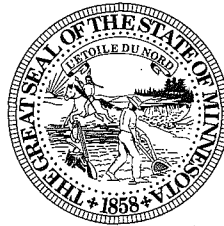


4-24-2008



THE MINNESOTA BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING,  
LANDSCAPE ARCHITECTURE, GEOSCIENCE & INTERIOR DESIGN

April 23, 2008

Legislative Reference Library  
645 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155

Re: In The Matter Of The Proposed Rules Of The Minnesota Board of Architecture,  
Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design  
Relating To Land Surveying Examination, Education and Experience Licensure  
Requirements, Minnesota Rules, 1800.3505, Governor's Tracking Number AR 369, OAH  
Docket Number 3-1006-19606-1.

Dear Librarian:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design intends to adopt rules relating to Land Surveying Examination, Education and Experience Licensure Requirements, Minnesota Rules, 1800.3505. We plan to publish a Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing If 25 or More Requests for Hearing are Received in May 5, 2008 State Register.

The Department has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library a copy of the Statement of Need and Reasonableness at the time we are mailing our Dual Notice of Intent to Adopt Rules.

If you have any questions, please contact me at (651) 757-1512.

Yours very truly,

A handwritten signature in cursive script that reads "Patricia J. Litchy, J.D.".

Patricia J. Litchy, J. D.  
Rules Coordinator

Enclosure: Statement of Need and Reasonableness

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**Minnesota Board of Architecture, Engineering, Land Surveying, Landscape  
Architecture, Geoscience and Interior Design  
STATEMENT OF NEED AND REASONABLENESS**

**Proposed Amendment to Rules Governing Land Surveying Examination, Education  
and Experience Licensure Requirements, *Minnesota Rules*, Chapter 1800.3505.**

**INTRODUCTION**

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design was given the charge of protecting the public health, safety and welfare through professional licensure and regulation of individuals practicing in the professions of architecture, engineering, land surveying, landscape architecture, geoscience and interior design. The Board desires to amend, correct and clarify its current rules which generally pertain to all licensees and directly pertain to the licensure of land surveyors. Specifically, the proposed rules will correct and clarify the requirements for admission to the professional land surveying examination. The Board's proposed rules address three issues in the current rules.

The first issue arises from real or perceived differences between Minnesota Rules 1800.3505 and Minnesota Rules 1800.3600 which, when read together, state those examination requirements a candidate seeking to take the professional land surveying examination must fulfill before being allowed to sit for the examination. There is a possible inconsistency in the rules insofar as the Board's requirement that candidates successfully complete the Fundamentals of Land Surveying examination prior to taking the professional land surveying examination is articulated in Minnesota Rules 1800.3600 and not articulated in Minnesota Rules 1800.3505. The Board wishes to clarify this problem by inserting language into Minnesota Rules 1800.3505 that will reference the requirements of Minnesota Rules 1800.3600 and clarify that the requirements contained in Minnesota Rules 1800.3600 must be successfully completed before taking the professional land surveying examination.

The second issue the Board wishes to address was unintentionally created in 2002 during its last rulemaking related to land surveying. Prior to the 2002 rulemaking, experience in plat computations was mandatory experience required to take the professional land surveying examination. The 2002 rulemaking mistakenly made experience in plat computations optional. The Board, recognizing that knowledge and experience in plat computations is basic to the practice of land surveying, wishes to correct this error by requiring all applicants seeking to take the professional land surveying examination first obtain at least 160 hours of office experience in plat computations. The proposed rules will not change the total number of hours of office

experience required to qualify to sit for the professional land surveying examination. Rather, they simply require that at least 160 hours of the total hours of experience already required in the rules be designated to working with plats.

The third issue the Board wishes to clarify arises from current wording in the rules related to the experience requirements candidates preparing for the professional land surveying examination must fulfill to sit for the examination. The current rules require that candidates complete a designated minimum hours of qualifying land surveying experience, measured by the number of hours of experience obtained, before they are allowed to sit for the examination. The current rules additionally have calculations of the number of years generally needed to complete the required experience as guides for candidates in order to assist them in planning their experience and approximating the time they will need to complete the necessary number of hours of experience. The Board determined that the inclusion of calculations of years in the rules might confuse candidates insofar as it could allow the rules to be interpreted to say that candidates must obtain their required hours of experience within the number of years stated in the rules. This interpretation, imposing an additional requirement for obtaining experience, was not intended by the Board. Therefore, the Board proposes resolving any perceived or real confusion concerning the proper measurement of qualifying land surveying experience by removing all references to numbers of years.

The Board sees its proposed rule amendments as being remedial in nature insofar as they clarify one essential and long standing requirement for licensure, successful completion of the Fundamentals of Land Surveying examination. The proposed amendments re-instate another requirement, that office experience and knowledge of plat computations be mandatory experience required to sit for the professional land surveying examination. Finally, the proposed amendments remove from the rules all references to the number of years generally needed to obtain required experience in order that candidates will know to measure qualifying land surveying experience by the number of hours of experience obtained without considering the number of years taken to obtain it.

The Board proposes several minor grammatical or numerical changes that are housekeeping in nature and meant to support the rules amendments proposed above and ensure that the rules are consistent and more cohesive.

#### **DATE AVAILABLE FOR PUBLIC REVIEW**

This Statement of Need and Reasonableness is available for public review as of April 2008. To request a copy, contact Patricia J. Litchy, J. D., at the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and

Interior Design, 85 East 7<sup>th</sup> Place, Suite 160, St. Paul, Minnesota 55101, by telephone at (651) 757-1512, or by facsimile at (651) 297-5310. TTY users may call 1 (800) 297-5310.

### **ALTERNATIVE FORMAT**

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Patricia J. Litchy, J. D. at the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design, 85 East 7<sup>th</sup> Place, Suite 160, St. Paul, Minnesota, by telephone at (651) 757-1512, or by facsimile at (651) 297-5310. TTY users may call at 1 (800) 297-5310.

### **STATUTORY AUTHORITY**

This Statement of Need and Reasonableness involves the amendment of existing rules and not the adoption of a new rule. Therefore, Minnesota Statutes, section 14.125 (2006), does not apply.

The Legislature granted the Board's authority to engage in rulemaking in Minnesota Statutes, section 326.06, which states in relevant part:

#### **326.06 General powers and duties of the Board.**

The board shall make all rules, not inconsistent with law, needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture, land surveying, landscape architecture, engineering, geoscience and interior design.

Under this statute, the Board has the necessary statutory authority to adopt the proposed rules.

### **REGULATORY ANALYSIS**

Minnesota Statutes, section 14.131, sets out seven factors for a regulatory analysis that must be included in the Statement of Need and Reasonableness (SONAR). Paragraphs (1) through (7) below quote these factors and give the Board's response.

**“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”**

The classes of persons who probably will be affected by the proposed rule are generally licensees, examination candidates, potential and current applicants for the Land Surveyor in Training certification and all potential and current applicants for Professional Land Surveyor licensure. These classes of persons are unchanged from the last time the Board engaged in rulemaking related to the education, examination and experience of land surveyors.

The changes in the land surveyor licensing requirements will not increase or decrease direct costs to applicants, certificate holders or licensees under the jurisdiction of the Board.

**“(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”**

The changes in the education and experience portions of the rule will not result in costs to the Board or any other agency.

The Board does not anticipate any impact on state revenues for the reasons stated above.

**“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”**

This rulemaking is the least costly and least intrusive method available to continue implementing the purpose and intent of the current rule.

**“(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule”**

Other methods were not seriously considered, as there were no other viable alternatives which met all of the needs of the Board, the applicants, and the public relative to achieving the purpose of the proposed rule.

**“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals”**

The probable costs of complying with the proposed rule will remain the same regardless of whether the current rule is adopted because similar requirements already

exist in the current rules and no additional hours of experience are required to prepare for the professional land surveyor examination.

Requiring 160 hours in plat computations and separating the required experience from any time element in the rules will not affect the current costs associated with the education, experience and examination requirements of land surveyors because the total hours of qualifying land surveying experience required to prepare for the professional examination have not changed. Moreover, obtaining experience in plat computations will not make the total required experience more difficult or costly to obtain because experience and training in plat computations is no more difficult or costly to obtain than any other area of land surveying experience.

**“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals”**

As the proposed rules will not affect the costs of land surveying education, experience or examination requirements, they will not have any financial consequences for most candidates sitting for the examination if they are not adopted.

There are possible consequences of not adopting the proposed rules that require applicants to include 160 hours of office experience in plat computations in their required experience. If not adopted, the non-monetary consequences will be that some applicants may choose to not obtain 160 hours of office experience in plat computations prior to sitting for the professional land surveying examination and as a result be unprepared for the examination.

**“(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference”**

There is no relationship between these rules and federal regulations.

## **PERFORMANCE-BASED RULES**

Minnesota Statutes, sections 14.002 and 14.131, require that the SONAR describe how the Board, in developing the rules, considered and implemented performance-based standards that emphasize superior achievement in meeting the agency’s regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.

First, the Board identified areas in the rules that are in potential conflict or that could cause confusion for those individuals desiring to become licensed in Minnesota as land surveyors. It is critical that the Board identifies inconsistent rules and actual or potential areas of confusion within its rules in order to meet its obligations to the public and regulated parties. To do otherwise creates confusion for all interested parties-- the public, members of the regulated professions and the Board.

Second, the proposed amendments allow for maximum flexibility to the regulated party. Clarifying the rules allows for maximum flexibility in that all of the requirements are clearly spelled out, thereby allowing examination candidates agility in determining their course of study, areas of concentration and specialties.

Third and finally, the proposed amendments allow for maximum flexibility to the Board in meeting its goals. By clearly stating requirements to sit for the professional examination for land surveyors, the Board is able to evaluate the candidate's education, Fundamental of Land Surveying Examination results and qualifying land surveying experience to determine whether such candidates have met the essential criteria to sit for the professional examination.

## **PROVIDING NOTICE**

The Board provided notice of its proposed rules by publishing two articles in its newsletter, *The Communicator*. *The Communicator* is mailed to approximately 19,000 persons, including all Board licensees, associated organizations, building officials, legislators and other persons who have requested to be on the mailing list.

The first article contained a notice of the publication of the Request for Comments, which was published on page 5, Volume 12, Number 2 of *The Communicator*. The publication was mailed on or about November 2007.

The second article contained a copy of the wording of the proposed rule, which was published in *The Communicator* on page 11, Volume 13 Number 1. This publication was mailed on or about February 2008.

The Board has consistently published a notice of the proposed rulemaking for Land Surveying Examination, Education and Experience Licensure requirements on its website since October 2007.

## REQUEST FOR COMMENTS

A Request for Comments on the proposed rules was published in the Minnesota State Register on Monday, October 1, 2007. The Board did not receive any written comments or suggestions during the comment period following the publication. However, the Board did receive requests from four persons asking to be placed on the rulemaking list.

## ADDITIONAL NOTICE

The Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a letter by Administrative Law Judge Kathleen D. Sheehy, dated April 15, 2008.

The Board will post the Dual Notice of Intent to Adopt and the proposed rule change, and the Statement of Need and Reasonableness on the Board's website.

The Board will mail a copy of the Dual Notice of Intent to Adopt Rules and the proposed rules to the following:

- the Minnesota Society of Professional Surveyors (MSPS), the professional society representing land surveyors regulated by this Board;
- all land surveying licensees
- all candidates for Land Surveyor-in-Training certification (LSIT) with pending applications;
- all current holders of the LSIT credential;
- Minnesota institutions that offer diploma or certificate level courses in land surveying, and to Minnesota academic institutions that offer college level courses in land surveying;
- Affiliated organizations and other persons on the Board's rulemaking list;

The Board's Notice Plan also includes giving notice required by statute. The Board will mail the rules and Notice of Intent to Adopt to everyone who has registered to be on the Board's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. The Board will also give notice to the Legislature per Minnesota Statutes, section 14.116.



## **CONSULT WITH FINANCE ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Board has consulted with the Commissioner of Finance. We did this by sending to the Commissioner of Finance copies of the documents sent to the Governor's Office for review and approval by the Governor's Office prior to the Board publishing the Dual Notice of Intent to Adopt. The Board sent the copies on April 3, 2008. The documents included: the Governor's Office Proposed Rule and almost final SONAR Form; final draft rules; and almost final SONAR. The Department of Finance sent a letter dated April 16, 2008 with its comments.

An evaluation was done to assess the fiscal impact and benefits of the proposed rules on local governments. The proposed rules will not affect the costs of land surveying services and should not have any impact on local governments.

## **COST OF COMPLYING FOR SMALL BUSINESS OR CITY**

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city. The Board reached this determination at the same time it determined that the rules will not affect the costs of land surveying services and should not have any impact on local governments.

## **OTHER REQUIRED INFORMATION**

None

## **LIST OF WITNESSES**

If these proposed rules go to a public hearing, the Board anticipates having the following witnesses testify in support of the need for and reasonableness of the proposed rules. Each of these individuals will testify as to the value of the amendments to land surveyor education and experience rules:

Mr. David Landecker, Land Surveyor  
Ms. Lisa Hanni, MPA and Land Surveyor

The following persons are members of the Board as of April 7, 2008. Each of these individuals will testify as to the need for and reasonableness of the need for and reasonableness of the changes embodied in the proposed rules:

Mr. Jerome Ritter, Architect, Certified Interior Designer, Board Chair  
Mr. Duane Blanck, Professional Engineer, Board Vice Chair  
Ms. Kristine Kubes, J. D., Public Member, Board Secretary  
Mr. Harvey H. Harvala, Professional Engineer, Immediate Past Chair  
Mr. William Arockiasamy, Professional Engineer  
Mr. Doug Cooley, Professional Engineer  
Mr. Gary Demele, Architect  
Mr. Tom Grue, Professional Engineer  
Mr. Paul May, Architect  
Ms. Mary Ives, Public Member  
Mr. Bruce Johnson, Professional Geologist  
Ms. Billie Lawton, Public Member  
Lyn Bergland, Certified Interior Designer  
Patrick Parsley, Public Member  
Doris Preisendorf Sullivan, Landscape Architect  
Rachelle Schoessler Lynn, Certified Interior Designer  
John Uban, Landscape Architect  
Mary West, Professional Soil Scientist

#### **RULE-BY-RULE ANALYSIS**

**The Board intends to change the language of Minnesota Rules 1800.3505, Subpart 3 in the following manner [additions shown as underlined and deletions shown as ~~strikethroughs~~]:**

Subpart 3. **Admission to professional land surveying examination.** To qualify for admission to the professional land surveying examination, the applicant shall present evidence of meeting the educational and qualifying experience requirements in item A. or B.

A. Graduates of a four-year land surveying curriculum must present evidence of:

- (1) graduation from a four-year land surveying curriculum; and
- (2) successful completion of the requirements contained in Minnesota Rules 1800.3600 subpart 3; and
- (3) completion of a minimum of ~~three years~~ of the following qualifying land surveying experience:

(a) a minimum of 160 hours of office experience in plat computations;

(a b) a minimum of 160 hours of field experience in each of four or more of the following: section subdivision, boundary surveys, land title surveys, government corner restoration, geodetic surveys, staking subdivisions, and common interest communities totaling 3,120 hours or more;

(b c) a minimum of 160 hours of office experience in each of ~~four~~ five or more a combination of the following: record research, record analysis, survey computations, description analysis, description writing, and subdivision design, ~~and plat computations,~~ totaling ~~2080~~ 1920 hours or more ;

(e d) a minimum of 400 hours of field or office experience in one or ~~more~~ a combination of the following: right of way surveys; easement surveys; mining surveys; route locations surveys, including power, pipelines, etc; and street grade design and alignment ~~totaling 400 hours or more,~~ and;

(~~d~~ e) a minimum of 400 hours of drafting experience in one or a combination ~~more~~ of the following: boundary survey, topographic survey, and plats ~~totaling 400 or more.~~

B. Graduates of a bachelor's curriculum must present evidence of:

(1) graduation from a bachelor's curriculum with a minimum of 22 semester credits or 32 quarter credits in land surveying; ~~and~~

(2) successful completion of the Fundamentals of Land Surveying examination; and

(~~2~~ 3) completion of a minimum ~~of five years~~ of the following qualifying land surveying experience;

(a) a minimum of 160 hours of office experience in plat computations, and:

(a b) a minimum of 160 hours of field experience in each of four or more of the following: section subdivision, boundary surveys, land title surveys, government subdivision, boundary surveys, land title surveys, government corner restoration, geodetic surveys, staking subdivisions, and common interest communities totaling 4,990 hours or more;

(b c) a minimum of 160 hours of office experience in each of ~~four~~ five or more of the following: record research, record analysis, survey computations, description analysis, description writing, and subdivision design, ~~and plat computations,~~ totaling ~~3,330~~ 3,170 hours or more;

(e d) a minimum of 800 hours of field or office experience in one or ~~more~~ a combination of the following: right of way surveys; easement surveys; mining surveys; route locations surveys, including power, pipelines, etc; and street grade design and alignment totaling 800 hours or more; and;

(d e) a minimum of 800 hours of drafting experience in one or ~~more~~ a combination of the following: boundary survey, topographic survey, and plats ~~totaling 800 hours or more~~.

The proposed rules are reasonable and necessary to provide additional clarity and to reduce confusion and misinterpretation by candidates preparing to take the professional land surveying examination. If the proposed amendments are enacted, candidates will know that they must fulfill the requirements listed in Minnesota Rules 1800.3600, including successful completion of the Fundamentals of Land Surveying Examination, that they must include at least 160 hours of plat computations experience as a portion of their qualified land surveying office experience, and that qualifying land surveying experience is measured solely by the hours of experience obtained and not by how long it takes to obtain the necessary hours of experience.

**Proposed amendments to Minnesota Rules 1800.3505 Subpart 3(A) to add a subsection that incorporates the provisions in Minnesota Rules 1800.3600 subpart 3 by reference:**

This proposed amendment will add a new subsection at Minnesota Rules 1800.3505 Subpart 3.A (2) that says "successful completion of the requirements contained in Minnesota Rules 1800.3600 subpart 3; and"

The examination requirements referenced in the current version of Minnesota Rules 3505.000 are additionally discussed in Minnesota Rules 1800.3600 to 1800.3800. The current version of Minnesota Rules 1800.3505 does not contain any reference to the candidate having taken or passed the Fundamentals of Land Surveying Examination nor does it contain any reference concerning the time when this examination must be taken and passed. The requirement that a candidate must successfully complete the Fundamentals of Land Surveying Examination before being admitted to the professional land surveying examination is contained in Minnesota Rules 1800.3600 subpart 1. The proposed change to Minnesota Rules 1800.3505 Subpart 3 clarifies that a candidate must successfully complete the Fundamentals of Land Surveying Examination before being admitted to the professional land surveying examination, and will provide consistency between Minnesota Rules 1800.3505 and 1800.3600.

**Proposed amendment to Minnesota Rules 1800.3505 Subpart 3.A.(3) & Subpart 3.(b).(3), making it mandatory that an applicant have 160 hours of office experience in plat computations instead of such requirement being discretionary on the part of the applicant.**

The proposed amendments will add new subparts to Minnesota Rules Subpart 3.A.(3) & 3.B.(3) that says "a minimum of 160 hours of office experience in plat computations;"

The proposed amendments will require candidates complete 160 hours of office experience in plat computations before admission to the professional land surveying examination. Prior to the 2002 rulemaking, demonstrated experience and ability in plat computations was an important requirement of the application administered by the Board. Exhibits showing plat computations and analysis were included with the exhibits required for the oral interview. If a candidate did not have sufficient hours of experience in this area, the request to sit for the professional land surveying examination could become debatable. The Board did not intend to make knowledge and experience in this essential area of land surveying optional and determined it is reasonable and necessary to correct this error. The proposed amendment is intended to remedy this matter.

The problem addressed by this proposed amendment resulted from an oversight made during the 2002 Land Surveying rulemaking, when Minnesota Rules 1800.3500 was reorganized. In 2002, the Board adopted rules related to the education, experience and examination of land surveyors and created Minnesota Rules 1800.3505. The 2002 rulemaking resulted in several changes, including the development of the amount of qualifying land surveying experience that would be required in order for an applicant to sit for the professional land surveying examination. The 2002 rules specified required qualifying land surveying experience, identified by type and by the amount of experience required, and placed it into five categories, thereby making it easier for candidates to identify the precise experience required for licensure. These rules additionally ensured that candidates obtained a well rounded experience before taking the professional land surveying examination.

The 2002 rulemaking created confusion insofar as it failed to include plat computations as mandatory experience required for admission to the professional land surveying examination. The current rules make office experience in plat computations optional. Candidates currently have the option of choosing from five out of six categories of office experience to obtain required hours of office experience. A candidate choosing to not include plat computations as an area of experience could be allowed to sit for the professional land surveying examination and/or, upon passing it, obtain licensure.

This was not the intent of the Board at the time the 2002 Land Surveying rules were adopted.

Plat computations are different from other categories of "qualifying land surveying experience" that candidates can choose from insofar as knowledge of plat computations is considered an essential core base that is a necessary minimum requirement for licensure. Minnesota has one license for Professional Land Surveyors. Therefore, all surveyors must be versed both in applicable Minnesota law and in the practice of plat computations. Whether a licensee is employed by a governmental unit or in private practice, knowledge of plat computations is required for competent professional practice.

Plat computations are such an integral part of every Minnesota Land Surveyor's practice that all licensed land surveyors are exposed to and encounter plat computations in the course of their work. When a surveyor is not designing a subdivision plat or right-of-way plat, they may be surveying property that is part of a plat, computing the boundaries of platted property for parcel mapping purposes, or reviewing plats as a part of a plat approval process for dividing land.

Plat computations encompass aspects of the other listed categories of qualifying land surveying experience to some extent; however, because procedures and subsequent amendments for platting of property have been codified for over 140 years in Minnesota Statutes 505 (2006), it is widely accepted that understanding laws governing the platting of property and their proper computation is of great importance. For example, platted lots are considered a simultaneous conveyance, meaning there are no junior/senior rights involved in boundary disputes between lots. While computing a plat, the surveyor would need to understand that measurement excesses or deficiencies are handled differently than metes and bounds description discrepancies.

Knowledge and experience in plat computations will continue to be an integral part of the practice of land surveying in Minnesota. A large percentage of land in densely populated areas (villages, towns, cities) is described in terms of plats. Adding to this is the trend that, increasingly local subdivision ordinances require land splits to be platted as part of the approval process.

The public will benefit from the Board's proposed amendment requiring plat computations as mandatory experience to sit for the professional land surveying examination. A licensed land surveyor's lack of competent knowledge in plat computations could potentially cost land owners significant expense and undue delays in property transactions. Further, basic mistakes in this area can unnecessarily prolong approval processes and cause title issues needing litigation to correct. The Board's

proposed amendment protects the public as it ensures that all licensees have this basic experience.

**Proposed Amendment to Minnesota Rules 1800.3505, Subparts 3.A.(3) and 3.B.(3), removing references to years for obtaining hours of experience.**

The Board is proposing an amendment that will remove any reference to the number of years a candidate might need to complete the "qualifying land surveying experience" necessary to take the professional land surveying examination. The rules define qualifying land surveying experience and further specify that it is measured by the number of hours of experience obtained. However, the rules additionally contain a calculation of the number of years, intended as a guide for candidates so that they will be able to reasonably anticipate the number of years necessary to obtain the required experience. The Board determined that some candidates might interpret this language to require candidates to obtain their qualifying land surveying experience within the numbers of years stated in the rules. Such interpretation of the rules would impose a new component to the experience requirement that was not intended by the Board. Therefore, the Board determined that it is necessary to resolve any real or potential confusion concerning the obtaining and measuring qualifying land surveying experience by removing any mention of years from the rules.

The Board recognizes that the qualifying land surveying experience listed and explained in its rules is intended to be basic, essential preparation designed to demonstrate that the candidate has enough experience to be admitted into the professional land surveying examination and to pass it, thereby obtaining professional licensure. The experience requirement is substantial and measured by the number of hours of qualifying land surveying experience the candidate has obtained in designated types of experience. The designated types of experience (i.e. field experience, office experience and drafting experience) are subdivided into several categories from which candidates can choose when designing their programs. By completing the comprehensive qualifying land surveying experience requirement, a candidate demonstrates that he or she has obtained a minimum number of hours of qualifying experience needed to pass the professional land surveying examination.

The Board recognizes that candidates preparing to take the examination may reasonably require differing amounts of time to complete the experience requirement. Therefore, the Board included as a guide to candidates preparing for the examination in the rules, its assessments of the number of years most applicants would generally need to fulfill the minimum experience requirements for the professional land surveying examination. The noted numbers of years listed in the rules was not intended to be a limitation and was intended to merely represent calculations of the amount of time

generally required to obtain the required qualifying land surveying experience. The inclusion of years in the rules was never intended to be interpreted as a second, additional requirement for obtaining the experience requirement.

Qualifying land surveying experience was not meant to be obtained within a specific time frame. The amount of time a candidate may take to obtain qualifying land surveying experience is not a component of any preparation for the examination nor does the time a candidate takes to complete required experience indicate competency to sit for the examination.

For these reasons, the Board has determined that no harm will result from removing the references to years required to obtain experience from the rules, and that such removal is not a substantial change insofar as the total number of hours of required experience in the rules remains unchanged.

The Board's proposed rules amendment is necessary and reasonable because it is consistent with the original intent of the rule, avoids real or perceived confusion and provides clarity about how to read and comply with the rules.

**Proposed amendment to Minnesota Rules 1800.3505 Subpart 3.A.(3).(c) and Minnesota Rules 1800.3505 Subpart 3.B. (3).(c), removing plat computations from the rule, decreasing the number of categories of optional office experience from five to four, and changing the total number of required hours of office experience.**

The amendments in this section of the rules became necessary as a result of the amendment requiring 160 hours of office experience in plat computations. When plat computations were made a mandatory requirement, it became necessary to remove them as an optional category from the section discussing qualifying land surveying office experience, where it is currently listed in the rules. Removal of plat computations as an optional category of office experience in turn required decreasing the number of categories of optional experience from five to four. Moreover, removal of plat computations made it necessary to delete 160 hours from the number of required hours of optional office experience listed in rules. Removal of 160 hours from optional listed office experience is necessary to prevent any increase in the total number of hours of experience required to sit for the examination.

The Board has determined that this proposed amendment is reasonable and necessary because it avoids confusion, provides clarity and emphasizes the flexibility candidates have when preparing for the examination that was originally intended in the rules.

**Renumbering and Grammatical Changes.**



Any additional modifications made in the rules are renumbering or grammatical in nature. Renumbering and making grammatical changes in the rules is reasonable and necessary in order to re-organize and update the language and numbering so that there is clarity and consistency with the changes described above. Such renumbering is housekeeping in nature, does not change the effect of the proposed rules, and is reasonable to ensure that the reader finds the rules easy to read, understand, and follow.

### **Summary of Proposed Changes.**

The current rule language has been modified in the following manner:

Minnesota Rules 1800.3505 Subpart 3. **Admission to professional land surveying examination.** This subpart was restructured to insert two new provisions clarifying the requirements that must be fulfilled prior to sitting for the professional land surveying examination. The subpart was further amended to clarify that the number of required hours of qualifying land surveying experience to sit for the examination remains unchanged and are measured by the number hours of experience obtained. All other changes are grammatical in nature or maintain alphabetical and numerical order for this Subpart. The proposed provisions are necessary and reasonable to reduce confusion and ensure candidates clearly understand all of the requirements to be completed before taking the examination.

1. Subpart 3.A.(1) was changed to delete "and." This amendment, a grammatical correction required by the insertion of the new amendment Subpart 3.A.(2), is reasonable and necessary because it reduces confusion and ensures the rules are easy to read and understand.
2. Subpart 3.A.(2) was amended by inserting new language into the rule to clarify that candidates must successfully comply with the requirements of Minnesota Rule 1800.3600 subpart 3 before being allowed to sit for the examination. The former language of this Subpart was removed and is now found at Subpart 3.A.(3). These amendments are reasonable and necessary to reduce confusion about whether it is essential to successfully take and pass the Fundamentals of Land Surveying Examination prior to sitting for the professional land surveying examination, to improve clarity and consistency in the rules and ensures the rules are easy to read and understand.
3. Subpart 3.A.(3) was modified by deleting "of three years" in order to remove any potential or real confusion over interpretation of the rules and to clarify that qualifying

land surveying experience is measured by the number of hours of experience obtained. This proposed amendment is reasonable and necessary to remove confusion about the experience requirement and allow candidates maximum flexibility when preparing to sit for the examination;

4. Subpart 3.A.(3)(a) was amended by inserting into the rules new language requiring at least 160 hours of office experience in plat communications as mandatory experience required to sit for the examination. The proposed amendment is reasonable and necessary because it ensures that candidates have sufficient experience in plat computations to pass the professional examination and competently provide professional land surveying services within the state. The Subpart has been renumbered and the former language of the Subpart removed to Subpart 3.A.(3)(b). This amendment is reasonable and necessary to provide consistency in the rules and ensures they are easy to read and understand.

5. Subpart 3.A.(3)(b) was renumbered and the former language in the Subpart removed to 3.A.(3)(c). This amendment is reasonable and necessary because it reduces confusion and ensures the rules are easy to read and understand.

6. Subpart 3.A.(3)(c) was amended by removing "and plat computations" and changing the number of categories of optional office experience from five to four. The total number of hours of required office experience changed from 2,080 hours to 1,920 hours to clarify that the total number of hours of required office experience in the rule remains unchanged. The Subpart was renumbered, the former language of the Subpart removed to Subpart 3.A.(3)(d), and grammatical changes made. This amendment is reasonable and necessary to improve clarity and consistency with other parts of the rule and ensures the rules are easy to read and understand.

7. Subpart 3.A.(3)(d) was amended to clarify that 400 hours of experience is the minimum number of hours of experience required in this category. The subpart was renumbered and the former language of the subpart moved to Subpart 3.A.(3)(e). This amendment is reasonable and necessary to improve clarity and consistency with other parts of the rule and ensures the rules are easy to read and understand.

8. Subpart 3.A. (3).e) was amended to clarify that 400 hours of experience is the minimum number of hours of drafting experience required to sit for the examination. This amendment is reasonable and necessary to improve clarity and consistency with other parts of the rule and ensures the rules are easy to read and understand.

9. Subpart 3.B.(1) was changed to delete "and." This amendment is a grammatical correction required by the insertion of the new amendment Subpart 3.B.(2). This

amendment is reasonable and necessary and ensures the rules are easy to read and understand.

10. Subpart 3.B.(2) was amended by inserting new language into the rule to clarify that applicants must successfully comply with the requirements of Minnesota Rule 1800.3600 subpart 3 before being allowed to sit for the professional land surveying examination. The former language of this Subpart was removed and is now found at Subpart 3.B.(3). These amendments are reasonable and necessary to reduce confusion about whether it is essential to successfully take and pass the Fundamentals of Land Surveying Examination prior to sitting for the professional land surveying examination, to improve clarity in the rules, and to ensure the rules are easy to read and understand.

11. Subpart 3.B.(3) was modified by deleting "of five years" in order to remove any potential or real confusion over interpretation of the rules and to clarify that qualifying land surveying experience is measured by the number of hours of experience obtained. This proposed amendment is reasonable and necessary to remove confusion about the experience requirement and allow candidates maximum flexibility when preparing to sit for the examination;

12. Subpart 3.B.(3).(a) was amended by inserting into the rules new language requiring at least 160 hours of office experience in plat communications as mandatory experience required to sit for the professional land surveying examination. The proposed amendment is reasonable and necessary because it ensures that applicants for the examination have sufficient experience in plat computations to pass the professional examination and competently provide professional land surveying services within the state. The Subpart has been renumbered and the former language of the Subpart removed to Subpart 3.B.(3).(b). This amendment is reasonable and necessary because it improves clarity and consistency with other parts of the rule and ensures the rules are easy to read and understand.

13. Subpart 3.B.(3).(b) was renumbered and the former language in the Subpart removed to 3.B.(3).(c). This amendment, grammatical in nature, is reasonable and necessary because it improves clarity and consistency with other parts of the rule and ensures the rules are easy to read and understand.

14. Subpart 3.B.(3).(c) was amended by removing "and plat computations" and changing the number of categories of optional office experience from five to four. The total number of hours of required office experience changed from 3,330 to 3,170 hours to clarify that the total number of hours of required office experience in the rule remains unchanged. The Subpart was renumbered, the former language of the Subpart removed to Subpart 3.B.(3).(d), and grammatical changes were made. This amendment

is reasonable and necessary because it provides consistency with other parts of the rule, is necessary for clarity, and ensures the rules are easy to read and understand.

15. Subpart 3.B.(3).(d) was amended to clarify that 800 hours of experience is the minimum number of hours of experience required in this category. The subpart was renumbered and the former language of the subpart moved to Subpart 3.B.(3).(e). This amendment is reasonable and necessary because it improves clarity and consistency with other parts of the rule and ensures the rules are easy to read and understand.

16. Subpart 3.B.(3).(e) was amended to clarify that 800 hours of experience is the minimum number of hours of experience required in this category. The subpart was renumbered. This amendment is reasonable and necessary because it improves clarity and consistency with other parts of the rule and ensures the rules are easy to read and understand.

#### LIST OF EXHIBITS

In support of the need for and reasonableness of the proposed rules, the Board anticipates that it will not be entering exhibits into the hearing record.

#### CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

April 3, 2008  
April 3, 2008

Doreen Frost  
Doreen Johnson Frost  
Executive Director

