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

November 29, 2011

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REVISOR OF STATUTES

Governor Mark Dayton
Office of the Governor

Michele Timmons
Revisor of Statutes

Mr. Greg Hubinger, Director
Legislative Coordinating Commission

Representative Joyce Peppin, Chair
Government Operations & Elections Committee

Representative Bob Gunther, Chair
Jobs & Economic Development Finance Committee

Senator Chris Gerlach, Chair
Commerce and Consumer Protection Committee

Senator Geoff Michel, Chair
Jobs & Economic Growth Committee

Subject: Annual Report on Obsolete, Unnecessary or Duplicative Rules as Required by Minnesota Statutes, Section 14.05, Subdivision 5

Dear Governor Dayton, Senators, Representatives, and Revisor Timmons:

Minnesota Statutes, section 14.05, subdivision 5, directs the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

The Board has previously declared its intention to repeal the following three sets of rules:

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1. Minnesota Rules, Chapter 1800.0200, paragraph A, clause (3): "pursuant to Minnesota Statutes, section 326.10, subdivision 1, paragraph (b), as it applies to geoscientists who seek licensure within one year after August 4, 1997."

   This rule is in reference to the "grandparenting" period for licensure in the discipline of geoscience. The time frame for licensure through grandparenting has expired.

2. The next four rules or parts of rules are in reference to the "grandparenting" rule identified above and have been identified as obsolete:

   a) Minnesota Rules, Chapter 1800.0500, Subpart 7, paragraph F: "for each application for licensure within a geoscience discipline by submission of records under Minnesota Statutes, section 326.10, subdivision 1, paragraph (b), a fee of $100;"

   b) Minnesota Rules, Chapter 1800.0800, paragraph J, in part: "...and 326.10, subdivision 1, paragraph (b)."

   c) Minnesota Rules Chapter 1800.3910, Subpart 1, in part: "...or those geoscientists who are qualified for licensing by submission of records as defined in Minnesota Statutes, section 326.10, subdivision 1, paragraph (b), by applying for licensure within one year after August 4, 1997, and meet the requirements in this part."

   d) Minnesota Rules Chapter 1800.3910, Subpart 7.

3. The following rule, in reference to certification by comity as a certified interior designer, is duplicative of the requirements spelled out in Minnesota Statute §326.10, Subdivision 1, paragraph (a), clause (2): "...in which the requirements for registration or licensure of architects, engineers, land surveyors, landscape architects, geoscientists, or certified interior designers, respectively, at the time of registration or licensure in the other jurisdiction, were equal, in the opinion of the board, to those fixed by the board and by the laws of this state, and in which similar privileges are extended to the holders of certificates of registration or licensure issued by this state..."

   Minnesota Rules, Chapter 1800.0800, paragraph I, in part: "The applicant shall meet the certification requirements that were in effect in Minnesota at the time of the applicant's original licensure or certification in the other state, territory, or the District of Columbia..."

The Board has reviewed the remainder of its rules and can identify the following as obsolete, unnecessary or duplicative:

1. Minnesota Rules Chapter 1800.3915.

   The Board does not conduct oral interviews for applicants for licensure in the disciplines of geoscience, therefore, the rule is not necessary.

2. Minnesota Rules Chapter 1800.2500, Subpart 1, in part: "Written examinations are required of all applicants except those licensed under part 1800.0800, items E and G, [comity applicants] that apply to those professional engineers licensed in one or more states other than Minnesota."

   Written examinations are still required of comity applicants, so this language is not necessary.

Timetable for repeal:

The Board is currently in the process of revising all rules related to geology, soil science and professional engineering. The removal of obsolete, unnecessary or duplicative rules regarding geoscience and engineering will be included in this rule package which will begin in 2012.

We look forward to working with you during this legislative session. We appreciate your dedication during difficult financial times and support your efforts. If you have any questions regarding this report, please contact me at 651-757-1511.

Sincerely,

Doreen Frost

Doreen Frost
Executive Director

cc: William Arockiasamy, PE, Board Chair