



**MINNESOTA BOARD OF**  
**ARCHITECTURE ■ ENGINEERING ■ LAND SURVEYING**  
**LANDSCAPE ARCHITECTURE ■ GEOSCIENCE ■ INTERIOR DESIGN**

October 17, 2017

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 Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design Governing Definitions, Noncompliant Conduct, Applications for Examination, Licensure and Temporary Permits, Qualifying Education and Experience, Qualifications for Licensure, Certification and Signature, and Housekeeping Updates; Revisor's ID Number R-04374

Dear Librarian:

The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design intends to adopt rules governing definitions; noncompliant conduct; applications for examination, licensure and temporary permits; qualifying education and experience; qualifications for licensure; certification and signature; and housekeeping updates. We plan to publish a Dual Notice of Intent to Adopt Rules without a Public Hearing Unless 25 or More Persons Request a Hearing in the November 6, 2017 State Register.

The Board has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Board is sending the Library an electronic copy of the Statement of Need and Reasonableness prior to mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651-757-1511.

Yours very truly,

A handwritten signature in blue ink that reads "Andrea Barker".

Andrea Barker  
Assistant Executive Director

Enclosure: Statement of Need and Reasonableness

**Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture,  
Geoscience and Interior Design**

**STATEMENT OF NEED AND REASONABLENESS**

**Proposed Amendment to Rules Governing Definitions, Noncompliant Conduct, Applications for Examination, Licensure and Temporary Permits, Qualifying Education and Experience, Qualifications for Licensure, Certification and Signature, and Housekeeping Updates; Minnesota Rules, parts 1800.0050, 1800.0120, 1800.0130, 1800.0400, 1800.0500, 1800.0850, 1800.0900, 1800.1000, 1800.1100, 1800.1200, 1800.1500, 1800.1750, 1800.2100, 1800.2200, 1800.2500, 1800.2805, 1800.2900, 1800.3505, 1800.3750, 1800.3910, 1800.3930, 1800.4100, 1800.4200; and**

**Proposed Repeal of Obsolete Rules, Minnesota Rules, part 1800.4200, subpart 2.**

**Revisor's ID Number R-04374**

**INTRODUCTION**

The nature of the proposed rules of the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") is to amend its current rules that generally pertain to all applicants, licensees and certificate holders. The proposed rules will:

- update definitions;
- prohibit noncompliant conduct during an examination;
- update procedures for examination, licensure, certification and temporary permits
- update the education and experience requirements for architecture, professional engineering, land surveying, landscape architecture, geology and soil science;
- clarify the requirements for licensure or certification;
- clarify certification and signature requirements and allow the use of electronic signatures;
- make housekeeping modifications; and
- repeal obsolete rules regarding a Board-designed stamp for certification and signature.

**ALTERNATIVE FORMAT**

Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Andrea Barker at the Board of AELSLAGID, 85 E. 7<sup>th</sup> Place, Suite 160, St. Paul, MN 55101, 651-757-1511, Fax: 651-297-5310, and email: [andrea.barker@state.mn.us](mailto:andrea.barker@state.mn.us). TTY users may call the Board at (800) 627-3529.

## STATUTORY AUTHORITY

This rulemaking is an amendment of rules for which the Legislature has not revised the statutory authority and so Minnesota Statutes, section 14.125, does not apply.

The Board's statutory authority to adopt the rules is stated in Minnesota Statutes section 326.06, which provides:

### 326.06 General powers and duties of Board.

Each member of the board shall receive a certificate of appointment from the governor, and, before beginning a term of office, shall file with the secretary of state the constitutional oath of office. 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, 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, landscape architecture, engineering, geoscience, or interior design. The board shall make rules to define classes of buildings with respect to which persons performing services described in section 326.03, subdivision 2, may be exempted from the provisions of sections 326.02 to 326.15, by a finding of no probable risk to life, health, property or public welfare.

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

## BACKGROUND INFORMATION

**Definitions:** The current definitions section in the Board's rules is very limited and only defines the term "applicant." The proposed rules include definitions for "examinee," "licensee," and "certificate holder" in order to clarify the rules in Chapters 1800 and 1805. The proposed rules also clarify that "graduate curriculum" and "graduate degree" apply to both master's and doctorate degrees.

**Noncompliant Conduct:** Third-party exam administrators proctor the majority of the examinations that applicants must take in order to become licensed or certified in Minnesota. Each exam administrator has published examination policies and procedures by which examinees must abide and examinees are required to sign a document at the exam site stating that they understand and agree to the policies and procedures. However, the examinees remain under the jurisdiction of the Board and if the exam administrator suspects that an examinee failed to comply with its policies and procedures, it is the responsibility of the Board to investigate.

The proposed rules add specific language stating that examinees must abide by the exam administrator's published examination policies and procedures and outline the potential consequences of not complying.

Additionally, the Board's current rules require a licensee or certificate holder to notify the Board within 10 days of a disciplinary action taken against the licensee or certificate holder in another jurisdiction. The proposed rules lengthen the timeframe to 60 days.

**Applications for examination, licensure and temporary permits:** The proposed language makes several changes to the Board's application procedures.

- Currently, the rules require applications for examination and licensure be made "under oath," but there is no statutory requirement for the same. In order to fulfill the "under oath" requirement, applicants must have their applications notarized. However, the Board is moving toward an online application process where it would not be possible for the application to be notarized. The proposed rules eliminate the requirement for an application to be under oath and add language requiring an applicant to certify certain statements on their application.
- The proposed rules allow the Board to consider applications that remain incomplete for six months to be withdrawn. Currently, the rules require the Board to "deny" an incomplete application; however, the Board can only deny an application through a public order; an extreme measure for an incomplete application.
- The rules currently contain procedures for applying for examinations in all professions; however, the rules are silent on procedures for reinstating an expired license or applying for a license by comity (both of which are authorized by statute). The proposed rules add language explaining both of these processes as well as a procedure for applying for a temporary permit under MN Statutes, section 326.13, clause (1).

**Architect Education and Experience:** The proposed rules contain several modifications to the education and experience for licensure as an architect:

- The Board's current education requirement for licensure is graduation from an architectural curriculum accredited by the National Architectural Accrediting Board (NAAB). The requirements for a degree accredited by the Canadian Architectural Certification Board (CACB) are equivalent to the requirements for accreditation by the NAAB. Therefore, the proposed rules include graduation from an architectural curriculum accredited by the CACB to meet the education requirement.

- The Board's current rules require the Board to review coursework for a graduate from a foreign college or university to determine its equivalence to an NAAB-accredited degree. However, the Board does not have the expertise to verify the authenticity of foreign transcripts and to make determinations on whether a degree is equivalent. The Board's proposed rules require an applicant with a foreign degree to obtain an evaluation of their education from Education Evaluation Services for Architects (EESA), a service administered by NCARB.
- The experience requirement in the Board's current rules is completion of the National Council of Architectural Registration Boards (NCARB) Intern Development Program (IDP). NCARB recently revamped the IDP program and renamed it the "Architectural Experience Program" (AXP). The proposed rules reflect this change.
- NCARB also has a new Integrated Path to Architectural Licensure (IPAL) program. Applicants attending a school with an architectural curriculum that is part of the IPAL program may begin taking the Architect Registration Examination prior to completion of the degree requirement. The proposed rules will allow students actively participating in an IPAL program to begin taking the examination before graduation.
- The proposed rules clarify that an examinee may take each section of the Architect Registration Examination one time per application – an applicant does not need to submit a new application for each exam section.

**Engineer Education and Experience:** The proposed rules include two additional options to meet the education requirement and reduce the number of years of experience needed for applicants who meet certain education requirements. The proposed rules will also define and clarify qualifying engineering experience.

**Land Surveyor Education and Experience:** Currently, the Board's rules require 22 semester credits in land surveying to meet the education requirement, but do not define a land surveying course. The proposed rules provide eleven core land surveying categories under which applicants may obtain their land surveying credits. Additionally, the proposed rules allow an applicant to use experience gained prior to completion of their degree to fulfill part of the experience requirement.

**Landscape Architect Education and Experience:** The Board's current rules require an applicant who graduated from a Landscape Architectural Accreditation Board (LAAB) accredited master's or doctorate program to have a "related" undergraduate degree. An individual who graduates from an LAAB accredited program, whether it be bachelor's, master's or doctorate, has to meet specific requirements outlined by the accrediting body; therefore, it is unnecessary to require a "related" degree in addition to an LAAB accredited degree. The proposed rules eliminate the

need for an additional “related” degree.

The proposed rules also add procedures for applying for initial licensure and clarify the requirements for using experience gained prior to graduation.

**Geoscience Education and Experience:** The Board’s current rules require applicants seeking licensure as a professional geologist to have a bachelor’s (or higher) degree in geology. However, most schools do not offer a Bachelor’s of Geology degree but rather a degree with a major in geology. The proposed rules clarify this requirement.

The proposed rules for soil science education will allow individuals with a bachelor’s degree in any field to meet the education requirement for licensure as a soil scientist if they have a minimum of number of credits in soil science and closely related geoscience courses. This is similar to the education requirement for land surveying that allows a bachelor’s degree plus 22 semester credits in surveying. Since there are very few degree programs for soil science (none in Minnesota), modifying the education requirement will broaden the candidate pool while preserving the requirement for core soil science courses.

The proposed rules also define and clarify qualifying geoscience experience, including experience gained before graduation.

**Qualifications for Licensure:** The rules currently state that a license or certificate must be issued after the examination has been passed. In the past, education and experience requirements had to be completed prior to being allowed to take the examination. However, many professions are allowing (or considering allowing) examination prior to completion of the education and/or experience requirements. Since the sequencing is changing, the proposed rules clarify that *all* of the education, examination and experience requirements must be complete prior to obtaining a license or certificate, not just the examination.

**Certification and Signature:** The current rules about certification and signature are vague; therefore, the proposed rules will address several topics.

The proposed rules include a list of the types of documents that a licensee or certificate holder must sign and certify. Additionally, the proposed rules delineate the duty of a licensee or certificate holder to sign and certify only documents that meet certain standards. The rules will allow more than one licensee to sign and certify work in certain situations. This will be especially valuable in situations where the original designer is not able to finish the project.

The proposed rules also clarify the use of an electronic signature. The statute allows signatures to be electronic, but offers no parameters around such use. The rules will require that an electronic signature meet certain requirements, including remaining under the sole control of

the licensee or certificate holder using it.

**Housekeeping Updates:** The proposed rules make several housekeeping modifications including: clarifying education rules to require “semester credits” rather than “semester hours”; clarifying the documents required in support of applications for examination, licensure and certification; and making other clerical and grammatical changes for clarity.

**Obsolete Rules:** Finally, the proposed rules repeal the subpart regarding a physical stamp for certifications and signatures.

## REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency’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 affected by and benefiting from the proposed modifications to the rules include:

- **Definitions:** All applicants, licensees, certificate holders and the public
- **Noncompliant Conduct:** Exam candidates, licensees and certificate holders
- **Applications for examination, licensure and temporary permits:** All applicants for examinations, licensure and temporary permits
- **Architect Education and Experience:** Individuals who wish to obtain a license in Minnesota as an architect
- **Professional Engineer Education and Experience:** Individuals who wish to obtain a license in Minnesota as a professional engineer
- **Land Surveyor Education and Experience:** Individuals who wish to obtain a license in Minnesota as a land surveyor
- **Landscape Architect Education and Experience:** Individuals who wish to obtain a license in Minnesota as a landscape architect

- **Geoscience Education and Experience:** Individuals who wish to obtain a license in Minnesota as professional geologist or professional soil scientist
- **Qualifications for Licensure:** All individuals who which to obtain a license to practice one of the professions under the Board's jurisdiction
- **Certification and Signature:** All licensees, certificate holders and the public
- **Housekeeping:** All applicants, licensees, certificate holders and the public

A line item in the Board's budget covers the cost of the rulemaking. The Board does not anticipate an increase in the cost to comply with or enforce these rules.

**“(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 probable costs to the Board include the costs associated with rulemaking in general. The Board does not anticipate an increase or decrease in the cost of enforcing the rules. It also does not anticipate any probable costs to any other agency because the Board is the only entity charged with the implementing and enforcing the proposed rules.

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

The purpose of the proposed rule modifications is to clarify and update existing language. Rule writing is the only method that exists to achieve these goals.

**“(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”**

The rules serve to protect the public health, safety and welfare by ensuring that licensees and certificate holders meet the education, examination and experience requirements for licensure or certification. Administrative rules are the only method available to the Board to define the requirements.

**“(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”**



There are no probable costs for governmental units, businesses, or individuals to comply with the proposed rules. Modifications to the rules offer clarity and updates to existing requirements. The package does not contain changes to fees for application, licensure, or certification and, in many instances, offers more latitude in meeting requirements and complying with rules.

**“(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”**

The consequences of not adopting the proposed rules are:

1. definitions are not updated and remain open to possible subjective interpretation;
2. applicants, licensees and certificate holders continue to be required to notify the Board of disciplinary action in another jurisdiction within 10 days, rather than the proposed 60 days, subjecting themselves to potential discipline in Minnesota for not complying in a timely manner;
3. noncompliant conduct is not defined; however, the Board is still required by the national council to investigate such conduct in the event of a breach or suspected breach in exam security;
4. procedures for reinstatement of licenses and certificates, applications for licensure by comity, and obtaining a temporary permit are not created, leaving the processes to internal Board policy;
5. applications continue to have to be made under oath, limiting the Board’s ability to implement an online application system;
6. references to the experience requirements for architects remain out of date;
7. students participating in the Integrated Path to Licensure program for architects are not able to sit for the examination until after graduation, defeating the purpose of such program;
8. applicants for licensure as a landscape architect who graduated from an LAAB accredited master’s or doctorate curriculum are be required to have a related degree, even though the program from which they graduated was itself accredited;
9. categories of courses required for land surveying, geology, and soil science licensure are not defined, leaving evaluation of education by Board members to determine if the minimum requirements were met more subjective;
10. land surveyor applicants are not allowed to use experience gained prior to graduation toward the experience requirement for licensure;
11. applicants for geology licensure are required to have a degree in geology making it more difficult to qualify for examination and licensure since few schools offer a degree in geology;

12. similarly, applicants for soil science licensure are required to have a degree in soil science which is limited;
13. the potential for applicants to believe they could get licensed before completing the education or experience requirement(s) exists in situations where sequencing has changed and applicants are allowed to take the examination before completing the other requirements;
14. electronic signature requirements are not defined;
15. signature and certification requirements are not updated;
16. succession rules are not created leaving licensees and certificate holders in limbo on what to do in the event the original licensee or certificate holder is not able to make changes to a document; and
17. obsolete, unnecessary, confusing or duplicative language remain in the rules.

**“(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”**

No relationship exists between these rules and federal regulations.

**“(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . ‘[C]umulative effect’ means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time.”**

Neither federal regulations nor other Minnesota state laws address the areas covered in the proposed rules. This consideration is not applicable for these rules.

## **PERFORMANCE-BASED RULES**

Minnesota Statutes, sections 14.002 and 14.131, require that the SONAR describe how the agency, 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.

To safeguard life, health and property, and promote the public welfare, the Board provides reasonable assurance that persons practicing architecture, engineering, land surveying, landscape architecture, geology, and soil science and persons using the title certified interior designer are competent, ethical practitioners qualified through education, examination and experience. Additionally, as an official licensing entity, the Board is charged with implementing

those statutes and rules which specifically regulate the practice of and title use for these professions.

The proposed rule amendments embodied in this Statement of Need and Reasonableness emphasize superior achievement in meeting the Board's regulatory objectives with maximum flexibility for the regulated party and the Board in meeting those goals. The Board has identified language that is outdated or confusing for applicants, licensees, certificate holders, and the public. It is critical that the Board identifies actual or potential areas of confusion on the path to licensure or renewal within its jurisdiction in order to meet its obligations to the public and regulated parties. To do otherwise creates difficulties for all interested parties – the public, members of the regulated profession, and the Board. The amendments to definitions and application procedures as well as housekeeping updates ensure that the Board's rules remain clear and current.

The proposed amendments allow for maximum flexibility to the regulated parties and to the Board in meeting its goals in the following ways:

- the Board continues to receive notification from its applicants, licensees, and certificate holders of disciplinary action taken against them in another jurisdiction but the affected party has more time to report the action;
- applicants for licensure as an architect have the option to simultaneously complete the education, examination, and experience requirements through the Integrated Path to Architectural Licensure (IPAL) program while the Board maintains its ability to protect the public by verifying the applicant has met the minimum requirements before issuing a license;
- applicants for licensure as a landscape architect with an Landscape Architectural Accreditation Board (LAAB) accredited master's or doctorate degree meet the education requirement without a "related" undergraduate degree relieving the Board of the burden of determining which undergraduate degrees are "related" while still protecting the public by ensuring applicants have graduated with an accredited degree;
- applicants for licensure as a professional engineer have two additional methods by which to fulfill the education and experience requirement and, depending on the education completed, will see a reduction in the number of years of experience required for licensure;
- the rules contain specific information regarding the coursework required to meet the education requirement for land surveying, professional geology, and professional soil

science licensure which allows both the applicant and the Board members to easily determine whether the specific education requirement has been met;

- applicants for licensure as a land surveyor may use experience gained prior to graduation toward the experience requirement, similar to the engineering and geoscience professions;
- requirements for electronic signatures are defined allowing licensees and certificate holders to take advantage of this technology while allowing the Board to protect the public through disciplinary action against those who do not comply with the rules;
- succession and certified document revision rules are put into place to deal with situations in which the original designer is not able to make revisions giving licensees and certificate holders parameters for taking on this responsibility while protection of the public remains forefront.

#### **ADDITIONAL NOTICE**

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a letter by Administrative Law Judge Jim Mortenson, dated October 12, 2017.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Chapter of the American Institute of Architects ("AIA"), the professional society representing architects regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Society of Professional Engineers ("MSPE") and the American Council of Engineering Companies of Minnesota ("ACEC/MN"), the two largest professional societies representing professional engineers regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Society of Professional Surveyors ("MSPS"), the professional society representing land surveyors regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Association of County Surveyors ("MACS"), the group that represents land surveyors regulated by this Board who are working for Minnesota local county governments.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Chapter of the American Society of Landscape Architects ("MASLA"), the professional society representing landscape architects regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Section of the American Institute of Professional Geologists ("AIPGMN"), the professional society representing professional geologists regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Minnesota Association of Professional Soil Scientists ("MAPSS"), the professional society representing professional soil scientists regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Northland Chapter of the International Interior Design Association ("IIDA") and the Minnesota Chapter of the American Society of Interior Designers ("ASID"), the two professional societies representing certified interior designers regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the National Council of Architectural Registration Boards ("NCARB"), the national council representing architects regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the National Council of Examiners for Engineering and Surveying ("NCEES"), the national council representing professional engineering and land surveyors regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Council of Landscape Architectural Registration Boards ("CLARB"), the national council representing landscape architects regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the National Association of State Boards of Geology ("ASBOG"), the national council representing professional geologists regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the National Council of Soil Science Examiners ("CSSE"), the national council representing professional soil scientists regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to the Council for Interior Design Qualification ("CIDQ"), the national council representing certified interior designers regulated by this Board.

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer architecture degree programs accredited by or seeking accreditation from the National Architectural Accrediting Board ("NAAB"):

Dunwoody College: Construction Science and Building Technology Department  
University of Minnesota: College of Design

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer engineering degree programs accredited by or seeking accreditation from the Engineering Accreditation Commission ("EAC") of ABET, Inc.:

MN State University – Mankato: Department of Mechanical and Civil Engineering  
MN State University – Mankato: Department of Electrical and Computer Engineering  
MN State University – Mankato: Integrated Engineering Department  
St. Cloud State University: Department of Electrical and Computer Engineering  
St. Cloud State University: Department of Mechanical and Manufacturing Engineering  
Univ. of MN – Duluth: Department of Electrical Engineering  
Univ. of MN – Duluth: Department of Chemical Engineering  
Univ. of MN – Duluth: Department of Civil Engineering  
Univ. of MN – Duluth: Department of Mechanical and Industrial Engineering  
Univ. of MN – Twin Cities: Aerospace Engineering and Mechanics Department  
Univ. of MN – Twin Cities: Biomedical Engineering Department  
Univ. of MN – Twin Cities: Department of Bioproducts and Biosystems Engineering  
Univ. of MN – Twin Cities: Department of Chemical Engineering and Materials Science  
Univ. of MN – Twin Cities: Department of Civil, Environmental and Geo- Engineering  
Univ. of MN – Twin Cities: Department of Electrical and Computer Engineering  
Univ. of MN – Twin Cities: Department of Mechanical Engineering  
University of St. Thomas: School of Engineering  
Winona State University: Composite Materials Engineering Department

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to 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:

Dunwoody College of Technology: Land Surveying Program  
St. Cloud State University: College of Social Sciences – Land Surveying and Mapping  
St. Paul College: Land Surveying Technology  
Vermilion Community College: Land Surveying Department

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer landscape architectural degree programs accredited by the Landscape Architectural Accreditation Board ("LAAB"):

Univ. of MN – Twin Cities: Department of Landscape Architecture

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer bachelor's degree programs with a major in geology:

Carleton College: Department of Geology  
Gustavus Adolphus College: Department of Geology  
Macalester College: Geology Department  
Minnesota State University – Mankato: Geography Department  
Minnesota State University – Moorhead: Anthropology & Earth Science Department  
St. Cloud State University: College of Science and Engineering  
Univ. of MN – Duluth: Department of Geological Sciences  
Univ. of MN – Morris: Division of Science and Mathematics; Geology Discipline  
Univ. of MN – Twin Cities: Department of Earth Sciences  
University of St. Thomas: Department of Geology  
Winona State University: Department of Geoscience

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer soil science coursework:

Univ. of MN – Twin Cities: Department of Soil, Water and Climate

Copies of the Dual Notice of Intent to Adopt and the proposed rule change will be mailed to Minnesota academic institutions that offer interior design degree programs accredited by the Council for Interior Design Accreditation ("CIDA"):

Dunwoody College: Interior Design Department  
Univ. of MN – Twin Cities: College of Design

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

A postcard notification of the proposed rule changes with the website address where recipients will find the Dual Notice of Intent to Adopt, official language of the proposed rule and SONAR will be mailed to all current licensees and certificate holders.

Our Notice Plan includes giving notice required by statute. We will mail the proposed rules and the 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. We will also give notice to the Legislature per Minnesota Statutes, section 14.116.

Our Notice Plan did not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

## **CONSULTATION WITH MMB ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Board will consult with Minnesota Management and Budget (MMB). We will do this by sending MMB copies of the documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before the Board's publishing the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Board will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

## **DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

As required by Minnesota Statutes, section 14.128, subdivision 1, the Board has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Board has determined that they do not because the rules pertain to individuals applying for licensure or certification by this Board and to individuals who are already licensed or certified by this Board, not to entities. Compliance with the rules falls on these individuals and enforcement of the rules falls solely on the Board.

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

### **Agency Determination of Cost**

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 has made this determination based on the probable costs of complying with the proposed rule, as described in the Regulatory Analysis sections on pages 6 to 9 of this SONAR.

## **LIST OF WITNESSES**

If these rules go to a public hearing, the Board anticipates having the following potential witnesses for testimony in support of the need for and reasonableness of the rules.

Mr. Dennis Martenson, PE, Board Chair  
Mr. Terry Groshong, Architect, Vice Chair



Mr. Robert Gunderson, LA, Secretary  
Mr. Nirmal Jain, PE, Treasurer  
Ms. Darcy Hield, CID  
Mr. Wayne Hilbert, Architect  
Mr. David Krech, PE  
Mr. William Kuretsky, Public Member  
Mr. Daniel Murphy, PE  
Ms. Meg Parsons, Architect  
Ms. Marjorie Pitz, Landscape Architect  
Mr. Keith Rapp, Professional Geologist  
Mr. Paul Vogel, Land Surveyor

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

The Board's proposed rules change the term "shall" to "must" in multiple places throughout the rule package. The Office of the Revisor recommends minimizing the use of "shall" by using the term only when imposing a duty on a person or body. The Revisor recommends using "must" when talking about a thing or expressing requirements. The proposed rules leave the word "shall" in places where an applicant or the Board will be doing something and change the word "shall" to "must" throughout the rest of the rules.

The Board also proposes changing the term "hours" to "credits" when referring to education requirements for consistency and clarity. "Hours" are typically obtained through continuing education courses and are very different from "credits" typically obtained through a college or university degree program. For example, 3 college credits is equivalent to 45 hours whereas a continuing education class would be 3 hours. All individuals seeking licensure or certification in the professions regulated by the Board must have a college degree and the rules must be updated to accurately identify specific requirements in terms of credits rather than "hours" or "credit hours," especially for the professions with specific credit requirements in certain subjects.

### **1800.0050 DEFINITIONS**

Subpart 1: Chapter 1800 and Chapter 1805 are both the Board's rules. Adding chapter 1805 to this rule part makes it clear that the definitions for terms used in both chapters 1800 and 1805 are consistent. Chapter 1805 does not have its own "definitions" section.

Subparts 3, 5, 6, 7, 12, 13 and 14 define the acronyms for the national councils relevant to the professions licensed by the Board. The Board is a voting member of each of these councils and relies on them for valid and reliable, psychometrically defensible national examinations used for licensure or certification.

Subparts 4, 8 and 11 define examinees, licensees and certificate holders. Currently, the Board's rules only define an applicant. However, once an applicant has been approved for an exam, they become an examinee. Once they are licensed or certified, they become licensees or certificate holders.

Subparts 9 and 10 define "graduate curriculum" and "graduate degree" in terms of master's or doctorate degrees.

#### **1800.0120 NOTIFICATION**

The proposed rules modify the requirement for an applicant, licensee or certificate holder to inform the Minnesota Board of disciplinary action taken against him or her in another jurisdiction. The current rule requires notification within ten days, whereas the proposed rule allows sixty days.

Many of the national councils now have national databases listing disciplinary actions taken against individuals. The Board investigator frequently searches these databases for actions taken against Minnesota licensees and certificate holders. It remains the responsibility of the individual to notify the Board of actions taken against them. However, with the national databases, it is less critical to receive the information immediately, allowing the individual additional time to comply with the reporting requirement.

#### **1800.0130 EXAMINATION IRREGULARITIES; CHEATING AND NONCOMPLIANT CONDUCT**

The proposed rules add noncompliant conduct to the list of actions lending itself to Board investigation. Examinees must abide by the exam administrator's published examination policies and procedures, that they receive prior to the examination. By including this requirement in the proposed rules, it makes it clear that the Board will investigate any noncompliance with these policies and procedures.

The security of the examinations and the examination questions is paramount to ensuring valid and reliable, psychometrically defensible examinations. Individuals who do not comply with the exam administrator's policies and procedures put themselves, the examination content, the Board and the State of Minnesota at risk.

The State of Minnesota, when the Board itself administers or proctors the examination, has the potential to be held financially responsible for a Minnesota candidate who leaks examination questions or sensitive information, especially if the result is examination question or questions can no longer be used for the exam. The cost of a breach is extremely high and other states' Boards have been assessed fees of hundreds of thousands of dollars to replace examination questions compromised by their candidates.

The proposed rules highlight the consequences of noncompliant conduct and deter examinees from exhibiting the behavior.

### **1800.0400 APPLICATION FOR EXAMINATION, LICENSURE, AND CERTIFICATION**

**Subpart 1:** By legal definition, an application made “under oath” must be notarized. The Board is in the process of moving its applications for examination, licensure and certification to an online format. Applicants will be able to complete the entire application online and pay with a credit card. However, it is not possible to notarize an application submitted online. Therefore, the proposed rules eliminate the requirement that applications be made under oath. A new subpart will be added to this rule requiring the applicant to sign a certification rather than having the application notarized (see subpart 5 below).

**Subp. 1b:** Individuals who begin the process of applying for an examination, license or certificate do not always complete it for a variety of reasons. M.R. 1800.0900 states that applications for licensure by comity that are incomplete after six months shall be considered withdrawn, however there is not an “expiration” date for examination, license or certificate applications. After receiving an application, the Board staff sends a letter to the applicant informing them of information that is missing and requesting that they submit the documentation. If an applicant does not respond to the communication from the Board and does not complete the application process within six months, it is likely that the individual decided not to complete it. There is no reason for the file to remain active and to require staff resources.

**Subp. 3:** The examinations for engineer-in-training, land surveyor-in-training, geologist-in-training and soil scientist-in-training are the first examinations on the path to licensure for these four professions. It is unnecessary for an applicant for an “in-training” examination to make the application under oath because the individual does not receive a license to practice after passing this exam. The applicant completes the licensure process by gaining the required experience and submitting an application for the professional examination. The applicant certifies the application for the professional examination, the passage of which results in licensure.

Additionally, as stated in subpart 1 above, the Board is moving the applications to an online format where it will be impossible for an application to be notarized. The proposed rules eliminate the requirement for the application to be made “under oath.”

The proposed rules also update the reference to the application fee that is now in statute rather than rule.

**Subp. 4:** Minnesota Statutes §326.10, subd. 9 states that a licensee or certificate holder may reinstate an expired license or certificate by submitting an application for reinstatement, paying the fees and reporting continuing education; however, the Board's rules do not specify how to apply for reinstatement. The proposed language for subpart 4 describes the process to apply for reinstatement. All steps in the process are similar to the rules for applying for examination, licensure or certification.

**Item A:** Applicants must submit the Board's reinstatement form and pay the fees specified in Minnesota Statutes, section 326.10, subdivision 9.

**Item B:** This rule item requires the Board to evaluate completed applications and notify the applicant of the result in writing.

**Item C:** This item describes the information that the applicant must submit pursuant to Minnesota Statutes, section 326.10, subd. 9. This item also requires the applicant to explain any disciplinary action taken in another jurisdiction since the last renewal of their Minnesota license. The applicant must disclose disciplinary action because MN Statutes, section 326.111, subd. 4 allows the Board to deny, refuse to renew, suspend, temporarily suspend, or revoke the application, license or certification of a person; censure or reprimand that person; condition or limit the person's practice; refuse to permit a person to sit for examination; or refuse to release the person's examination grades if the individual has been disciplined in another jurisdiction and the Board finds that an order is in the public interest. Discipline in another jurisdiction does not necessarily preclude the applicant from renewing the license in Minnesota, but before granting the renewal, the Board must ensure the public health, safety and welfare by reviewing the disciplinary action against the individual.

**Subp. 5:** The proposed rule contains language for a certification that applicants for examination, licensure, certification or reinstatement must sign. The certification replaces the requirement for applications to be made under oath (i.e. notarized).

**Item A:** It is important for applicants for examination, licensure, certification or reinstatement to be familiar with the statutes and rules governing them. This item requires the applicant to certify that they have read and will comply with the Board's statutes and rules.

**Item B:** The Board needs to be aware of an applicant who is under a disciplinary proceeding or has a disciplinary action in another jurisdiction. The discipline will not necessarily prevent the application from being approved, however, it is the Board's responsibility to protect the health, safety and welfare of the citizens of Minnesota. Minnesota Statutes give the Board

the authority to deny an application for a variety of reasons, including discipline in another jurisdiction, if it is in the public interest.

**Item C:** The Board must be aware of an applicant who has been convicted of a felony so that the Board can determine whether the felony affects the application for examination, licensure, certification or reinstatement. See Minnesota Statutes, section 326.111, subd. 4, clause (4) for the Board's authority related to an applicant's felony conviction or plea.

**Item D:** Minnesota Statutes and Rules prohibit an individual from representing himself or herself as a licensed or certified professional without proper licensure or certification. The Board must be aware of an individual unlawfully representing himself or herself as a licensed or certified professional in the state.

**Item E:** The applicant certifies that he or she will not represent himself or herself as a licensed or certified professional until the Board issues or reinstates the applicant's license or certificate.

**Item F:** Minnesota Statutes and Rules prohibit an individual from performing or offer to perform services requiring licensure or certification without proper licensure or certification. The Board must be aware of an individual unlawfully performing or offering to perform services in the state.

**Item G:** The applicant certifies that he or she will not perform or offer to perform services requiring licensure or certification until the Board issues or reinstates the applicant's license or certificate.

An applicant who is unable to affirm any part of the certification must indicate which statement or statements cannot be affirmed and provide an explanation. The applicant must certify the rest of the statements.

## **1800.0500 FEES**

**Subp. 2:** The proposed rules remove the language regarding the validity of an application and leave the language related to refunds of fees. New language regarding the validity of the different application types is included in the proposed rules for each profession under M.R. 1800.1200, 1800.2900, 1800.3750, and 1800.3930.

**Subp. 7:** The reference to Minnesota Statutes, section 326.10, subdivision 1, paragraph (a), clause (2) is incorrect. Section 326.10 does not have any paragraphs. The proposed rules correct the reference to the statute.

## **1800.0850 COMITY APPLICATION PROCEDURES**

Minnesota Statutes, section 326.10 requires the board to issue a license or certificate to individuals from other jurisdictions who apply to the board, meet the statute and rule requirements for licensure or certification in Minnesota, and hold an unexpired certificate or license issued by the other jurisdiction. This type of application is commonly referred to as “comity.”

M.R. 1800.0800 requires an applicant to submit evidence indicating that the applicant is qualified to practice. The rule states that the burden of proof is on the applicant and that the applicant should make every effort to present his or her qualifications fully and clearly. It offers options for establishing qualifications, but does not give specific procedures for applicants to follow. The proposed rules, under a new part (1800.0850), delineate the procedures for applying for a license or certificate by comity.

**Subpart 1:** While “comity” is a term used nationally to describe applications for individuals licensed in one state applying to another, it is a term that is unfamiliar to the public. This subpart defines the term “comity.”

**Subp. 2:** This subpart outlines the information required for an individual applying under part 1800.0800. The applicant has two options for supplying the board with evidence of completion of the education, examination and experience requirements required for licensure or certification. An applicant holding a council record, as described in part 1800.0800, can submit the record as evidence of meeting the qualifications along with the application, fee and signed copy of the Board Rules of Professional Conduct. For applicants who do not hold a council record, the proposed rules describe each document that the applicant must submit. These documents are similar to the documents included in a council record verifying an applicant’s education, examination and experience.

**Subp. 3:** The proposed rules regarding the Board’s evaluation of information is the same language that is included in similar rule parts for other application types.

**Subp. 4:** The proposed rules in this subpart were moved from M.R. 1800.0900, Subp. 6 with one modification. Rather than the Board denying an application remaining incomplete after six months (which requires a public order), the application will be considered withdrawn. Applicants who do not complete their applications within six months likely no longer need a license or certificate in Minnesota. Denying an application requires a public order that becomes a permanent action against an individual and must be reported with each application for a license in any state. The proposed rules allow the Board to consider an incomplete application withdrawn after six months. If the applicant finds a need for a license or certificate at a later time, he or she can submit a new application for consideration.

## 1800.0900 QUALIFICATION PROCEDURES

**Subp. 4:** The reference to the application fee is incorrect since fees were moved to statute. The proposed rules correct the reference. Additionally, the discretionary “may” is changed to “shall” in regard to the Board requiring evidence of improved qualifications from applicant failing an examination three or more times. The modification clarifies that the rule applies to ALL applicants who have failed an examination three or more times.

**Subp. 6:** The proposed rules contain several clarifications to this subpart. First, an applicant meeting the requirements stated in this subpart may practice their profession while the application is pending board review. The phrase “board review” provides clarity to why the application is “pending.”

Secondly, the sentence regarding incomplete applications was moved to 1800.0850, Subp. 4.

Finally, applicants whose application is pending board review must use the certification stamp of the state in which the applicant is registered along with a statement that the applicant has applied for registration in Minnesota. Reports were added to the list of documents that must include the certification stamp in order to align with the requirements for certification and signature under M.R. 1800.4200.

**Subp. 7:** Minnesota Statutes, section 326.13, clause (1) allows an applicant to apply for a temporary permit to practice their profession prior to licensure or certification. The proposed rules offer a procedure by which an applicant may apply for a temporary permit.

**Item A:** The statute requires an applicant to apply for a temporary permit to do a specific job. This item states that the applicant must include the details of the specific job with their application.

**Item B:** As required by statute, the applicant must submit all parts of an application for licensure or certification by comity. This item requires the Board to supply the applicant with a temporary permit upon meeting the requirements for licensure or certification. The applicant must sign and return the temporary permit within five days. Temporary permits are, by nature, temporary. The rule states that they are not valid for more than 60 days because, by law, any completed application that the Board does not review within 60 days “shall be deemed approved.” Therefore, the Board reviews applications within the statutory timeframe and it is not necessary for a temporary permit to be valid for longer than 60 days.

## **1800.1000 EDUCATION AND EXPERIENCE.**

**Subp. 1a:** Background information: In 2015, the National Council of Architectural Registration Boards (NCARB) introduced a new program called the Integrated Path to Architectural Licensure (IPAL). The initiative encourages programs accredited by the National Architectural Accrediting Board (NAAB) to propose a pre-graduation integration of education and experience requirements and the opportunity to take each of the six divisions of the Architect Registration Examination (ARE). At the same time, NCARB changed the name of the Intern Development Program (IDP) to the Architectural Experience Program (AXP). Prior to the IPAL initiative, students had to wait until after graduation to enroll in the NCARB Architectural Experience Program (AXP), formerly known as the Intern Development Program (IDP), and to begin taking the exam. The IPAL program allows students the opportunity to achieve licensure at a faster pace. In August 2015, NCARB announced fourteen inaugural schools in the IPAL program and added four more schools in 2016.

The Board's proposed rules update the NCARB-IDP to its new name, the Architectural Experience Program (AXP). Additionally, the rules propose two options for individuals to qualify for admission to the examination.

**Item A:** This item describes the original requirements that an applicant had to meet in order to qualify for admission to the examination (graduation from an NAAB-accredited program and enrollment in NCARB-IDP, now AXP).

**Item B:** The proposed rules will allow applicants actively participating in an NAAB-accredited curriculum that has been accepted into the NCARB IPAL program to sit for the examination.

**Subp. 5:** The Canadian Architectural Certification Board (CACB) accredits architectural programs in Canada. The standards for CACB accreditation are equal to the standards for an NAAB-accredited degree in the United States. Therefore, the proposed rules consider an applicant with a CACB-accredited degree to have met the education requirement without having to obtain an evaluation of the degree.

Additionally, the Board does not have the expertise to review the transcripts and course descriptions for an applicant with a degree from a foreign college or university to determine whether the degree is equivalent to an NAAB-accredited degree. The NAAB's Education Evaluation Services for Architects (EESA) program assesses non-accredited degrees to determine if it meets the NCARB Education Standard. The proposed rules require an EESA evaluation for applicants with a foreign degree.



**Subp. 6:** On June 29, 2016, the Intern Development Program (IDP) became the Architectural Experience Program (AXP) and the new AXP Guidelines were published in July 2016. The proposed rules update IDP to AXP and modify the date of the document incorporated by reference. Additionally, the rules clarify that candidates completing the NCARB-IDP program before June 29, 2016, meet the education requirements.

**Subp. 7:** The proposed rules update the name of the IDP program to AXP.

### **1800.1100 PROCEDURES**

**Subp. 1:** The first sentence of this subpart is duplicative of M.R. 1800.1000 and 1800.1100, subpart 2 which describe the requirements for admission to the exam. The proposed rules remove the duplication. Additionally, the current rule implies that there is a training requirement in addition to the education, examination and experience requirements when there, in fact, is not. The proposed language removes the term “training.”

**Subp. 2:** The current rules require an applicant to complete the education requirement and enroll in NCARB-IDP (now AXP) to qualify for admission to the exam. However, students in an IPAL program may complete the education, examination and experience requirements concurrently. The proposed rules require the applicant to meet the education and experience requirements described in part 1800.1000, subpart 1a (see above) so that either method is acceptable for admission to the exam.

The remaining changes to subpart 2 update the name of NCARB-IDP to NCARB-AXP and make other modifications to mirror language for the other professions.

### **1800.1200 EXAMINATION**

The proposed changes to subpart 1 include organizing the information into items A through F and making it easier for readers to understand the details about the Architect Registration Examination.

**Item A:** The national examination for architect licensure is the Architect Registration Examination (ARE). The exam is a valid and reliable, psychometrically defensible examination prepared and furnished by the National Council of Architectural Registration Boards. This rule identifies the examination required for architect licensure as the ARE.

**Item B:** Many years ago, the examination was a paper-and-pencil examination administered only two times per year. The examination is now a computer-based exam offered on an ongoing basis at approved test centers across the country. The proposed rules remove the archaic language requiring the exam to be administered at least two times per year.

Additionally, NCARB determines the waiting period to retake a failed portion of the exam. Recently, they modified their exam retake policy from six months to 60 days. Since the National Council can change the waiting period more frequently than the Board updates its rules, rather than changing the waiting period in the Board rules to 60 days, the proposed language eliminates the language and refers the applicant to NCARB for the retake policy (see item E below).

**Items C and D:** The proposed language for these items simply reorganizes the current language.

**Item E:** An applicant failing an examination must submit a new application each time they take an exam (see M.R. 1800.0900, subp. 4). In the case of the ARE, one exam is comprised of six sections taken on different days. The proposed rules clarify that an applicant may attempt each *section* of the ARE one time per application. The applicant does not need to complete a new application every time they want to sit for an individual section. For example, an applicant who fails section A would be required to submit an application to retake section A. If the applicant submits a new application to retake section A then fails section B, the applicant would not be required to submit a new application to retake section B because they could retake section B under the second application. If the applicant passes section A on the second attempt, and fails section B a second time, the applicant would be required to submit a third application in order to take section B for the third time. If the applicant fails section C, they would have two more chances to pass section C before having to submit a new application for section C because they would already have two applications “available” for section C.

Additionally, the National Council determines the frequency an applicant can take an exam section. The proposed rules refer the applicant to the National Council for the retake policy.

**Item F:** An applicant who fails to appear for an examination within three years must submit a new application according to M.R. 1800.0500, subpart 2. The proposed rules move the application validity language from 1800.0500, subpart 2 to the examination rules for each specific profession. In the case of architecture, the proposed rules will require an applicant to attempt at least one section of the examination every three years or submit a new application to resume testing.

## **M.R. 1800.1500 EDUCATION AND EXPERIENCE**

**Subpart 1:** Indicating that an applicant must satisfy the education and experience requirements under subpart 1 is duplicative to the requirements in subparts 3 and 4. Additionally, the statement that an applicant for licensure under part 1800.0800, item F, must pass the exam under 1800.1700 conflicts with the statement that an applicant for licensure under part

1800.0800, item F, must satisfy the Minnesota licensing requirements in effect at the time of the applicant's original licensure in the other state. The proposed rules mirror the rules regarding examination for all the other professions under the Board's jurisdiction and remove the duplicative language referring to the education and experience requirements.

**Subp. 4:** The proposed rules contain modifications to the education and experience requirements for landscape architect licensure.

**Item A:** The current rules require an individual who graduates from a Landscape Architectural Accreditation Board (LAAB) accredited master's or doctorate curriculum in landscape architecture to have a "related degree." This implies that the undergraduate degree must be "related" to landscape architecture. Graduates from the University of Minnesota Masters of Landscape Architecture degree program, a program accredited by the LAAB, lack a path to licensure under the Board's current rules if they have an unrelated bachelor's degree (for example, an applicant got an undergraduate degree in accounting, then decided to go back to school to become a landscape architect). Since the graduate degree is LAAB-accredited, there is no reason to exclude an applicant with an unrelated bachelor's degree.

Additionally, the phrase "a related degree" is vague and subjective. The rules do not contain a definition of what type of degree is considered "related" to landscape architecture putting the Board in the position of subjectively evaluating undergraduate degrees to determine if they are "related." The proposed rules remove the requirement for a "related degree."

**Item D:** The proposed rules reorganize and clarify the rules regarding experience gained before graduation. These rules mirror the rules of other professions that allow similar pre-graduation experience.

**Subp. 6:** The proposed rules clean up the definition of qualifying experience, matching it to the definitions in other professions.

#### **M.R. 1800.1750 PROCEDURES**

All other professions under the Board's jurisdiction have rule language for procedures to submit an application (see M.R. 1800.1100, 1800.2200, 1800.2900, 1800.3750 and 1800.3930). The landscape architect rules do not contain similar procedural language. The proposed rules add the procedures for submitting an application for initial licensure as a landscape architect and mirror the language for the other professions.

## **1800.2100 EDUCATION AND EXPERIENCE**

**Subpart 1:** The current rules imply that an applicant for certification as a Certified Interior Designer by comity (i.e. Minn. Stat. §326.10, subd. 1, clause (2) and 1800.0800, item H) is not required to take a written examination. In fact, the applicant is only “exempt” from the examination requirement if the exam was not required when they obtained their original certification in the other state (similar to the requirements for architecture, engineering, land surveying and landscape architecture). Therefore, the proposed language mirrors the language regarding comity applications for those other professions.

### **Subp. 2:**

**Item A, subitem (1):** The Board proposes changing the term “hours” to “credits” when referring to education requirements for consistency and clarity. (See explanation at the beginning of the rule-by-rule analysis section of the SONAR.)

**Item B:** The proposed language clarifies that experience gained prior to June 1, 2013, may be under the direct supervision of an interior design. After June 1, 2013, the experience must be under the direct supervision of a certified interior designer, NCIDQ certificate holder or licensed architect. The language currently implies that as of June 1, 2013, no experience under an interior designer would be allowed, even if it was gained before June 1, 2013. In actuality, experience gained prior to June 1, 2013, under an interior design can qualify for the certification requirements.

## **1800.2200 PROCEDURES**

**Subp. 3:** Changes to this rule clarify the information that must be submitted with an application for certification as a Certified Interior Designer. The language mirrors the language of the other professions.

## **1800.2500 EDUCATION AND EXPERIENCE**

Throughout this part, the proposed rules change the term “credit hours” to “credits.” Students gain “credits” in college, not “credit hours.”

### **Subp. 2a:**

The most common path to licensure as a professional engineer in terms of education and experience is graduation from an EAC-ABET accredited undergraduate curriculum and four years of qualifying engineering experience. However, an applicant can meet the education and experience requirements in several other ways.

**Item A:** An EAC-ABET accredited degree contains a minimum of 48 semester credits in engineering science and design. An applicant with a non-EAC-ABET accredited degree may choose to have their degree evaluated to determine whether they have a minimum of 48 semester credits in engineering science and design. The current rules allow an applicant with a non-EAC-ABET accredited degree with the minimum number of engineering science and design courses to sit for the exam. They also allow an applicant with a non-EAC-ABET accredited or nonengineering undergraduate degree (who does not have their undergraduate degree evaluated) *plus* an EAC-ABET accredited graduate degree to sit for the exam. However, the rules do not describe the situation in which the applicant has an undergraduate degree with 48 semester credits of engineering science and design (verified through a formal degree evaluation) plus an accredited graduate degree. The proposed rules add two subitems to describe this situation.

**Subitem (8):** An individual with a non-EAC-ABET accredited undergraduate degree with a minimum of 48 semester credits in engineering science and design *plus* a graduate degree from an engineering program where the bachelor’s degree in that discipline of engineering is EAC-ABET accredited.

**Subitem (9):** An individual with a non-EAC-ABET accredited undergraduate degree with a minimum of 48 semester credits in engineering science and design *plus* an EAC-ABET accredited graduate degree.

**Item B:** An applicant must gain between three and six years of qualifying engineering experience before taking the Principles and Practice of Engineering exam. The number of years of experience is based on the applicant’s education (more education translates to less required experience).

The proposed rules include the experience requirement for individuals who meet the education requirement in the two new subitems under item A (above). The proposed rules also reduce the number of years of experience for applicants meeting certain education requirements.

The table below shows the education and experience requirement in the current rules compared to the proposed rules.

Current Rules			Item A Subitem (1)	Proposed Rules		
Education		Yrs Exp		Education		Yrs Exp
Undergraduate	Graduate			Undergraduate	Graduate	
EAC-ABET	None	4		EAC-ABET	None	4

EAC-ABET w/in 5 years	None	4
48 semester credits in eng science/design	None	6
Non-EAC-ABET	Prog where bach deg in discipline is EAC-ABET	5
EAC-ABET	Prog where bach deg in discipline is EAC-ABET	3
Non-EAC-ABET	EAC-ABET	5
EAC-ABET	EAC-ABET	3
N/A		
N/A		

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

EAC-ABET w/in 5 years	None	4
48 semester credits in eng science/design	None	6
Non-EAC-ABET	Prog where bach deg in discipline is EAC-ABET	4
EAC-ABET	Prog where bach deg in discipline is EAC-ABET	3
Non-EAC-ABET	EAC-ABET	4
EAC-ABET	EAC-ABET	3
48 semester credits in eng science/design	Prog where bach deg in discipline is EAC-ABET	4
48 semester credits in eng science/design	EAC-ABET	4

An applicant with an EAC-ABET accredited undergraduate degree and an EAC-ABET accredited graduate degree has met the most stringent education requirement and therefore is only required to document three years of qualifying experience. The required experience for an applicant meeting this requirement will not change.

An applicant with a non-EAC-ABET accredited or nonengineering undergraduate degree with a minimum of 48 semester credits in engineering science and design meets the lowest education standard (item A, subitem (3)). The Board's rules do not require that the applicant's degree be *equivalent* to an EAC-ABET accredited degree, only that the applicant has completed 48 semester credits in engineering science and design. The ABET accreditation process is extremely rigorous and simply evaluating a degree for engineering science and design coursework is not synonymous with the accreditation process. To be truly equivalent, the degree must meet ALL of the requirements of an EAC-ABET accredited degree, not just the engineering science and design portion. Therefore, the rules continue to require six years of experience for an applicant who has a non-EAC-ABET accredited or nonengineering bachelor's degree with the minimum engineering science and design courses.

The proposed rules require individuals completing any of the other education options to document four years of qualifying experience. The education requirements described in

subitems (1), (2), (4), (6), (8) and (9) are roughly equivalent and therefore require similar experience.

The national standard for those with an EAC-ABET accredited undergraduate degree (or a degree that gains accreditation within five years of an applicant's graduation) is documentation of four years of qualifying experience. The Board's rules for individuals meeting this education requirement will not change.

Applicants with a non-EAC-ABET accredited or nonengineering undergraduate degree (whether or not the undergraduate degree has 48 semester credits of engineering science and design) must meet certain prerequisites in order to be admitted into graduate school (the same prerequisites as someone entering graduate school with an EAC-ABET accredited undergraduate degree). Therefore, students finish the graduate program with similar overall education as someone with an EAC-ABET accredited undergraduate degree. The proposed rules reduce the experience requirement for those meeting the education requirement of subitems (4) or (6) from five years to four years. Additionally, the proposed rules set the examination requirement for those meeting the education requirement of subitems (8) or (9) at four years.

**Item C:** The proposed rule organizes and clarifies the amount of experience an applicant may obtain before graduation based on the education requirement they meet in item A.

**Subitem (1):** Experience gained before graduation must be credited at a rate of 50 percent. This requirement is the same as the current rule.

**Subitem (2) and (3):** The current rules require an applicant to complete two full years of one of the engineering curricula specified in item A before an applicant can use pre-graduation experience toward the experience requirements. If the undergraduate degree is not accredited, the applicant can use an accredited graduate degree to meet the education requirement. However, a graduate program is generally two years in length. Under the current rules, an applicant in a graduate program would not be able to use "intern time" (pre-graduation experience) because they would not complete two full years of education before graduating.

The proposed rules clarify that an applicant must complete half of their education requirement (i.e. two full years of a bachelor's program or one full year of a graduate program) before they may begin counting pre-graduation experience. This modification will allow all applicants to use intern time, not just those with an EAC-ABET accredited undergraduate degree.

## 1800.2805 QUALIFYING EXPERIENCE DEFINED

The proposed rules reorganize the experience requirements so they are more understandable to the reader.

**Subpart 1:** Subpart 1 delineates general requirements pertaining to all qualifying experience.

**Item A:** Most of the proposed language in item A is a clarified version of the current rule. In addition, the proposed language adds a specification that the experience develops the applicant's ability to assume responsible charge of the work involved in the practice of engineering. Once licensed, individuals will need to not only solve engineering problems, but also assume responsible charge of engineering work, therefore, the qualifying experience should prepare the individual for the responsibilities that come with licensure.

**Item B:** The proposed language in item B describes the requirements of qualifying experience that an applicant must demonstrate.

**Subitem (1):** The language in this subitem is the same as the language in the current rule regarding the topics considered qualifying experience. The proposed language adds construction of projects to the list.

**Subitem (2):** The proposed language defines how an applicant demonstrates that experience was progressive.

**Subitem (3):** The proposed language requires that experience demonstrate certain areas of knowledge. The applicant learns these topics during their education and must show that they are applying the knowledge in their qualifying experience.

**Item C:** The language in this item exists in the current rule language and is reorganized as item C in the proposed language.

**Item D:** Since qualifying experience is not required to be under the direct supervision of a licensed professional engineer, the proposed language explicitly states that the applicant's experience must not be obtained in violation of the statutes (i.e. practicing without a license).

**Item E:** The proposed language clarifies that the applicant must have completed the experience requirement at the time of application. Applications are due 75 days prior to the professional engineering exam because the Board must have time to review and approve applications and inform the applicant before the exam registration deadline (which is not determined by the Board). Applicants frequently want to count experience up to the date of



the examination. However, the Board cannot verify the additional experience gained between the application deadline and the date of the examination before the exam registration deadline. If the Board were to give the applicant credit for experience that the applicant had not yet obtained and a supervisor had not yet verified, the applicant may get credit for experience they do not actually complete. (The applicant could leave that place of employment between the application date and the exam date and the Board would have already given the applicant credit). Therefore, the proposed rules require that the experience be completed at the time of application.

**Subp. 2:** The proposed language was derived from the model rule language of the National Council of Examiners for Engineering and Surveying (NCEES). NCEES is an umbrella organization to which the Board belongs and is a voting member. It is comprised of all 50 states, the District of Columbia and the U.S. territories. The language in the model rules was vetted by the NCEES Member Boards and is deemed the national standard. The items under subpart 2 provide clarity for specific types of experience that an applicant may gain as part of qualifying engineering experience.

**Item A:** The proposed language requires that engineering experience gained in the armed services be equivalent to similar experience gained in the civilian sector.

**Item B:** The proposed language requires that applicants submitting sales experience demonstrate that engineering principles were required and used in gaining the experience. Simply selling engineering products or services does not meet the definition of qualifying experience as defined in subpart 1 above.

**Item C:** The proposed language requires that engineering experience gained through teaching be at an advanced level in an EAC-ABET accredited degree program. The accrediting body has already evaluated courses that are included in an EAC-ABET accredited degree program and determined that the courses meet specific and rigorous standards.

**Item D:** The proposed language allows engineering faculty members to use experience gained in engineering research and design projects toward the qualifying experience requirement for licensure.

**Item E:** The proposed language requires that applicants submitting construction experience demonstrate that they were required to apply engineering principles. Working in the construction industry itself is not enough to qualify for engineering experience. The applicant must demonstrate they had to apply their knowledge of engineering principles.

## 1800.2900 PROCEDURES

**Subpart 1:** Proposed changes to this subpart are housekeeping in nature and include changing the word “shall” to “must” to express requirements.

**Subp. 2:** Proposed changes to this subpart are also housekeeping in nature and including changing the word “shall” to “must.” Additionally, the proposed rules remove the sentence stating that upon approval of the application by the Board, the applicant will be notified. The language is duplicative to the language in M.R. 1800.0400 that requires the Board to notify applicants of their eligibility for admission to an exam.

**Subp. 6:** The proposed rules remove language regarding the validity of applications from this subpart and move it to a new subpart for clarity. Additionally, the national testing agency determines the frequency in which an examinee may retake a failed examination in order to protect the reliability and validity of the exam. If an examinee takes an examination too frequently, there is a risk that the applicant will be asked too many questions that they have seen in previous exam attempts and the exam results may be skewed. Also, there is a risk that an examinee is sitting for an examination for the sole purpose of finding out the exam questions with no intent to pass. By limiting the number of times that an applicant may retake the exam within a year and by requiring a period of time before a retake, the national testing agency can continue to provide a psychometrically defensible examination. The testing agency determines the frequency in which an examinee may sit for an exam by taking many factors into consideration. Therefore, the retake policy is subject to change and should not be included in the Board’s rules.

**Subp. 7:** The proposed new subpart combines language from multiple rule parts of the current rules, including the language that was removed from 1800.0500, subpart 2, into one place for applicants to easily determine when they need to submit an application for engineering examinations.

**Item A:** Applications for an examination have always been and will remain for one examination attempt.

**Item B:** Currently, all Principles and Practice of Engineering examinations are administered on a specific date and time in April and October each year. However, these examinations are moving toward computer-based delivery with the chemical engineering exam as the first scheduled to move to a computer-based exam in January 2018. The proposed language in this item refers to the examinations administered on a specific date and time. An applicant must take the examination on the date for which the application is approved (either April or October depending on when the application is submitted). An applicant who does not register for the exam, cancels the exam or fails to appear for the exam must

submit a new application in order to sit for the exam on another date. The application cannot be “carried over” to another administration.

**Item C:** The Fundamentals of Engineering examination is a computer-based examination administered at approved testing centers throughout the year. As stated above, each discipline of the PE exam is independently moving toward computer-based exams. The proposed language requires an applicant approved to take one of the computer-based exams to sit for the examination within three years. An applicant who does not sit for the exam within three years must submit a new application. This requirement is consistent with the Board’s approved record retention schedule that allows the Board to destroy exam application files after three years of inactivity.

**Item D:** The proposed language informs the applicant that they may submit a new application upon notification of failing the exam.

#### **1800.3505 EDUCATION AND EXPERIENCE**

**Subp. 2:** The proposed rules add references to new language (subpart 4) defining a land surveying curriculum that is “approved by the board.”

#### **Subp. 3:**

**Items A and B:** Rather than referring the applicant to a different rule to discover the requirement to sit for the Principles and Practice of Surveying (PS) examination, the proposed rule simply states that the applicant must pass the Fundamentals of Surveying (FS) examination.

**Item B:** The proposed language adds a reference to the definition of a land surveying curriculum “approved by the board” found in subpart 4.

**Item C:** The proposed language reorganizes the criteria for qualifying land surveying experience gained before graduation and mirrors the language in M.R. 1800.2500, subpart 2a, item C, for engineers.

**Subp. 4:** The proposed new language in subpart 4 defines the requirements for a curriculum approved by the Board allowing the applicant to easily determine whether they meet the education requirement. The rules have required a minimum of 22 semester or 32 quarter credits in land surveying for many years. However, “land surveying” credits are not defined in the current rules. The Board has compiled, with input from professional land surveying organizations, a list of core subjects in land surveying. Specifying the topics considered to be land surveying coursework helps applicants, Board members and staff count courses

consistently. In order to ensure diversity in education, the proposed rules require the land surveying credits be divided among six of the eleven land surveying categories.

### **1800.3750 PROCEDURES**

The proposed modifications to the procedures for admission to the land surveying examinations mirror the changes proposed to the procedures for admission to the engineering examinations identified in M.R. 1800.2900 above, including adding a subpart devoted to validity of applications.

### **1800.3910 EDUCATION AND EXPERIENCE**

**Subpart 1:** Proposed modifications to this section are mostly housekeeping in nature and are similar to changes proposed for other professions discussed earlier in the SONAR.

**Item A:** The phrase “as approved by the board” is removed because item B requires the applicant to meet the educational requirements in subpart 5 and subpart 5 defines the criteria for Board approval. Applicants must meet the requirements in both items A and B to qualify for a waiver.

**Subp. 3, Item C:** The proposed language reorganizes the criteria for qualifying geoscience experience gained before graduation and mirrors the language in M.R. 1800.2500, subpart 2a, item C, for engineers and 1800.3505, subpart 3, item C for land surveyors.

**Subp. 5:** The proposed language defines the criteria for geoscience education approved by the Board allowing the applicant to easily determine whether they meet the education requirement.

**Item A:** For licensure as a professional geologist, the current rules require a baccalaureate or higher degree in geology. However, most institutions do not offer degrees specifically in geology (i.e. B.S. Geology). Rather, the degree is in another discipline, such as Earth Science, with a major in geology. The proposed rules stipulate that the applicant have a degree with a major in geology from an accredited institution. Minnesota schools that offer degrees with a *major* in geology (not a bachelor’s of geology) include the University of Minnesota – Twin Cities, University of Minnesota – Duluth, University of Minnesota – Morris, St. Cloud State University, MacAlester College, Minnesota State University – Winona, and Carleton College.

The proposed language removes the requirement for the Board to maintain a description of the core geology subjects and a list of geology courses. The subjects are listed in units (a) to (m) and the courses are those in which the geology subjects are taught, therefore it is

duplicative to require the Board to keep a separate list. Additionally, the applicants must be able to rely on specific criteria identified in rule rather than a potentially subjective, inaccessible list of subjects and courses.

**Item B:** For licensure as a professional soil scientist, the current rules require a baccalaureate or higher degree in soil science. Across the United States, there are very few degree programs in soil science. The University of Minnesota - Twin Cities ended their soil science undergraduate degree program in 2006 so it is very difficult for an applicant to meet the current requirement.

The proposed rules for soil science are similar to the current land surveying rules. An applicant would be required to have a bachelor's degree in any subject plus a minimum of 16 semester credits in soil science and 14 semester credits in closely related geoscience courses. (Land surveyors are required to have a bachelor's degree in any subject plus a minimum number of land surveying credits.) The proposed rules will allow applicants greater flexibility in meeting the education requirements for licensure.

**Subitems (2) and (3):** There are several proposed changes to subitems (2) and (3).

- The current language lists the soil science course requirements under subitem (3); however, subitem (3) refers to the credit requirements for geoscience courses. The description of soil science courses belongs under subitem (2) which describes the number of credits needed in soil science. The proposed language makes this clarifying change.
- The proposed rules for subitem (2) list topics that fall under the four basic soil science areas. Some topics fall into more than one category; therefore, the proposed language includes a statement that the same course may not be used to meet the requirement for more than one area. The list of topics was derived from the list that the Board was required by rule to maintain. Rather than maintain an inaccessible, separate list of courses, the language will be in rule so applicants can easily identify the requirements.
- The proposed rules for subitem (3) list the topics that are considered "closely related geoscience courses." This list was also derived from the list the Board was required to maintain.

**Item C:** The proposed rules change the term "hours" to "credits" for the same reasons identified for similar changes to other rules as described previously in this SONAR.

**Subp. 6:** Items A through D reorganize and clarify the requirements for experience. The language used is similar to the language for qualifying experience described in the rules for the other professions.

### **1800.3930 PROCEDURES**

**Subparts 1 and 2:** The proposed modifications to the procedures for admission to the geoscience examinations mirror the changes proposed to the procedures for admission to the engineering examinations identified in M.R. 1800.2900 and the land surveying examinations in M.R. 1800.3750 above.

**Subpart 3:** The proposed language for the validity of an application is similar to that for engineering and land surveying. However, since the geoscience examinations are not computer-based, the language requiring an applicant to take an examination within three years is unnecessary. All applicants submit an application for an examination held on a specific date. If the applicants fails the exam, cancels or fails to appear for the exam, they will need to submit an application to retake the exam.

### **1800.4100 CERTIFICATE OF LICENSURE OR CERTIFICATION**

Proposed modifications to subparts 1 through 7 clarify that applicants must meet the education, examination *and* experience requirements relevant to the profession in which they are seeking licensure or certification before the Board issues the license or certificate.

The current rules state that the Board shall issue a license or certificate to an applicant who has successfully completed the examination. The rule infers that the applicant must meet the education and experience requirements because an applicant would not qualify to take the examination until they completed the education and experience requirements. Rather than relying on inference, the proposed rules clearly state that the applicant must complete the education, examination and experience requirements prior to licensure or certification.

The new language will be especially important as the professions begin allowing applicants to take examinations "early." Traditionally, for all professions, applicants completed the education requirements, then the experience requirements, then the examination requirement in that specific order. Nationally, some professions are moving away from requiring a specific order. For example, applicants in the IPAL program for architecture (see 1800.1000 above), students may complete their education, examination and experience requirements simultaneously and it is possible for a student to pass all sections of the Architect Registration Examination before completing either the education or experience requirement.

Protection of the public requires that the Board provide reasonable assurance that licensees and certification holders are qualified to practice their profession. The national standard for establishing minimum competency is through completion of the three “Es” – education, examination and experience, – often referred to as the three-legged stool. Without one of the components, the stool falls over.

Proposed modifications to this rule make it clear that the applicant must complete all three components before receiving a license or certificate and do not infer a particular order.

### **1800.4200 CERTIFICATION AND SIGNATURE ON PLANS**

**Subpart 1:** Minnesota Statutes §326.12, Subdivision 3, requires each plan, drawing, specification, plat, report, or other document prepared by a licensed professional to bear the signature of the licensed or certified person preparing it. In order to match the statute, the proposed rule modification adds drawings to the list of documents requiring certification and signature. Additionally, the proposed rules remove the term “etc.” and replaces it with “other documents which require a signature” as provided by the statute. The proposed language is more specific than simply saying, “etc.”

Finally, the proposed modifications allow the certification and signature to be electronic. As technology advances and more documents are prepared electronically, licensees and certificate holders need flexibility in applying their certification and signature to documents.

**Subp. 1a:** The proposed language for this subpart is new language clarifying a licensee or certificate holder’s duties for certification and signature. The language originated in model language published by the national organizations. These organizations are comprised of member boards, including Minnesota’s Board, in the United States and its territories. Model language reflects best practices as determined by the member boards. Minnesota is proposing to adopt some of the model language into its rules.

**Item A:** The purpose of licensure and certification is to safeguard the public health, safety, and welfare. It is the responsibility of the licensee or certificate holder signing documents or surveys to ensure that they protect the public.

**Item B:** In order to protect the public, licensees and certificate holders should only sign and certify work in their area of licensure or certification. Engineers cannot sign architect plans, professional geologists cannot sign engineering plans, etc. This item allows more than one licensee or certificate holder to sign and certify the document and designate for which area(s) the licensee or certificate holder is responsible.

**Item C:** Licensees and certificate holders must be competent in the area they are practicing (through education, examination, experience, and licensure or certification). This item states that it is the licensee's or certificate holder's duty to only sign and certify plans or documents dealing with subject matter in which the licensee or certificate holder is competent.

**Item D:** Licensees and certificate holders may sign documents that someone under their direct supervision designed (for example, an engineer in-training working under a professional engineer on a project). However, it is the licensee's or certificate holder's responsibility to ensure that they are not signing or certifying a document that was not prepared under their responsible charge. The licensee or certificate holder cannot sign and certify a document or plan for which they have no knowledge.

**Item E:** In practice, a single licensee or certificate holder often coordinates an entire project (i.e. as a project manager); however, each design discipline (architect, engineer, land surveyor, etc.) must sign and certify the document they designed.

**Subp. 2:** The proposed repeal of this subpart is housekeeping in nature. The subpart is in regard to a stamp that the Board designed combining the certification language required by subpart 4 and a place for signature. The Board does not actually have a design for a stamp. The language for the certification is specified in subpart 4 and includes the requirement for a signature; therefore, subpart 2 is unnecessary and obsolete.

**Subp. 3:** The proposed changes for this subpart is also housekeeping in nature. They improve grammar and provide clarity. The first sentence of subpart 3 was updated to match the list of items that must be signed as identified in Minnesota Statutes, section 326.12, subd. 3.

**Subp. 4a:** The proposed language is new language identifying documents requiring certification and signature. The Board derived the list through research of other state's rules regarding certification and signature of documents.

**Subp. 4b:** Minnesota Statutes §326.12, subdivision 3 states, "A stamp, printed signature, or electronically created signature has the same force and effect as an actual signature if it creates an accurate depiction of the licensed or certified professional's actual signature." The proposed rules provide clarity to electronic signatures. As technology continues to advance, more and more design professionals are using electronic means to create and submit documents. The Board's proposed language creates guidelines for the use of electronic signatures in the interest of protecting the public's health, safety and welfare. The proposed rules include the following requirements for electronic signature:



- The electronic signature must be unique to the licensee or certificate holder using it and be verifiable so that it is clear to the Board and anyone else concerned which licensee or certificate holder signed a document.
- The electronic signature must be under the sole control of the licensee or certificate holder using it. The Board and the public must be assured that the individual signing and certifying the document is the individual who prepared it. If the signature is available to someone other than the licensee or certificate holder, the potential for fraudulent activity increases and compromises the health, safety and welfare of the public.

**Subp. 6:** The new language contained in this subpart is intended to offer a solution to a situation in which one licensee certifies and signs a document and is unable to revise the document, if needed. (For example, the licensee left the company or passed away). The proposed rules allow another licensee may revise the document, identify and certify the revisions and include the revision date. This provides clarity in which licensee was responsible for which parts of the document.

**Subp. 7:** The proposed language for this subpart is new language regarding succession. In the event that the licensee in direct supervision of work is no longer available, there must be a method by which another licensee can "take over." Best practices are for the licensee to develop a complete design file for the project with work or design criteria, calculations, code research, and necessary changes to the work. The licensee must make the work their own in order to take over the direct supervision of the work.

Another instance in which a licensee or certificate holder succeeds the original is in the case of standard design plans. For example, a Target or McDonald's has the same design no matter where it is located. However, depending on the location of the site, licensees must consider additional factors (i.e. snow load in Minnesota, earthquakes in California, hurricanes in Florida, etc.) and changes to the design are likely required. The only way for a successor licensee or certificate holder to know what changes should be made is to perform their own calculations and conduct code research.

#### CONCLUSION

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

October 16, 2017 Doreen Frost  
Date Doreen Frost  
Executive Director