
May 10, 1990 Date adopted

_____ ✓ Findings of Fact, Conclusions & Order Adopting
May 10, 1990 Date

_____ Written requests, submissions or comments

_____ ✓ Declaration of attorney
Gregory Hume Name of SAAG representing agency

_____ Notice of Submission to Atty. Gen. (if applicable)

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

5-29-30 Called, and told him we needed the

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : June 5, 1990

TO : LOWELL E. TORSETH, Executive Secretary
Board of Architecture, Engineering, Land
Surveying and Landscape Architecture

FROM : MARTHA J. CASSERLY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103) mjc

PHONE : 296-6839

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Fees

The above-referenced rule has been approved as to its legality by the Attorney General on June 1, 1990.

Enclosed is your 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 along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published 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.

CH/rlb
Enclosures
cc: William Brown, Chief Judge (memo only)
MaryAnn Hruby " "
Gregory Huwe " "

Board of Architecture

Adopted Permanent Rules Relating to Fees

Rules as Adopted

1800.0500 FEES.

Subpart 1. **Requirements.** Application for examination for certification as engineer-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 part. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

[For text of subp 2, see M.R.]

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 $58 per biennium. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is $58; for months 18 to 12, $43.50; for months 12 to 6, $29; and for months 6 to 0, $14.50. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The board may delete from the roster of licensees 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.

[For text of subp 4, see M.R.]

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), 1990 $385, 1991 $475.

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.

An applicant, currently licensed as a professional engineer (civil) may apply for registration as a professional engineer (structural) by submitting an examination fee of $110 for 1990 and $170 for 1991 and thereafter.

[For text of item C, see M.R.]

D. Landscape architect Uniform National Examination (UNE), 1990 $325, 1991 $345.

Subp. 6. **Reexamination fees.** The fee for retaking all or any part of any examination for certification or licensure is as follows each time the examination, or any part of it, is retaken:

A. Architect, uniform architect registration examination:

(1) division A, predesign, 1990 $40, 1991 $50;

(2) division B, site design;

(a) written, 1990 $25, 1991 $35;

(b) graphics, 1990 $60, 1991 $70;

(3) division C, building design, 1990 $90, 1991 $100;

(4) division D/F, structural technology, general and long span, 1990 $35, 1991 $45;

(5) division E, structural technology, lateral forces, 1990 $20, 1991 $30;

(6) division G, mechanical, plumbing, electrical, and life safety, 1990 $40, 1991 $50;

(7) division H, materials and methods, 1990 $40, 1991 $50;

(8) division I, construction documents and services, 1990 $40, 1991 $50.

B. Professional engineer:

(1) fundamentals of engineering, $30;

(2) principles and practice of engineering, $60;

(a) special structural I, 1990 $40, 1991 $60;

(b) special structural II, 1990 $60, 1991 $110.

C. Land surveyor:

(1) fundamentals of land surveying, $32.50;

(2) principles and practice of land surveying:

(a) part III, $20;

(b) part IV A, $35;

(c) part IV B, $15;

(d) parts III and IV A, $55;

(e) parts III and IV B, $35;

(f) parts IV A and IV B, $50.

D. Landscape architect:

(1) section 1, professional practice, 1990 $28, 1991 $29;

(2) section 2, design, 1990 $34, 1991 $36;

(3) section 3, design application, 1990 $100, 1991 $107;

(4) section 4, design implementation, 1990 $95, 1991 $101; and

(5) section 5, grading and drainage, 1990 $68, 1991 $75.

[For text of subp 7, see M.R.]

9:00 AM

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN - 5 1990
Joan Anderson Growe
Secretary of State

APPROVED AS TO FORM AND LEGALITY
June 1 19 90
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY MJ Cassedy
SPECIAL ASSISTANT ATTORNEY GENERAL

Stat Authority

214.06

Notwithstanding any law to the contrary the commissioner of health as authorized by section 214.13, all health-related licensing boards and all non-health-related licensing boards shall by rule, with the approval of the commissioner of finance, adjust any fee which the commissioner of health or the board is empowered of finance, adjust any fee which the commissioner of health or the board

326.06

The board shall adopt and have an official seal, which shall be fixed to all licenses granted; shall make all rules not inconsistant with law

Fees

Shared approval from finance
wrote letter to House App.
and Senate Finance

no cut for proposed rule

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
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 (1988) 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 and 326.10, Subdivision 1, Clause (1) (1988).

Minnesota Statutes, Section 214.06 (1988) 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 Year 90-91 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 1990-91 Biennium. This requires that license fees be increased to $58 for the two year licensing period beginning July 1, 1990. Minnesota Statutes, Section 16A.128 (1988) 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, transfer 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 1 strikes the word "an" as redundant and the phrase "landscape architect-in-training" because there is no written examination for landscape architect-in-training.

The proposed change to Subpart 3 would increase the biennial license fee from $52.00 to $58.00 and the semi-annual prorated increase in fee by $1.50 for each succeeding six month period. This proposed change is made, as stated earlier herein, to offset the increased appropriation made by the 1989 Legislature and in keeping with the requirements of Minnesota Statutes, Section 214.06 (1988). The phrase "of licensees" is added to clarify the fact that a licensee must renew his or her license in a timely manner in order for his/her name to be listed in the roster of licensees.

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 examination fee increased from $340 to $385 to cover the current shortfall for 1990 and from $385 to $475 for 1991. The National Council of Architectural Registration Examination Boards (NCARB) is increasing the cost of the ARE by $10 per part effective with the 1991 examination admininstration.

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 5.B. are made because of the addition of 16 hours of

Special Structural examinations by the National Council of Examiners of Engineers and Surveyors (NCEES). A person must be licensed as a Professional Engineer (Civil) in order to be permitted to take both the eight-hour Special Structural I and the Special Structural II Examinations. Successful completion of both examinations entitles the licensee to be listed in the roster of licensees as a Professional Engineer (Civil/Structural). The increase in the examination fee is due to an increase in costs of the examination by the NCEES.

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 5.D. result from an increase in the cost of the examination to the Board in both 1990 and 1991 by the Council of Landscape Architectural Registration Boards (CLARB). 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. The proposed fees for the FE and P&PE Examinations will cover the cost of administering these re-examinations. The Special Structural examinations are a new product offered by the National Council of Examiners of Engineers and Surveyors (NCEES).

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 administering the Principles and Practice of Land Surveying (PLS) Examinations to re-examination applicants. 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 increased the price of the examination payable in consecutive years by its member boards.

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.

Clauses (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 E. Torseth
Executive Secretary

Dated: February 1, 1990

Board of Architecture

Proposed Permanent Rules Relating to Fees

Rules as Proposed

1800.0500 FEES.

Subpart 1. **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 part. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

[For text of subp 2, see M.R.]

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~~ $58 per ~~year~~ biennium. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is ~~$52~~ $58; for months 18 to 12, ~~$39~~ $43.50; for months 12 to 6, ~~$26~~ $29; and for months 6 to 0, ~~$13~~ $14.50. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The board may delete from the roster of licensees 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.

[For text of subp 4, see M.R.]

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~~ 1990 $385, 1991 $475.

Approved by Revisor

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.

An applicant, currently licensed as a professional engineer (civil) may apply for registration as a professional engineer (structural) by submitting an examination fee of $110 for 1990 and $170 for 1991 and thereafter.

[For text of item C, see M.R.]

D. Landscape architect Uniform National Examination (UNE), ~~1988-$235;-1989-$250~~ 1990 $325, 1991 $345.

Subp. 6. **Reexamination fees.** The fee for retaking all or any part of any examination for certification or ~~registration~~ licensure is as follows each time the examination, or any part of it, is retaken:

A. Architect, uniform architect registration examination:

(1) division A, predesign, ~~$35~~ 1990 $40, 1991 $50;

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

(a) written, 1990 $25, 1991 $35;

(b) graphics, 1990 $60, 1991 $70;

(3) division C, building design, ~~$85;~~ 1990 $90, 1991 $100;

(4) division D/F, structural technology, general and long span, ~~$30~~ 1990 $35, 1991 $45;

(5) division E, structural technology, lateral forces, ~~$15~~ 1990 $20, 1991 $30;

(6) division G, mechanical, plumbing, electrical, and life safety, ~~$35~~ 1990 $40, 1991 $50;

(7) division H, materials and methods, ~~$35~~ 1990 $40, 1991 $50;

Approved by Revisor _____

(8) division I, construction documents and services, ~~$35~~ 1990 $40, 1991 $50.

B. Professional engineer:

(1) fundamentals of engineering, ~~$25~~ $30;

(2) principles and practice of engineering~~:~~, $60;

(a) ~~April 1988, $35~~ special structural I, 1990 $40, 1991 $60;

(b) ~~October 1988, $55~~ special structural II, 1990 $60, 1991 $110.

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, ~~$15~~ $20;

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

(c) ~~parts III and IV, $45~~ part IV B, $15;

(d) parts III and IV A, $55;

(e) parts III and IV B, $35;

(f) parts IV A and IV B, $50.

D. Landscape architect:

(1) section 1, professional practice ~~1988 $20, 1989 $22~~, 1990 $28, 1991 $29;

(2) section 2, design, ~~1988 $25, 1989 $28~~ 1990 $34, 1991 $36;

(3) section 3, design application, ~~1988 $74, 1989 $77~~ 1990 $100, 1991 $107;

(4) section 4, design implementation, ~~1988 $69, 1989 $71~~ 1990 $95, 1991 $101; and

(5) section 5, grading and drainage, ~~1988 $47, 1989 $52~~ 1990 $68, 1991 $75.

[For text of subp 7, see M.R.]

Approved by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Fees

AGENCY: Board of Architecture

MINNESOTA RULES: Chapter 1800

The attached rules are approved for publication
in the State Register

Carla M. Riehle
Assistant Revisor

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT Commerce - AELSLA

Office Memorandum

TO: Alan Gilbert
Office of the Attorney General
11th Floor, Bremer Tower

DATE: May 17, 1990

FROM: Lowell E. Torseth, Executive Secretary

PHONE: 6-2388

SUBJECT: Fee Rule Review

In Mr. Hoffman's absence, we ask that you review and approve the following documents:

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. Rules as Proposed as Approved to Form from the Revisor of Statutes.
6. Notice of Intent to Adopt a Rule Without a Public Hearing.
7. Statement of Need and Reasonableness.
8. Affidavit of Mailing and a copy of the Mailing List.
9. A copy of the Notice of Intent to Adopt the Rule Without a Public Hearing as Published in the State Register.
10. Copy of the Rule as Adopted and Approval as to Form by the Revisor of Statutes.
11. Certificate of the Resolution Adopting the Rule.
12. Findings of Fact, Conclusions and Order.
13. 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.

Enclosures

RECEIVED

MAY 18 90

ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER
7TH PLACE AND MINNESOTA ST.
ST. PAUL, MN 55101

FEB 5 1990

SF-00006-05 (4/86)

DEPARTMENT : of Finance

STATE OF MINNESOTA

Office Memorandum

DATE : February 1, 1990

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

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

PHONE : 296-5188

SUBJECT : Proposed Fee Increases

The proposed fees for fiscal years 1990 and 1991 as shown on the attached page are approved as submitted:

BOBN614t

	Present Fee	1990 Proposed Fee	1991 Proposed Fee
1. Architect Registration Examination (ARE) with following retake fees	$340	$385	$475
A. Pre-Design	35	40	50
B. Site Design, Written	70	25	35
Site Design Graphic		60	70
C. Building Design	85	90	100
D/F. Structural, General and Long Span	30	35	45
E. Structural, Lateral Forces	15	20	30
G. Mechanical Plumbing Electrical and Life Safety Systems	35	40	50
H. Materials and Methods	35	40	50
I. Construction Documents and Services	35	40	50
2. Professional Engineer Examination			
Special Structural I	New	70	70
Special Structural II	New	70	110
3. Engineer Exam Retake			
Includes Special Structural I	New	60	60
Special Structural II	New	60	110
Fundamentals Exam Retake	25	30	30
4. Uniform National Examination (UNE) With following retake fees:	250	325	345
A. Professional Practice	22	28	29
B. Design	28	34	36
C. Design Application	77	100	107
D. Design Implementation	71	95	101
E. Grading and Drainage	52	68	75
5. License and License Renewal Fees	52	58	58

January 26, 1990

The Honorable Wayne Simoneau
Chair, House Appropriations Committee
335 State Office Building
St. Paul, Minnesota 55155

Dear Representative Simoneau:

Enclosed is a copy each of our notice to adopt rules increasing certain fees and our proposed rule. This is done in compliance with Minnesota Statutes, Section 16A.128, Subd. 2a. The proposed changes are necessary to recover funds to cover our FY 1990-91 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
Executive Secretary

LET:kao

Enclosures

cc: Peter Hutchinson, Commissioner, Department of Finance
Josie Ashton, Executive Budget Officer
Tammy Wetterling, Finance Director, Department of Commer
Elaine M. Fink, P.M., Treasurer, Board of AELSLA
File

January 26, 1990

The Honorable Gene Merriam
Chair, State 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 Minnesota Statutes, Section 16A.128, Subd. 2a. The proposed changes are necessary to recover funds to cover our FY 1990-91 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
Executive Secretary

LET:kao

Enclosures

cc: Peter Hutchinson, Commissioner, Department of Finance
Josie Ashton, Executive Budget Officer
Tammy Wetterling, Finance Director, Department of Commer
Elaine M. Fink, P.M., Treasurer, Board of AELSLA
File

III-B Supportive Services—cont.

Region	Allocation	Program Development (Reserved)	
9	232.804	58.200	25.00%
10	350.803	49.832	14.21%
11	1,148.690	123.754	10.77%
12	69.239	12.132	17.52%
Totals	3,586.758	599.313	16.71%

Written comments are to be submitted to:

Minnesota Board on Aging
4th Floor, Human Services Building
444 Lafayette Road
St. Paul, MN 55155-3843

Final action by the Board on Aging will take place on December 15, 1989.

State Board of Registration for Architects, Engineers, Land Surveyors and Landscape Architects

Department of Commerce

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 costs 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 the rule 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 (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.

Dated: 8 November 1989

Lowell E. Torseth
Executive Secretary

State Board of Registration for Architects, Engineers, Land Surveyors and Landscape Architects

Department of Commerce

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Examination of Architect Applicants

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 the rule governing the examination of architect applicants.

CERTIFICATE OF THE BOARD'S

AUTHORIZING RESOLUTION

I, Thomas A. Vecchi, 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 22nd day of January, 1990, 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 Lowell E. Torseth, the Executive Secretary of the Board of Architecture, Engineering, Land Surveying and Landscape Architecture, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a rule without a public hearing governing the setting of fees for examination and licensure (Minnesota Rules, Part 1800.0500) to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 22nd day of January, 1990.

Thomas A. Vecchi

Thomas A. Vecchi, AIA
Chairman

Attest: David A. Kirscht, ASLA

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 OF ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) 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 sections 214.06 and 326.06.

(2) All persons have 30 days in which to submit comment in support of or in opposition of the proposed rule or any part or subpart of the rule. Comment is encouraged. (3) 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. (4) 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. (6) 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, 133 East Seventh Street, 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 subtantial 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.

14 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.

15 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.

9 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.

January 22, 1990

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

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)
) §
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 20th day of March, 1990.

That on the 20th day of March, 1990, 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 20th day of March, 1990.

Karen A. O'Connor

KAREN A. O'CONNOR
NOTARY PUBLIC-MINNESOTA
ANOKA COUNTY
MY COMMISSION EXPIRES DECEMBER 8, 1993

RULEMAKING NOTICE LIST

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

James L. Sturm
President, MASLA
1520 - 3rd Street N.W.
New Brighton, MN 55112

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

Proposed Rules

Pursuant to Minn. Stat. §§ 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

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 sections 214.06 and 326.06.

All persons have 30 days in which to submit comment in support of or in opposition of 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, 133 East Seventh Street, 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

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.

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: 22 January 1990

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

Rules as Proposed

1800.0500 FEES.

Subpart 1. **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 part. The fee for examination for certification as land surveyor-in-training shall be paid upon approval of the application by the board.

[For text of subp 2, see M.R.]

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~~ $58 per ~~year~~ biennium. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is ~~$52~~ $58; for months 18 to 12, ~~$39~~ $43.50; for months 12 to 6, ~~$26~~ $29; and for months 6 to 0, ~~$13~~ $14.50. The renewal fee shall be paid biennially on or before June 30 of each even-numbered year. The board may delete from the roster of licensees 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.

[For text of subp 4, see M.R.]

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~~ 1990 $385, 1991 $475.

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.

An applicant, currently licensed as a professional engineer (civil) may apply for registration as a professional engineer (structural) by submitting an examination fee of $110 for 1990 and $170 for 1991 and thereafter.

[For text of item C, see M.R.]

D. Landscape architect Uniform National Examination (UNE), ~~1988 $235, 1989 $250~~ 1990 $325, 1991 $345.

Subp. 6. **Reexamination fees.** The fee for retaking all or any part of any examination for certification or ~~registration~~ licensure is as follows each time the examination, or any part of it, is retaken:

A. Architect, uniform architect registration examination:

(1) division A, predesign, ~~$35~~ 1990 $40, 1991 $50;

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

(a) written, 1990 $25, 1991 $35;

(b) graphics, 1990 $60, 1991 $70;

(3) division C, building design, ~~$85;~~ 1990 $90, 1991 $100;

(4) division D/F, structural technology, general and long span, ~~$30~~ 1990 $35, 1991 $45;

(5) division E, structural technology, lateral forces, ~~$15~~ 1990 $20, 1991 $30;

(6) division G, mechanical, plumbing, electrical, and life safety, ~~$35~~ 1990 $40, 1991 $50;

(7) division H, materials and methods, ~~$35~~ 1990 $40, 1991 $50;

(8) division I, construction documents and services, ~~$35~~ 1990 $40, 1991 $50.

B. Professional engineer:

(1) fundamentals of engineering, ~~$25~~ $30;

(2) principles and practice of engineering~~:~~, $60;

(a) ~~April 1988, $35~~ special structural I, 1990 $40, 1991 $60;

(b) ~~October 1988, $55~~ special structural II, 1990 $60, 1991 $110.

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, ~~$15~~ $20;

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

(c) ~~parts III and IV, $45~~ part IV B, $15;

(d) parts III and IV A, $55;

(e) parts III and IV B, $35;

(f) parts IV A and IV B, $50.

D. Landscape architect:

(1) section 1, professional practice ~~1988 $20, 1989 $22~~, 1990 $28, 1991 $29;

(2) section 2, design, ~~1988 $25, 1989 $28~~ 1990 $34, 1991 $36;

(3) section 3, design application, ~~1988 $74, 1989 $77~~ 1990 $100, 1991 $107;

(4) section 4, design implementation, ~~1988 $69, 1989 $71~~ 1990 $95, 1991 $101; and

(5) section 5, grading and drainage, ~~1988 $47, 1989 $52~~ 1990 $68, 1991 $75.

[For text of subp 7, see M.R.]

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

Proposed Permanent Rules Relating to Examination of Architect and Engineer Applicants

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 326.06.

All persons have 30 days in which to submit comment in support of or in opposition of 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.

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.

CERTIFICATE OF THE

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

RESOLUTION ADOPTING THE RULE

I, David A. Kirscht, 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 10th day of May, 1990, 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 10th day of May, 1990.

David A. Kirscht, ASLA
Chairman

Attest: John F. Sweet, P.E.
Vice Chairman

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

1 Notice of the Board's intent to adopt the above-entitled rule was published in the State Register on April 9, 1990 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 March 20, 1990. 2 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. 3 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.

4 All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. 5 No requests for a public hearing on the rule were received by the agency.

7 No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

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

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

8 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 1990-92 fiscal biennium.

The Commission 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 1990-92 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 1990 fee adjustment rule is adopted this 10th day of May, 1990, pursuant to authority vested in the Board by Minnesota Statutes, section 214.06 and 326.06.

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 the Examination of
Architect Applicants.

DECLARATION
OF COUNSEL

I, Gregory P. Huwe, Assistant Attorney General, do hereby 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.

Dated: May 18, 1990.

Gregory P. Huwe
Assistant Attorney General

H.fc9