

STATEMENT OF NEED AND REASONABLENESS

RULES CHANGES

BOARD OF ARCHITECTURE, ENGINEERING, LAND SURVEYING, LANDSCAPE  
ARCHITECTURE, GEOSCIENCE AND INTERIOR DESIGN

## Statutory Authority

The statutory authority for these rule amendments is Minnesota Statutes 326.06.

## Section by Section Justification

Since the need and reasonableness of every rule was justified when the Rules were originally adopted, the SONAR will address only the need and reasonableness of the proposed amendments.

### 1800.0200

This change in wording adding AND LICENSEES and using the word licensees in place of registrants, registered and registration and adding or licensed is needed to reflect Chapter 214 requirements.

The change is reasonable because the old wording is no longer relevant and this will be more accurate.

This change will cause no additional cost to the state agency.

### 1800.0400

Title of section is changed to add "AND LICENSURE". This change is needed to have this section contain the same wording as section 1800.0200.

#### Subpart 1 -

Changes are made to wording to clarify and provide the applicant with filing requirements. The last sentence dealing with formal applications is eliminated because it is redundant. The part that deals with "postmarked not later than 60 days" is eliminated and "shall be filed" is inserted in its place.

These changes are needed to keep consistency in Sections and clarify the procedure for filing for the applicant.

#### Subpart 2 - 'E'

The wording "Fundamentals of Engineering (FE) or Fundamentals of Land Surveying (FLS) has been changed because the present wording is no longer accurate as the testing agency, NCEES, has changed the name of the exams.

#### Subpart 2 - 'F'

The word "chronological" has been eliminated to allow more flexibility of determining experience. The last sentence has been eliminated as it is redundant.

Subpart 3 -

This wording has been changed to reflect the procedure as it is now. The old wording is no longer accurate or relevant. The word "apparently" has been deleted as an applicant is either eligible or ineligible to take the exam. All applicants will be notified in writing and the form will only be sent to those that are eligible.

Subpart 4 -

The title has been changed to "In-training application" to differentiate it from 1800.0400, Subpart 1. Also part of the wording has been deleted as it is now found in Subpart 1 and to repeat it would be redundant. The 60 days is needed for the Board to compile the required information, approve the application, and order the exams.

The above changes were made for clarity purposes and to assist the potential applicant comply with registration and licensure procedures. The changes are needed for consistency and accuracy. The changes are reasonable and will cause no additional cost to the state agency. Costs will actually be more minimal and changes will cause less confusion among those who are administered by them.

1800.0600

The wording "National Council of Engineering Examiners (NCEE) has now been changed to National Council of Examiners for Engineers and Surveyors (NCEES). This is necessary because the National Council has changed its name.

Also, National Council for Interior Design Qualification (NCIDQ) has been added. This is necessary because their examination is being used by this registration board.

The changes are reasonable because the old wording is no longer relevant.

This change is in wording only and will add no additional cost to the state agency.

1800.0700

This entire section has been deleted. It is covered in 1800.0400 subpart 3.

This deletion is reasonable because it is no longer needed and would only cause duplication.

The deletion will add no additional cost to the state agency.

1800.0800

E. Change has been made to reflect the name change of NCEE to NCEES (as already discussed in 1800.0600).

G. "or landscape architect" has been added for comity of landscape architects.

These changes are reasonable because they are now accurate and consistent with today's usage.

These changes will add no additional cost to the state agency.

1800.0900 QUALIFICATION PROCEDURES.

Subpart 2 relating to change of status is deleted. This change is needed since Minnesota Statutes, chapter 326 and other rules reference a licensee's change of status. This change is reasonable since change of status requirements are clearly defined in other rules and the reference here is redundant.

In Subpart 2 (previously subpart 3) the term "in-training" is replaced with fundamentals. This change is needed to reflect the change in the test name by the testing agencies. Minnesota Statutes, Chapter 214.03 provides that boards shall use national standardized tests as appropriate. This change is reasonable because the reference to in-training test is no longer relevant and causes confusion among potential examinees.

In Subpart 3 (previously subpart 4) the reference which required the Board to review reasons for non-appearance is deleted as a criteria for reexamination. It is needed to amend the rules to bring the re-examination process into conformance with actual practice. It is reasonable because the deleted language is superfluous and irrelevant to the criteria used to permit re-examination.

Subpart 4 (previously subpart 5) reference to the exact examination times is deleted. This change is needed since the board relies on national testing agencies for providing examination materials, national examination dates change frequently and some examinations are offered once a year, others twice a year. It is reasonable to delete this language and allow the board the flexibility to respond to and change examination dates without a revision to the rules when the dates are changes by the testing agencies.

### 1800.1500

Subpart 1: This change is necessary to recognize the manner in which candidates can become licensed to practice landscape architecture.

Subpart 2: These changes recognize the general requirements which must be met for admission to the examination for landscape architecture.

Subpart 3: These changes identify education and experience requirements in those cases where the applicant does not meet those requirements set forth in 1800.1500, subpart 2.

### 1800.1600

This change is necessary and reasonable to allow the Board to verify the degree of experience and ensure the applicant meets the qualifications for the examination.

### 1800.1900

This change merely recognizes changes in the manner in which educational requirements are set forth in these rules.

### 1800.2100 EDUCATION AND EXPERIENCE.

Subpart 1. The term "prepared" is deleted and replaced with the term "administered". This change is needed to reflect the change in administration responsibility for the examination to the National Council for Interior Design Qualifications. This change is reasonable because reference to the Board administering the test is no longer relevant and causes confusion among potential applicants.

In subpart 1 the reference to Rule 1800.2300 Qualification for Certification Based on Long Experience has been deleted. This is needed since the time frame for the "grandfather" provision has passed. Deleting this reference is reasonable since the board no longer has a "grandfather" process.

Subpart 4. Reference to the requirements for those individuals granted certification under the "grandfather" process has been deleted. (see 1800.2100, subp. 1 for need and reasonableness justification).

Subpart 5. The requirements concerning applicants licensed as architects has been moved from 1800.2300 which referenced the "grandfather" process and has been deleted. This change is needed since the Board is required to maintain a record of all

persons who are certified as Interior Designers. This change is reasonable since it creates an orderly procedure for granting certificates to registered architects by only requiring architects to submit application for certification.

1800.2200 PROCEDURES.

Subp. 2. is changed to make it clear that applicants shall apply for examination directly to the National Council of Interior Design Qualification (NCIDQ) instead of the board. This change is needed to reflect the change in procedure. This change is reasonable since the reference to the board for examination application is no longer relevant and causes confusion among potential applicants.

Subp. 3. is changed to make it clear that an application for certification is submitted to the board per the stated requirements. This change is needed since the board has modified the application process and consolidated the preliminary and formal applications previously required. This change is reasonable since generic application and fee requirements are defined in the rules 1800.0400 and 1800.0500 referenced.

Since certification is a title and not a practice act, the reference to applicant acknowledgement of rules of professional conduct is not needed. Deleting this requirement is reasonable since the Board has never relied upon it as an application criteria. Further it is necessary to amend the rule to bring the application process into conformance with the actual practice.

1800.2300 QUALIFICATION FOR CERTIFICATION BASED ON LONG EXPERIENCE.

This rule is deleted. See part 1800.2100 subp. 1 for need and reasonableness justification.

EXAMINATION OF ENGINEER APPLICANTS

1800.2500 EDUCATION AND EXPERIENCE.

Subpart 1: The change is necessary as the examination name has been changed.

Subpart 2: This change clarifies and defines equivalent education and experience requirements. The clarification is necessary to better define the requirements for admission to the examinations.

Subpart 3A: Renumbering is necessary due to revisions in subp. 2 and 3.

Subpart 3: The deletion is necessary as the definition of equivalent education has been included in subp. 2.

1800.2600 ORAL EXAMINATION.

The clarification is necessary and reasonable to allow the Board to verify the degree of experience and ensure the applicant meets qualifications for the examination.

1800.2700 WRITTEN EXAMINATION.

Subpart 1 & 1a: The change is necessary to clarify the requirements for Fundamentals of Engineering Examination and Engineer-in-Training certification.

Subpart 2: The change is necessary as some exams are no longer offered and additional exams are available.

Subpart 3: This clarification has been previously addressed in 1800.2500 subp. 3.

Subpart 4: This subpart for the test description is unnecessary.

Subpart 5: This clarification is necessary as the exam handbook requirement has changed.

1800.2800 ENGINEER QUALIFIED BY GRADUATION, LONG EXPERIENCE, AND EXAMINATION.

This clarification is necessary as revisions have been made to equivalent education requirements in 1800.2500 subp. 2.

1800.2900 PROCEDURES.

Subpart 1: This revision is necessary to reflect changes made to 1800.0400 as 60 days are needed to compile the required information, approve application, and order exams.

Subpart 2: This revision is necessary to reflect revisions to 1800.0400. subpart 5, item B, subitem (2).

Subpart 3: This deletion is necessary to reflect revisions to Subp. 2.

1800.4000 CERTIFICATION OF RECORD.

A change has been made to title of the exams which must be successfully completed by the applicants in order for the board to record the applicant's name as Engineer-in-Training or Land

Surveyor-in-Training. This change is needed since the title of the national standardized test has been changed by the National Council of Examiners for Engineering and Surveying. This change is reasonable since the old title is no longer relevant and could cause confusion among the applicants.

The term suspension or revocation is deleted and replaced with the term discipline. This change is necessary to implement the requirements of Laws of Minnesota, Statute 326.111 (1993) which specifies actions in addition to revocation or suspension that may be taken. It is reasonable to reference all actions that may be taken.

#### 1800.4100 CERTIFICATE OF REGISTRATION.

Subparts 1-4

All subparts were changed to recognize the particular process by which applicants attain licensure. In addition, with each profession being discussed in a separate subpart, future changes could be facilitated.

#### 1800.5100 DEFINITIONS.

In Subpart 1, the reference to "Uniform Building Code" and "UBC" is changed to "Minnesota State Building Code" and "MSBC". This change is needed because the terms "Uniform Building Code" and "UBC" cause confusion by providing an incomplete reference to the building codes for the State of Minnesota. To protect public safety, health and welfare, there is a need to properly reference the building codes for the State of Minnesota. The "Uniform Building Code" is adopted by reference and amended by the "Minnesota State Building Code". It is reasonable to use the terms "Minnesota State Building Code" and "MSBC" to properly and completely reference the building codes for the State of Minnesota.

In Subpart 2, the word "verified" is changed to "classified" to maintain consistent terms between this Rule and the Minnesota State Building Code.

#### 1800.5200 GENERAL REQUIREMENT AND EXCEPTIONS.

In subpart 1, there is a need to provide the words "to practice" in order to fulfill the intents of Minnesota Statute 326.02, which defines and regulates the practice of each of the licensed design professions. The current language appears to permit interchangeable practice between professions of architecture and engineering. In Minnesota Statute 326.02, the definitions of practice for the licensed design professions intend to clearly differentiate the practice of architecture from the practice of



engineering. The professions are in fact substantially different in required education, training, experience, and professional practice. It is reasonable to add the words "to practice" to reduce public and professional confusion as to the intents of Minnesota State Statute 326.02.

In subpart 3, corrected references to the Minnesota State Building Code are made. In Subpart 3. A. (1), (2), and (3), references to the Uniform Building Code, 1976 edition have long been obsolete. (see part 1800.5100. Subpart 1, for need and reasonableness justification).

**1800.5700 Table 1.**

Table 1 is entirely replaced by a new Table 1 that has been coordinated with the Minnesota State Building Code. The previous table provided insufficient information to define the exempt classes of buildings, and caused confusion. The new table utilizes the same building occupancy classifications as the Minnesota State Building Code.

There is a need for this change to enable the public, building officials and licensed design professionals to understand and apply the intents and purposes of State Statute 326.06 by more clearly defining those classes of buildings that are exempt from statutes requiring design by licensed design professionals.

This change is reasonable because it does not substantially alter the intents of the previous table, imposes no additional unnecessary restrictions on the public and causes no additional economic impact on the public. The new table provides coordination with related laws and clarity for more consistent enforcement of statutory intents.

