

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 This statute was originally enacted as Minnesota Laws 1921, Chapter 523.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,

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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

LCRAR



Legislative Commission

to Review Administrative Rules

Representative Peter Rodosovich
Chair

Senator Phil Riveness
Vice Chair

55 State Office Building
St. Paul, Minnesota 55155-1201
Telephone 612/296-1143

Maryanne V. Hruby, Director

April 23, 1992

Mr. Lowell E. Torseth, Executive Secretary
Board of Architecture, Engineering, Land
Surveying and Landscape Architecture
133 Seventh Street E.
St. Paul, Minnesota 55101-2333

Dear Mr. Torseth:

I write to request a copy of the Board's Statement of Need and Reasonableness (SONAR) for recently published rules relating to fees.

As you may know, Minnesota Statutes, sections 14.131 and 14.23 now require state agencies to provide copies of SONAR's to the LCRAR when they become available for public review.

If you have not already done so, please send a copy of the SONAR for these proposed rules to:

The Legislative Commission to Review Administrative Rules
Maryanne Hruby, Director
55 State Office Building
St. Paul, Minnesota 55155

Please contact me at 296-1143 if you have any questions.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michele Swanson".

Michele Swanson
Commission Secretary

