

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MJM
8-18-92

RULE REVIEW CHECKLIST

File No. 1940
DATE RECEIVED 8-17-92
REVIEW DATE 8-26-92
DUE DATE 8-31-92
~~(DIS)~~APPROVED 8 31 92
WITHDRAWN

Docket No. 05 0009 0134
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 8-18-92
REVISOR (DIS)APPROVED 8-21-92
FILED W/SEC. OF STATE 9-1-92
RETURNED TO AGENCY 9-1-92

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
November 25, 1991 Date published in State Register
Comments

Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
October 21, 1991 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
214.06 Statutory Authority 326.06
✓ Small Business Statement
Expenditure of public money statement
March 27, 1992 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
✓ Fees - § 16A.128 - approval from Finance sent letters to House Appro. + Senate Finance ~~What about Senate Finance~~

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
March 31, 1992 Dated 30/25 days before adoption
✓ Notice attached indicates it is attached
Copy of rule or summary attached

✓ Publication in State Register
April 13, 1992 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing) amendments
effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
May 22, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
May 22, 1992 Date

Written Requests, Submissions or Comments

✓ Declaration of Attorney
Lowis Hoffman Name of SAAG representing agency

Notice of Submission to Attorney General (if applicable)

Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA

Office of the Attorney General

TO : LOWELL E. TORSETH
Executive Secretary
Board of Architecture, Engineering,
Land Surveing and Landscape Architecture
133 7th Street East
St. Paul, MN

DATE : September 1, 1992

FROM : MARY JO MURRAY
Special Assistant
Attorney General

PHONE : 296-3258

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 August 31, 1992.

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.

Enclosures
cc: Louis Hoffman
William Brown, Chief Judge
MaryAnn Hruby

MJM:jj.rules.ba3

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

Adopted Permanent Rules Relating to Fees

Rules as Adopted

1800.0500 FEES.

[For text of subpart 1, see M.R.]

Subp. 2. **Refunds; validity of application.** License or license renewal fees may not be refunded. Examination fees may be refunded except for a $20 administrative charge. 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 $70 per biennium. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is $70; for months 18 to 12, $52.50; for months 12 to 6, $35; and for months 6 to 0, $17.50. 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.

Subp. 4. **Delayed rerewal fee.** A renewal fee is a delayed renewal fee within the meaning of Minnesota Statutes, section

326.10, subdivision 5, if it is not postmarked on or before June 30 of the year specified in subpart 3. The delayed renewal fee is $30 for the first three months of the lapsed period and $60 for months 4 to 24. A licensee who was originally licensed by examination by the board and who permits the license to lapse for more than two years must retake the appropriate professional licensing examination unless exempted by the board. The delayed renewal fee is computed from July 1 of any even-numbered year and is in addition to the renewal fee provided in subpart 3.

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), 1992 $480.

B. Professional engineer:

(1) fundamentals of engineering examination, $40, effective October 1, 1992, and thereafter;

(2) principles and practice of engineering examination, $80, effective October 1, 1992, and thereafter.

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 $170.

C. Land surveyor:

(1) fundamentals of land surveying examination, $50, effective October 1, 1992, and thereafter;

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

D. Landscape Architect Registration Examination (LARE), 1992 $415, 1993 $445.

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, architect registration examination:

(1) division A, predesign, $50;

(2) division B, site design;

(a) written, $35;

(b) graphics, $70;

(3) division C, building design, $100;

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

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

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

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

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

B. Professional engineer:

(1) fundamentals of engineering, $40;

(2) principles and practice of engineering, $70;

(a) special structural I, $60;

(b) special structural II, $110.

C. Land surveyor:

(1) fundamentals of land surveying, $50;

(2) principles and practice of land surveying:

(a) part III, $40;

(b) part IV A, $40;

(c) part IV B, $20;

(d) parts III and IV A, $80;

(e) parts III and IV B, $60;

(f) parts IV A and IV B, $60.

D. Landscape architect:

(1) test 1, Legal and Administrative Aspects of Practice, 1992 $25, 1993 $29;

(2) test 2, Programming and Environmental Analysis, 1992 $30, 1993 $34;

(3) test 3, Conceptualization and Communication,

1992 $75, 1993 $80;

(4) test 4, Design Synthesis, 1992 $70, 1993 $75;

(5) test 5, Integration of Technical and Design Requirements, 1992 $90, 1993 $95;

(6) test 6, Grading and Drainage, 1992 $80, 1993 $85; and

(7) test 7, Implementation of Design through Construction Process, 1992 $45, 1993 $47.

Subp. 7. **Additional fees.** In addition to all other fees for examination or registration, as provided in this part or Minnesota Statutes, section 326.10, subdivision 1, the following schedule of fees is applicable:

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

B. for reissuance of a revoked, lost, destroyed, or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, $25;

C. for certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing the document, will be ten cents per sheet;

D. for monitoring licensing examinations for applicants of boards of other states at overseas test sites, the fee shall be $25, payable by the applicant.

APPROVED AS TO FORM AND LEGALITY
8/31 19 92
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

SEP 1 1992

Joan Anderson Growe
Secretary of State

9:20 AM
PRB

CERTIFICATE OF THE BOARD'S

AUTHORIZING RESOLUTION

RESOLUTION ADOPTING THE RULE

I, John F. Sweet, 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 22nd day of May, 1992, 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 22nd day of May, 1992.

John F. Sweet, P.E.
Chairman

Attest: Merlin E. Williams, P.E.

214.06 Fees, license Renewals

Subd 1 Notwithstanding any law to the contrary, the commissioner of health as authorized by section 214.13 all health-related licensing boards and all non-health-related licensing boards shall by rule, with the approval of the commissioner of finance adjust any fee which the commissioner of health or the board is empowered to assess . . .

Subd 2 Notwithstanding any law to the contrary, each health-related and non-health-related licensing board shall promulgate rules providing for the renewal of licenses. The rules shall specify the period of time for which a license is valid, procedures and information required for renewal, and ~~the~~ renewal fees to be set pursuant to subdivision 1.

326.06

. . . The board shall adopt and have an official seal, which shall be affixed to all licenses granted, shall make all rules, not inconsistent with law . . .

Fees - - met requirements

DEPARTMENT: ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE: August 13, 1992

TO: PATRICIA S. NOLTE
Legal Assistant
Public Finance Division

FROM: LOUIS HOFFMAN
Special Assistant
Attorney General LH

PHONE: 297-5935

SUBJECT: Adopted Permanent Rules Relating to Fees

Enclosed are the documents required by rule to be submitted to the attorney General relative to the above-referenced matter.

LH:vpd
Encl.

cc: Lowell E. Torseth
Executive Secretary

Rec 8-17-92

BEFORE THE MINNESOTA

BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, and LANDSCAPE ARCHITECTURE

In the Matter of the
Proposed Adoption of
Rules of the Board of
Architecture, Engineering,
Land Surveying, and Landscape
Architecture Relating to Fees

DECLARATION OF COUNSEL

I, Louis Hoffman, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record and that, based on my examination, the Administrative Procedure Act and Minn. Rules ch. 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0134.

Dated: August 17, 1992

LOUIS HOFFMAN
Special Assistant
Attorney General

MAR 9 1992

STATE OF MINNESOTA

Department: of Finance

Office Memorandum

Date: March 5, 1992

To: Lowell E. Torseth, Executive Secretary
Board of Arch., Engineering, Land Surv. and Landscape Arch.

From: Bruce J. Reddemann, Director BJR
Budget Operations

Phone: 296-5188

Subject: Request for Approval of Fee Increases

I hereby approve the fee request increases for the following:

A. License fees for fiscal years 1992 and 1993:

1. Architect License	$70.00
2. Architect License Renewal	70.00
3. Engineer License	70.00
4. Engineer License Renewal	70.00
5. Land Surveying License	70.00
6. Land Surveying License Renewal	70.00
7. Landscape Architect License	70.00
8. Landscape Architect License Renewal	70.00

B. Charges for duplicate certificates $25.00

C. Charges for proctoring overseas examinations $25.00

I understand that an appropriation request has been sent to the 1992 legislative session to obtain the necessary spending authority to cover a deficit in the current year and increased spending in F.Y. 1993.

I further understand that in order to realize the addition revenue to cover the deficit in the current year that the rule promulgation process must begin before the legislature formally acts on your budget request. Should the legislature take negative action related to your additional spending authority, then we would have re-evaluate this request to approve fees.

cc: Louis Hoffman, Special Assistant
Tammy Wetterling
Josie Ashton
Glenn Olson
Charlie Bieleck

STATE OF MINNESOTA

OFFICE OF THE BOARD
133 7th STREET EAST
SAINT PAUL, MINNESOTA 55101-2333

PHONE: (612) 296-2388
FAX: (612) 297-5310

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

March 31, 1992

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

Dear Representative Simoneau:

Enclosed is a copy each of our Notice of Intent to Adopt a Rule Without a Public Hearing and the proposed rule change increasing certain fees to enable the Board to cover the costs of its operation. This is done in compliance with the provisions of Minnesota Statutes, Section 16A.128, Subdivision 2a.

If you have any questions concerning our proposed fee increases, please call me at 6-9401.

Sincerely,

Lowell E. Torseth
Executive Secretary

LET:jr

Enclosures

cc: John Gunyou, Commissioner of Finance
Josie Ashton, Executive Budget Officer,
Department of Finance
Tammy Wetterling, Director,
Administrative Services Division
Department of Commerce
M.J. Wiersum, P.M., Board Treasurer
File

Board of Architecture, Engineering,
Land Surveying and Landscape
Architecture

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

NOTICE OF INTENT
TO 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 (1990). The statutory authority to adopt the rule is sections 214.06 and 326.06 (1990).

(2) 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. (3) Each comment should identify the portion of the proposed rule addressed, 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. (7) If a public

hearing is required, the board will proceed pursuant to Minnesota Statutes, Sections 14.131 to 14.20.

(5) 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 Seventh Street East, St. Paul, Minnesota 55101-2333, Telephone (612) 296-2388.

(8) 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.

(11) 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.

(12) A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and the 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 (1990), "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(1990).

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.

March 27, 1992

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

STATE OF MINNESOTA

OFFICE OF THE BOARD
133 7th STREET EAST
SAINT PAUL, MINNESOTA 55101-2333

PHONE: (612) 296-2388
FAX: (612) 297-5310

BOARD OF ARCHITECTURE, ENGINEERING,
LAND SURVEYING AND LANDSCAPE ARCHITECTURE

March 31, 1992

The Honorable Gene Merriam
Chair, Senate Finance Committee
122 Capitol
St. Paul, MN 55155

Dear Senator Merriam:

Enclosed is a copy each of our Notice of Intent to Adopt a Rule Without a Public Hearing and the proposed rule change increasing certain fees to enable the Board to cover the costs of its operation. This is done in compliance with the provisions of Minnesota Statutes, Section 16A.128, Subdivision 2a.

If you have any questions concerning our proposed fee increases, please call me at 6-9401.

Sincerely,

Lowell E. Torseth
Executive Secretary

LET:jr

Enclosures

cc: John Gunyou, Commissioner of Finance
Josie Ashton, Executive Budget Officer,
Department of Finance
Tammy Wetterling, Director,
Administrative Services Division
Department of Commerce
M.J. Wiersum, P.M., Board Treasurer
File

Board of Architecture, Engineering,
Land Surveying and Landscape
Architecture

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

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TO ADOPT A RULE
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HEARING

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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, 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 Seventh Street East, St. Paul, Minnesota 55101-2333, 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 the 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 (1990), "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(1990).

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.

March 27, 1992

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

NOV 22 1991

The Minnesota

State Register

Department of Administration—Print Communications Division



Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 25 November 1991

Volume 16, Number 22

Pages 1249-1376

sentatives. Members appointed by the governor must be knowledgeable or experienced in international trade in products or services. Members must file with the Ethical Practices Board.

CURRENT MEMBERS	Appt. Date	Term Ends	Cty.	Leg. Dist.	Sex	Political Party	Race	Phone	Address
Aberman, Arnold	8707	9401	27		M	D	C	612-370-0550	8900 Minnehaha Cir., Mpls. 55426
Gustafson, Wallace	9104	9401			M	R	C	612-235-0000	14099 Skyline Dr., Spicer 56288
*Thatcher, Paul	8707	9201	27	57B	M	D	C	612-332-1944	Suite 1807-B, 15 S. 1st St., Mpls. 55401

Board of Architecture, Engineering, Land Surveying and Landscape Architecture

Notice of Board Meetings

A meeting of the Board Law Revision Committee has been scheduled for 9:00 a.m., Monday, December 2, 1991 at the Board offices, 160 Hemar Bldg., 85 7th Place East, St. Paul, Minnesota 55107.

A regular meeting of the Board has been scheduled for 9:00 a.m., Monday, January 13, 1992 in the Minneapolis Room, Sheraton Midway Hotel, I94 at Hamline Avenue, St. Paul, Minnesota.

Information about these meetings may be obtained by calling the Board office at (612) 296-2388.

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 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 of Architecture, Engineering, Land Surveying and Landscape Architecture 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 statments should be addressed to:

Lowell E. Torseth, Executive Secretary
Board of Architecture, Engineering, Land
Surveying and Landscape Architecture
133 7th Street East
St. Paul, MN 55101-2333

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

Board of Architecture, Engineering, Land
Surveying and Landscape Architecture
Hemar Building, Ste. 160
85 7th Place East
St. Paul, MN 55107

All statements of information and opinions shall be accepted until December 15, 1991. Any written information received by the Board of Architecture, Engineering, Land Surveying and Landscape Architecture shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 12 November 1991

Lowell E. Torseth
Executive Secretary

CERTIFICATE OF THE BOARD'S

AUTHORIZING RESOLUTION

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 of Architecture, Engineering, Land Surveying and Landscape Architecture duly and properly called and held on the 21st day of October, 1991, 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 21st day of October 21, 1991.

David A. Kirscht, ~~ASLA~~
Chairman

Attest: John F. Sweet, P.E.

CERTIFICATE OF THE BOARD'S

AUTHORIZING RESOLUTION

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 of Architecture, Engineering, Land Surveying and Landscape Architecture duly and properly called and held on the 21st day of October, 1991, 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 21st day of October 21, 1991.

David A. Kirscht, ~~ASLA~~
Chairman

Attest: John F. Sweet, P.E.

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

Proposed Permanent Rules Relating to Fees

Rules as Proposed

1800.0500 FEES.

[For text of subpart 1, see M.R.]

Subp. 2. **Refunds; validity of application.** ~~Examination or registration~~ License or license renewal fees may not be refunded. Examination fees may be refunded except for a $20 administrative charge. 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 ~~$50~~ $70 per biennium. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is ~~$50~~ $70; for months 18 to 12, ~~$43.50~~ $52.50; for months 12 to 6, ~~$29~~ $35; and for months 6 to 0, ~~$14.50~~ $17.50. 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.

Subp. 4. **Delayed renewal fee.** A renewal fee is a delayed renewal fee within the meaning of Minnesota Statutes, section

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326.10, subdivision 5, if it is not postmarked on or before June 30 of the year specified in subpart 3. The delayed renewal fee is ~~$5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided in subpart 3~~ $30 for the first three months of the lapsed period and $60 for months 4 to 24. A licensee who was originally licensed by examination by the board and who permits the license to lapse for more than two years must retake the appropriate professional licensing examination unless exempted by the board. The delayed renewal fee is computed from July 1 of any even-numbered year and is in addition to the renewal fee provided in subpart 3.

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~~ 1992 $480.

B. Professional engineer:

(1) fundamentals of engineering examination, ~~$30~~ $40, effective October 1, 1992, and thereafter;

(2) principles and practice of engineering examination, ~~$70~~ $80, effective October 1, 1992, and thereafter.

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~~.

C. Land surveyor:

(1) fundamentals of land surveying examination, ~~$32.50~~ $50, effective October 1, 1992, and thereafter;

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

D. Landscape Architect ~~Uniform National Examination~~

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~~(UNE),~~ ~~1990-$325,~~ ~~1991-$345~~ Registration Examination (LARE), 1992 $415, 1993 $445.

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~~ $40;

(2) principles and practice of engineering, ~~$60~~ $70;

(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~~ $50;

(2) principles and practice of land surveying:

(a) part III, ~~$20~~ $40;

(b) part IV A, ~~$35~~ $40;

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(c) part IV B, ~~$15~~ $20;

(d) parts III and IV A, ~~$55~~ $80;

(e) parts III and IV B, ~~$35~~ $60;

(f) parts IV A and IV B, ~~$50~~ $60.

D. Landscape architect:

(1) ~~section~~ test 1, ~~professional~~ Legal and Administrative Aspects of Practice, ~~1990-$28~~ 1992 $25, ~~1991~~ 1993 $29;

(2) ~~section~~ test 2, ~~design~~ Programming and Environmental Analysis, ~~1990~~ 1992 $30, 1993 $34~~,-1991-$36~~;

(3) ~~section~~ test 3, ~~design-application,-1990 $100,-1991-$107~~ Conceptualization and Communication, 1992 $75, 1993 $80;

(4) ~~section~~ test 4, Design ~~implementation~~ Synthesis, ~~1990-$95,-1991-$101~~ 1992 $70, 1993 $75; ~~and~~

(5) ~~section~~ test 5, Integration of Technical and Design Requirements, 1992 $90, 1993 $95;

(6) test 6, Grading and Drainage, ~~1990-$68,-1991 $75~~ 1992 $80, 1993 $85; and

(7) test 7, Implementation of Design through Construction Process, 1992 $45, 1993 $47.

Subp. 7. **Additional fees.** In addition to all other fees for examination or registration, as provided in this part or Minnesota Statutes, section 326.10, subdivision 1, the following schedule of fees is applicable:

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

B. for reissuance of a revoked, lost, destroyed, or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, ~~$10~~ $25;

C. for certified copies or reproduction of any document required to be supplied on behalf of any applicant for

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registration in another state, the cost of reproducing the document, ~~as the board determines~~ will be ten cents per sheet;

D. for monitoring licensing examinations for applicants of boards of other states at overseas test sites, the fee shall be ~~$10~~ $25, payable by the applicant.

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

Carla M. Riehle
Assistant Revisor

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, §§ 326.02 to 326.15 (1990) 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, § 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, § 326.06 and § 326.10, Subd. 1, Clause (1) (1990).

Minnesota Statutes, § 214.06 (1990) 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 92-93 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 FY1992-93 Biennium. This requires that license fees be increased to $70 for the two year licensing period beginning July 1, 1992. Minnesota Statutes, § 16A.128 (1990) 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, Subp. 2 strikes the words "Examination or registration" and substitutes the words "License or license renewal" to more clearly state the intent of the board. It is unfair to withhold the full examination fee when the applicant has been transferred out of state. The Board believes that retaining a $20 service fee to cover administrative costs incurred in processing the application to the date of a request for refund. The $20 service fee will apply whether an applicant has paid a $40.00 examination fee for admission to the Fundamentals of Engineering (EIT) Examination or $480.00 for admission to the Architect Registration Examination. Processing is similar for both examinations.

The proposed change to Subp. 3 would increase the biennial license fee from $58.00 to $70.00 and the semi-annual prorated increase in fee by $3.00 for each succeeding six month period. This proposed change is made, as stated earlier herein, to offset the increased appropriation made by the 1991 Legislature; the additional appropriations requested for FY1992-93 and in keeping with the requirements of Minnesota Statutes, Section 214.06 (1990).

The proposed changes to Minnesota Rules, Part 1800.0500, subp. 5.A result from the fact that the current total of the examination fees for the Architect Registration Examination (ARE) is incorrect. In adding the fee amounts for the nine divisions of the ARE a five dollar error was made. Therefore we are revising the total fee for the ARE from $475 to $480.

The proposed changes to Minnesota Rules, Part 1800.0500, Subp. 5.B. are made because of $10 increases made to the cost of these examinations by the National Council of Examiners for Engineering and Surveying (NCEES) beginning with the October 1992 examination administration. Stricken are the phrases "$110 for 1990 and" and "for 1991 and thereafter because this verbiage is no longer needed.

The proposed change to Minnesota Rules, Part 1800.0500, Subp. 5.C. results from a $17.50 increase in the cost of the Fundamentals of Surveying examination by the NCEES. This amount must be passed on to the applicant.

The proposed changes to Minnesota Rules, Part 1800.0500, Subpart 5.D. result from a revised examination and an ensuing increase in the cost of the examination to the Board in both 1992 and 1993 by the Council of Landscape Architectural Registration Boards (CLARB). The proposed fee will cover the cost of administering the examination. The examination was changed to more closely parallel the findings of the 1991 Task Analysis of Landscape Architects by the CLARB.

The proposed changes to Minnesota Rules, Part 1800.0500, Subp. 6.A. to delete the terms "1990 (fee amount), 1991" was made because that verbiage is no longer applicable.

The proposed changes to Minnesota Rules, Part 1800.0500, Subp. 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 because of a $10 per examination increase by the NCEES. The proposed fees for the FE and P&PE Examinations will cover the cost of administering these re-examinations. The phrases "1990 $40, 1991" and "1990 $60, 1991" are stricken from the Special Structural examination verbiage because they are no longer applicable.

The proposed changes to Minnesota Rules, Part 1800.0500, Subp. 6.C. result from the fact that the current re-examination fees do not cover the administering the Fundamentals of Surveying and 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, Subp. 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 as well as changing the name of the examination from Uniform National Examination to Landscape Architect Registration Examination (LARE). The number of parts of this examination increased from five to seven.

The proposed changes to Minnesota Rules, Part 1800.0500, Subp. 7., clause A were made to cover those few applicants for licensure as architect or professional engineer emigrating to Minnesota from foreign countries to be licensed without further impediment if otherwise qualified by education, experience and examination.

The proposed increase assessed in Minnesota Rules, Part 1800.0500, subp. 7, Clause B, is made to cover the actual cost in reissuing a revoked, lost, destroyed or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect in training.

The proposed change to Minnesota Rules, Part 1800.0500, Subp. 7., Clause C, imposes a small charge of ten cents per copy for copies made of Board-held records. This will cover the cost of materials used to make such copies.

The proposed change to Minnesota Rules, Part 1800.0500, Subp. 7., Clause D raising the monitoring fee for overseas examinations

from $10 to $25 will more adequately cover the actual cost in providing this service. These costs include international airmail postage and telephone and facsimile charges.

The Board has considered the impact that the proposed fee increases will have on small business as required in Minnesota Statutes, Section 14.115, Subd. 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 business 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 26, 1992. The Board has received no criticism of its proposal to modify its fee schedule.

Lowell E. Torseth
Executive Secretary

Dated: February 27, 1992

Board of Architecture, Engineering,
Land Surveying and Landscape
Architecture

In the Matter of the Proposed
Adoption of the Rule of the
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 (1990). The statutory authority to adopt the rule is sections 214.06 and 326.06 (1990).

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, 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 Seventh Street East, St. Paul, Minnesota 55101-2333, 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 the 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 (1990), "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(1990).

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.

March 27, 1992

Lowell E. Torseth

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

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 November 25, 1991 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 31, 1992. (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:

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

This rule is needed (6) 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 1992-94 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 1992-94 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 1992 fee adjustment rule is adopted this 22nd day of May, 1992, 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 Proposed Adoption of the Rule of the State Board of Architecture, Engineering, Land Surveying and Landscape Architecture Governing Fees

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 31st day of March, 1992.

That on the 31st day of March, 1992, 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 31st day of March, 1992.

Juanita N. Rodriguez

JUANITA N. RODRIGUEZ
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES MAY 15, 1992

RULEMAKING NOTICE LIST
(Rev. 3/31/92)

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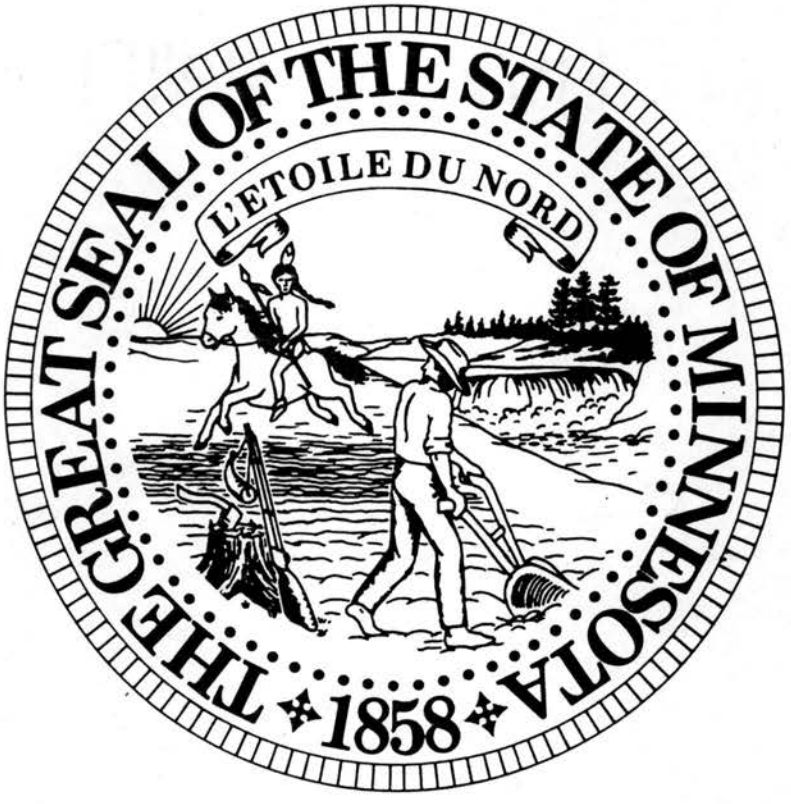

Rules edition
Published every Monday
(Tuesday if Monday is a holiday)

Monday 13 April 1992

Volume 16, Number 42

Pages 2229-2268

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, 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 (1990). The statutory authority to adopt the rule is sections 214.06 and 326.06 (1990).

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, 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 rules 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 Seventh Street East, St. Paul, Minnesota 55101-2333, 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 the 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 (1990), "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 (1990).

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.

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: 27 March 1992

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

Rules as Proposed

1800.0500 FEES.

[For text of subpart 1, see M.R.]

Subp. 2. **Refunds; validity of application.** ~~Examination or registration~~ License or license renewal fees may not be refunded. Examination fees may be refunded except for a $20 administrative charge. 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 ~~$58~~ $70 per biennium. The initial license fee is prorated at six-month intervals during each biennium. The fee for months 24 to 18 is ~~$58~~ $70; for months 18 to 12, ~~$43.50~~ $52.50; for months 12 to 6, ~~$29~~ $35; and for months 6 to 0, ~~$14.50~~ $17.50. 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.

Subp. 4. **Delayed renewal fee.** A renewal fee is a delayed renewal fee within the meaning of *Minnesota Statutes*, section 326.10, subdivision 5, if it is not postmarked on or before June 30 of the year specified in subpart 3. The delayed renewal fee is ~~$5 per month, or any portion thereof, not to exceed $15. It is in addition to the renewal fee provided in subpart 3~~ $30 for the first three months of the lapsed period and $60 for months 4 to 24. A licensee who was originally licensed by examination by the board and who permits the license to lapse for more than two years must retake the appropriate professional licensing examination unless exempted by the board. The delayed renewal fee is computed from July 1 of any even-numbered year and is in addition to the renewal fee provided in subpart 3.

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~~ 1992 $480.

B. Professional engineer:

(1) fundamentals of engineering examination, ~~$30~~ $40, effective October 1, 1992, and thereafter;

(2) principles and practice of engineering examination, ~~$70~~ $80, effective October 1, 1992, and thereafter.

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~~.

C. Land surveyor:

(1) fundamentals of land surveying examination, ~~$32.50~~ $50, effective October 1, 1992, and thereafter;

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

D. Landscape Architect ~~Uniform National Examination (UNE), 1990 $325, 1991 $345~~ Registration Examination (LARE), 1992 $415, 1993 $445.

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~~ $40;

(2) principles and practice of engineering, ~~$60~~ $70;

(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~~ $50;

(2) principles and practice of land surveying:

(a) part III, ~~$20~~ $40;

(b) part IV A, ~~$35~~ $40;

(c) part IV B, ~~$15~~ $20;

(d) parts III and IV A, ~~$55~~ $80;

(e) parts III and IV B, ~~$35~~ $60;

(f) parts IV A and IV B, ~~$50~~ $60.

D. Landscape architect:

(1) ~~section~~ test 1, ~~professional~~ Legal and Administrative Aspects of Practice, ~~1990 $28~~ 1992 $25, ~~1991~~ 1993 $29;

(2) ~~section~~ test 2, ~~design~~ Programming and Environmental Analysis, ~~1990~~ 1992 $30, 1993 $34~~, 1991 $36~~;

(3) ~~section~~ test 3, ~~design application, 1990 $100, 1991 $107~~ Conceptualization and Communication, 1992 $75, 1993 $80;

(4) ~~section~~ test 4, Design ~~implementation~~ Synthesis, ~~1990 $95, 1991 $101~~ 1992 $70, 1993 $75; ~~and~~

(5) ~~section~~ test 5, Integration of Technical and Design Requirements, 1992 $90, 1993 $95;

(6) test 6, Grading and Drainage, ~~1990 $68, 1991 $75~~ 1992 $80, 1993 $85; and

(7) test 7, Implementation of Design through Construction Process, 1992 $45, 1993 $47.

Subp. 7. **Additional fees.** In addition to all other fees for examination or registration, as provided in this part or *Minnesota Statutes*, section 326.10, subdivision 1, the following schedule of fees is applicable:

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

B. for reissuance of a revoked, lost, destroyed, or mutilated certificate of licensure or certificate as an engineer-in-training, land surveyor-in-training, or landscape architect-in-training, ~~$10~~ $25;

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C. for certified copies or reproduction of any document required to be supplied on behalf of any applicant for registration in another state, the cost of reproducing the document, ~~as the board determines~~ will be ten cents per sheet;

D. for monitoring licensing examinations for applicants of boards of other states at overseas test sites, the fee shall be ~~$10~~ $25, payable by the applicant.

Board of Electricity

Proposed Permanent Rules Relating to Minimum Experience Requirements for Licensure and Approval of Electrical Equipment

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Electricity ("board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22 ot 14.28. Authority for the adopting of this rule is contained in *Minnesota Statutes* § 326.241, subd. 6.

Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule, has been prepared and is available from Mr. Quinn upon request.

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 requests 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 agency will proceed pursuant to *Minnesota Statutes*, section 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the *State Register.*

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

Mr. John Quinn
Executive Secretary
State Board of Electricity
S-173 University Avenue
St. Paul, Minnesota 55104
Telephone: 612/642-0800

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

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

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

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General's Office 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 of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit a written request to the State Board of Electricity.

John Quinn, Executive Secretary
State Board of Electricity

Rules as Proposed

3800.3520 EXAMINATION; MINIMUM EXPERIENCE REQUIREMENTS FOR LICENSURE; EXPERIENCE ACCEPTABLE TO BOARD.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Maximum allowable credit under certain conditions.** The maximum allowable electrical experience credit under the following conditions shall be as stated:

A. before age 12, none;