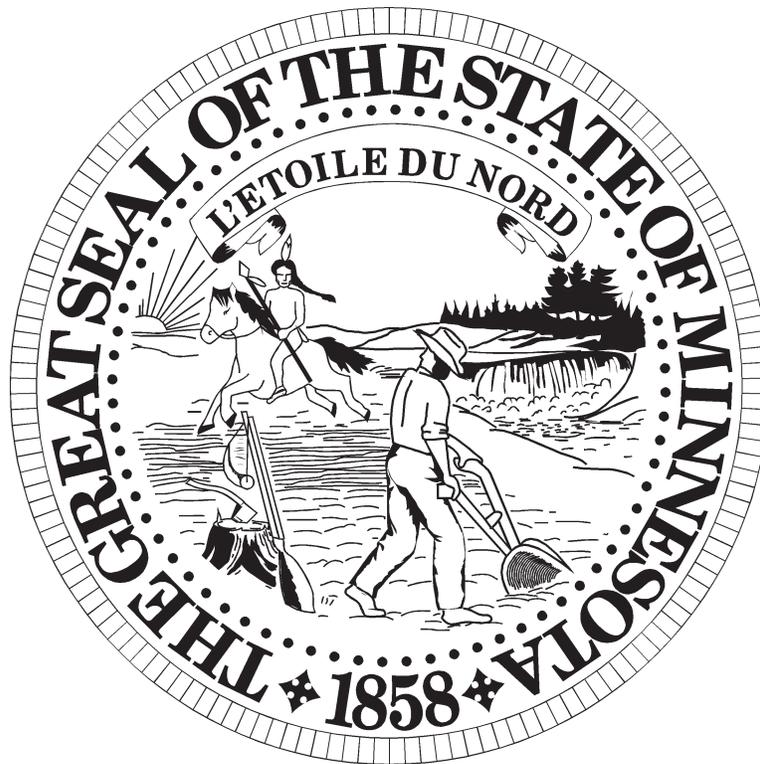


Minnesota

State Register

(Published every Monday (Tuesday when Monday is a holiday).)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts;
Non-State Public Bids, Contracts & Grants**

**Monday 9 December 2013
Volume 38, Number 24
Pages 819 - 872**

Minnesota State Register

Judicial Notice Shall Be Taken of Material Published in the *Minnesota State Register*

The *Minnesota State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. It contains:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-State Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 38 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 25	Monday 16 December	Noon Tuesday 10 December	Noon Wednesday 4 December
# 26	Monday 23 December	Noon Tuesday 17 December	Noon Wednesday 11 December
# 27	Monday 30 December	NOON MONDAY 23 DECEMBER	NOON TUESDAY 17 DECEMBER
# 28	Monday 6 January 2014	NOON MONDAY 30 DECEMBER	NOON TUESDAY 24 DECEMBER

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 For additional grants go to the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529.

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Proposed Rules

Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules or Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Board of Accountancy

Proposed Permanent Rules Governing Continued Professional Education and Firm Registration

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04183

Proposed Amendment to Rules Governing Licensure Renewal, Continuing Professional Education, Firm Permits, and Housekeeping Updates, *Minnesota Rules*, 1105.0100, 1105.0500, 1105.0700, 1105.1500, 1105.1600, 1105.1650, 1105.2100, 1105.2400, 1105.2500, 1105.2560, 1105.2600, 1105.3000, 1105.3100, 1105.3200, 1105.3300, 1105.3350, 1105.3700, 1105.3800, 1105.4000, 1105.4100, 1105.4300, 1105.5100, 1105.5400, 1105.6300, 1105.6550, 1105.6600, 1105.7000, 1105.7100, 1105.7200, 1105.7450

Proposed Repeal of Rules Governing Housekeeping Updates, *Minnesota Rules*, parts 1105.0100, subpart 5, 1105.1500, subpart 2, 1105.3900, 1105.4500, 1105.5000

Introduction. The Board of Accountancy intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on January 8, 2014, the Board will hold a public hearing in Suite 295, Golden Rule Building, 85 East 7th Place, St. Paul, Minnesota 55101, starting at 9:00 AM on Thursday, January 30, 2014. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after January 8, 2014 and before January 30, 2014.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person: Andrea Barker at Board of Accountancy, 85 East 7th Place, Suite 125, St. Paul, MN 55101; **phone:** (651) 757-1511; **fax:** (651) 282-2644; **e-mail:** andrea.barker@state.mn.us. **TTY** users may call the Board of Accountancy at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about updating the renewal requirements and firm naming requirements to reflect statute changes, clarifying the continuing professional education requirements, making housekeeping updates, and repealing obsolete rules. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326A.02, subdivision 5. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, January 8, 2014, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the

Proposed Rules

due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, January 8, 2014. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed.

Modifications. The Board might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Board will cancel the hearing scheduled for January 30, 2014, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at: (651) 757-1511 after January 8, 2014 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Laura Sue Schlatter is assigned to conduct the hearing. Judge Schlatter can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7872, and **fax:** (651) 361-7936.

Hearing Procedure. If the Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It

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is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR is also available on the Board's website at www.boa.state.mn.us.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Board will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Signed November 7, 2013

Doreen Frost, Executive Director
Minnesota Board of Accountancy

1105.0100 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. [See repealer.]

[For text of subps 6 to 9, see M.R.]

Subp. 9a. **Group Internet-based program.** "Group Internet-based program" means an educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants by using the Internet.

Subp. 9b. **Group live program.** "Group live program" means an educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants in a classroom or conference setting.

Subp. 9c. **Group program.** "Group program" means either a group Internet-based program or group live program.

Subp. 9d. **Independent study.** "Independent study" means an educational process designed to teach a participant a given subject using a learning contract with a continuing professional education program sponsor.

Subp. 9e. **Internet-based program.** "Internet-based program" means an educational process using a group program or a self-study program that is designed to teach a participant a given subject using the Internet.

Subp. 9a-9f. **Licensee.** In addition to the definition in *Minnesota Statutes*, section 326A.01, subdivision 9, a "licensee" for purposes of parts 1105.1200, 1105.5600, 1105.5800, and 1105.7800, and *Minnesota Statutes*, sections 326A.08, 326A.10, and 326A.13, can also be a person issued a certificate as a certified public accountant under the law of any other state who is rendering services in this state according to *Minnesota Statutes*, section 326A.04 or 326A.14, or an entity issued a permit as a CPA firm under the law of any other state who is rendering services in this state according to *Minnesota Statutes*, section 326A.05.

[For text of subps 10 to 16, see M.R.]

Subp. 16a. **Self-study program.** "Self-study program" means an educational process designed to teach a participant a given subject without involvement of an instructor.

[For text of subp 17, see M.R.]

1105.0500 DUTIES OF OFFICERS.

A. The chair or, in the event of the chair's absence or inability to act, the vice-chair shall preside at and prepare an agenda for all meetings of the board. The chair shall make committee appointments and shall supervise the activities of the executive ~~secretary~~ director in accordance with board directives and policy. The board shall determine other duties of the officers.

[For text of items B and C, see M.R.]

1105.0700 REFUNDING FEES.

Fees must be refunded if an application is rejected prior to processing. Once an application for examination or reexamination has been processed or approved by the board or third-party administrator on behalf of the board, the fee specified in ~~part 1105.0600, item N~~ Minnesota Statutes, section 326A.04, subdivision 5, paragraph (b), clause (14), may not be refunded. The fee may be applied to a subsequent examination within six months, after which the fee is forfeited. The fee specified in ~~part 1105.0600, item O~~, is Minnesota Statutes, section 326A.04, subdivision 5, paragraph (b), clause (15), may be refundable ~~based on~~ pursuant to the refund policy of the third-party administrator.

1105.1500 EDUCATION REQUIREMENTS.

Subpart 1. ~~Education requirements on or after July 1, 2006.~~ ~~On or after July 1, 2006,~~ For purposes of *Minnesota Statutes*, section 326A.03, subdivision 3, an applicant is considered to have met the education requirement if the applicant has met any one of the following conditions:

[For text of items A to D, see M.R.]

Subp. 2. [See repealer.] **1105.1600 APPLICATIONS FOR EXAMINATION.**

[For text of subp 1, see M.R.]

Subp. 2. **Completion of filing.** An application is not considered filed until the application fee and examination fee required by ~~this chapter~~ Minnesota Statutes, section 326A.04, and all required supporting documents have been received by the board or examination administrator, including proof of identity as determined by the board, official transcripts, and proof that the applicant has completed the education requirement. Applicants who do not supply all required supporting documents and applicable fees within four years of the date the application was received by the board shall submit a new application with the required fee.

[For text of subs 3 to 5, see M.R.]

1105.1650 EARLY APPLICATION AND EXAMINATION PROVISIONS.

[For text of items A and B, see M.R.]

C. Examination related fees required by ~~parts 1105.0600 and part 1105.2100~~ and Minnesota Statutes, section 326A.04, shall not be refunded if the applicant does not submit a final transcript within the 150-day period required in item B.

1105.2100 EXAMINATION CHARGES.

The board shall charge, or provide for a third party to charge, each applicant a fee for each section of the examination or reexamination taken by the applicant as specified in ~~part 1105.0600~~ Minnesota Statutes, section 326A.04.

1105.2400 EMERGENCY EXAMINATION PROCEDURES.

When circumstances exist making it impossible for the board or examination administrator to conduct the examination at the time, date, or place scheduled or make it impossible for a majority of examination candidates to attend the examination at the time, date, or place scheduled, the board shall waive ~~parts 1105.0600, items N and O; 1105.1600, subpart 3; 1105.1700; and 1105.2000, subpart 2; and~~ Minnesota Statutes, section 326A.04, paragraph (b), clauses (14) and (15), to avoid hardship on examination candidates affected. The circumstances include notice to the board of the unavailability of the examination site with insufficient time to give notice to examination candidates; weather emergencies as declared by the governor, the governor's designees, or those state officials empowered to close public highways; civil disturbances; natural disasters; and other causes that affect the board's or examination administrator's ability to fairly administer the examination.

1105.2500 APPLICATIONS FOR CERTIFICATES.

A. Applications for initial certificates and for renewal of certificates pursuant to the act must be made on a form provided by the

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board and, in the case of applications for renewal, must be filed no later than the expiration date set by the act or this chapter. Applications are not considered filed until ~~the board receives both the applicable fee prescribed in this chapter is received.~~ Minnesota Statutes, section 326A.04, and the following supporting documentation:

~~(1) for initial certificates, evidence of completion of the education, examination, and experience requirements in part 1105.3800, items A, E, F, G, and H; and~~

~~(2) for renewal certificates, evidence of completion of continuing education requirements described in item B. Applicants who do not supply all required supporting documents and applicable fees for an initial certificate within four years of the date the application was received by the board shall submit a new application with the required fee. If an application for renewal is filed late, it must also be accompanied by the delinquency fee prescribed in this chapter Minnesota Statutes, section 326A.04. In addition, the reinstatement fee prescribed in this chapter Minnesota Statutes, section 326A.04, must be paid if the renewal is filed more than two years late. The application for renewal must be submitted on a form provided by the board by December 31 of each year or in accordance with part 1105.2550.~~

[For text of item B, see M.R.]

C.

~~(1) Licensees granted an exception under part 1105.3300 shall have a certificate status of “inactive.”~~

~~(2) Licensees who elect to be exempt from certificate renewal under part 1105.3700 shall have a certificate status of “exempt.”~~

~~(3) Certificate holders who meet the criteria of part 1105.3900 shall have a certificate status of “certificate holder.”~~

~~(4) (3) Licensees who have complied with part 1105.3000, items A to C, and do not meet the criteria of subitems subitem (1) to (3) or (2), and have complied with part 1105.3000, items A to C, shall have a certificate status of “active.” Initial issuances of certificates shall also have an “active” status.~~

~~(5) (4) Licensees shall renew their certificates with a status of “active” if they:~~

~~(a) are employees of a firm granted a permit under Minnesota Statutes, section 326A.05, or are engaged as independent contractors by a firm granted a permit under Minnesota Statutes, section 326A.05;~~

~~(b) issue compilation reports other than through a CPA firm;~~

~~(c) use the titles certified public accountant or CPA without “inactive” adjacent to the title; or~~

~~(d) are employees in the Office of the Legislative Auditor or State Auditor. Persons specified in unit (a) or (d) who perform no direct or indirect professional service for any client do not need an “active” certificate.~~

~~(6) (5) Licensees shall renew their certificates with a status of “active” if they used experience of the type specified in part 1105.2600, item C, or 1105.2700, subpart 3, in obtaining the initial certificate and are still directly or indirectly performing through the supervision of others, work which is similar, in the opinion of the board, to the work claimed as experience.~~

~~(7) (6) Nonresident individuals who do not meet the requirements of part 1105.7900, item B, and Minnesota Statutes, section 326A.04, subdivision 7, or 326A.14, and who have never been granted a CPA certificate by any state must not be issued a certificate by this state unless the individual previously met the nonresident requirements of part 1105.1600, subpart 1, and meets all other requirements for initial issuance of a certificate.~~

D. Applicants, licensees, or nonresident individuals who desire to practice in this state but do not meet the requirements of part 1105.7900, item B, who have successfully passed the Uniform Certified Public Accountant Examination and have met the experience and education requirements of parts 1105.2600 or 1105.2700; and 1105.2900, and Minnesota Statutes, section 326A.04, must either:

(1) make an application and receive an initial certificate; or

(2) make an application and receive an “active” certificate; if the applicants, licensees, or nonresident individuals who do not meet the requirements of part 1105.7900, item B, are owners or are employed by or become employed by a firm which has been issued a permit under this chapter and Minnesota Statutes, section 326A.05, or are employees in the Office of the Legislative Auditor or State Auditor, and

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the employment results in the providing of professional services to a client. Applications must be accompanied by the applicable fee prescribed in ~~this chapter~~ Minnesota Statutes, section 326A.04, and must be filed with the board within 60 days of meeting the criteria specified in this item.

[For text of item E, see M.R.]

1105.2560R RENEWAL OF CERTIFICATES AFTER 2013.

A. Beginning with certificate renewal applications for certificates with an expiration date of December 31, 2014, the board shall renew each certificate for a one-year period.

B. Initial issuances of certificates after January 1, 2014, shall expire on the December 31 following issuance and shall thereafter be renewed annually before December 31 on a form provided by the board for that purpose.

C. Notwithstanding the renewal period established by this part and except as provided for in part 1105.3000, item G, on each June 30, licensees holding a certificate with an "active" status shall comply with the one- and three-year continuing professional education requirements in part 1105.3000.

D. Certificates with an expiration date of December 31, 2013, or prior, submitted to the board for renewal on or after January 1, 2014, shall expire on the December 31 following renewal.

1105.2600 EXPERIENCE REQUIRED FOR INITIAL CERTIFICATE ON OR AFTER JULY 1, 2006.

The experience required to be demonstrated for issuance of an initial certificate pursuant to Minnesota Statutes, section 326A.03, subdivision 6, must comply with items A to E.

[For text of items A to C, see M.R.]

D. One year of experience consists of full- or part-time employment that extends over a period of no less than one year and no more than three years and includes no fewer than 2,000 hours of performance of services described in item A, and may be obtained at any time prior to or after July 1, 2006.

[For text of item E, see M.R.]

1105.3000 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS.

The requirements of continuing professional education in items A to ~~K~~ G apply pursuant to Minnesota Statutes, section 326A.04, subdivision 4.

A. A licensee holding a certificate with an active status shall complete at least 120 hours of continuing professional education complying with this chapter during the preceding three-year period, with a minimum of 20 hours in each year. No carryforward of CPE hours from a one- or three-year CPE period ended on June 30 to another CPE period is allowed. As further explained in part 1105.3100, a licensee holding a certificate with an active status shall demonstrate participation in a program of learning meeting the applicable standards set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by NASBA and AICPA, which is incorporated by reference. At least eight hours of the 120 hours shall be in accounting ethics or business ethics. A program in ethics includes topics such as ethical reasoning, state-specific statutes and rules, and standards of professional conduct, including those of other applicable regulatory bodies.

(1) complete a minimum of 20 hours of continuing professional education (CPE) complying with this chapter each year;

(2) in a rolling three-year period, complete a minimum of 120 hours of CPE complying with this chapter including at least eight hours in regulatory ethics or behavioral ethics;

(3) complete the required CPE by June 30 each year; and

(4) report the required CPE to the board on a form provided by the board by December 31 each year.

B. A licensee who does not currently hold an active certificate but previously held such a certificate and who elects or is required to have an active certificate shall complete at least 120 hours of CPE complying with this chapter during the three-year period preceding application for an active certificate. Such licensee shall identify and complete a program of learning designed to demonstrate the currency

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~~of the licensee's competencies directly related to the licensee's area of service. A licensee who elected to be exempt from certificate renewal pursuant to part 1105.3700 shall comply with the continuing professional education requirements in part 1105.3700, item C, before applying to obtain an active certificate. A continuing professional education period is one year, from July 1 to June 30. No carryforward of CPE from one period to the next is allowed. A licensee may carryback CPE hours earned after June 30 to satisfy the requirements of a prior CPE period provided that the late processing fees specified in item E are paid. Carryback hours used to satisfy the requirements of a prior CPE period must not also be used to satisfy the requirements of the period in which they were completed.~~

~~C. For purposes of this part, the year ends on June 30.~~

~~D. C. Certificates may not be renewed until CPE requirements of this part are met or an exception is granted.~~

~~E. A licensee granted an exception from the competency requirement by the board under part 1105.3300 may discontinue use of the word "inactive" in association with the licensee's CPA title upon showing that the licensee has completed at least 120 hours of continuing professional education complying with this chapter during the three-year period preceding the licensee's request to discontinue use of the word "inactive."~~

~~F. Licensees who have elected to be exempt from certificate renewal pursuant to part 1105.3700 need not comply with this part.~~

~~D. A licensee holding a certificate with an inactive status who elects or is required to have an active certificate shall complete at least 120 hours of CPE complying with this chapter during the three-year period preceding application for an active certificate. Such licensee shall identify and complete a program of learning designed to demonstrate the currency of the licensee's competencies directly related to the licensee's area of service.~~

~~G. E. Failure to report CPE, failure to obtain CPE required by this part, reporting of an amount less than that required, or fraudulently reporting CPE is a basis for disciplinary action under *Minnesota Statutes*, section 326A.08. A licensee not in compliance with this part on June 30 of each year shall be assessed a late processing fee of \$50 for the first month, or partial month, of noncompliance and \$25 per month, or partial month, of noncompliance thereafter until the date the licensee is in compliance with this part and provides documentation of compliance in writing to the board.~~

~~H. A licensee may use CPE hours taken subsequent to the end of a CPE period ended on June 30 to satisfy the requirements of item A related to a period ended on June 30 provided the late processing fee specified in item G is paid. The hours must not be counted in two different reporting periods.~~

~~I. A licensee electing to change the status of the licensee's active certificate to a status other than active can only do so effective on the January 1 following a written request for the change and on a form provided by the board. The request shall be accompanied with documentation showing that the licensee completed at least 120 hours of continuing professional education required under this chapter during the three-year period ended June 30 preceding the effective date of the status change, with a minimum of 20 hours each year.~~

~~J. Licensees granted an initial certificate with an active status have no continuing professional education hour requirement for the year ending June 30 during which the initial certificate was granted. The 120-hour requirement and the ethics requirement in item A are not effective for these licensees until the June 30 following the third anniversary of the initial certificate issuance, at which time at least 120 hours of CPE and the ethics requirement complying with this chapter must be completed. The 20-hour requirement in item A is not effective for these licensees until the June 30 following the first anniversary of the initial certificate issuance.~~

~~K. A licensee shall report compliance with this part as required by parts 1105.2500, item B; 1105.3200, items A and C; or upon request by the board under part 1105.3200, item B.~~

~~F. A licensee electing to change the status of the licensee's certificate from a status of "active" to a status of "inactive" must:~~

~~(1) notify the board of the request in writing on a form provided by the board; and~~

~~(2) provide the board with documentation showing completion of a minimum of 120 hours of CPE required under this chapter during the three-year period ended June 30 preceding the effective date of the status change, with a minimum of 20 hours each year. The change in status from "active" to "inactive" is effective on January 1 following completion of subitems (1) and (2).~~

~~G. The following requirements apply to licensees granted an initial certificate with an active status.~~

~~(1) Licensees receiving their initial certificate between January 1 and June 30:~~

~~(a) are exempt from the CPE requirement for the CPE period ended June 30 in the same year as the date the initial certificate~~

was granted;

(b) must complete the 20-hour requirement in item A by June 30 of the year following the date the initial certificate was granted; and

(c) must complete the 120-hour requirement in item A by the June 30 three years after the date in which the initial certificate was granted.

(2) Licensees receiving their initial certificate between July 1 and December 31:

(a) are exempt from the CPE requirement for the CPE period ended June 30 in the year following the date the initial certificate was granted;

(b) must complete the 20-hour requirement in item A by June 30 two years after the date in which the initial certificate was granted; and

(c) must complete the 120-hour requirement in item A by June 30 four years after the date in which the initial certificate was granted.

1105.3100 CONTINUING PROFESSIONAL EDUCATION PROGRAMS.

Subpart 1. **Regular qualifications.** A program qualifies as acceptable continuing professional education for purposes of this chapter and *Minnesota Statutes*, section 326A.04, subdivision 4, if it is a program of learning that contributes to the growth in the professional knowledge and professional competence of a licensee. The program must meet the minimum standards of quality of development, presentation, measurement, and reporting of credits in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by NASBA and AICPA or such other standards acceptable to the board. Except to the extent permitted in subpart 2, program sponsors qualifying under this chapter must be members of NASBA's CPE registry ~~and, in the case of self-study programs, members of NASBA's Quality Assurance Service program. Seminar or lecture. Group programs designed with interaction between an instructor or facilitator and other participants that are sponsored or presented by the entities in items A to D~~ E are not subject to the NASBA's CPE Registry requirement:

A. the Office of the Legislative Auditor or State Auditor ~~provided, if a quality review similar in scope to a system review level quality review conducted on a CPA firm has been completed in the last three years and an unmodified report on such review has been filed with the board. This quality review must be similar in scope to a system review level quality review conducted on a CPA firm;~~

[For text of item B, see M.R.]

C. colleges and universities whose academic programs qualify an applicant to sit for the CPA examination; ~~and~~

D. CPE programs sponsored by professional organizations recognized by the board as report acceptance bodies pursuant to part 1105.5300; ~~and~~

E. CPE programs sponsored by professional organizations recognized by another state's board of accountancy.

Subp. 2. **Other qualifications.** The board shall accept programs that, in the determination of the board, contribute to the growth of the professional knowledge and competence of the licensee even if the programs do not meet the specific requirements of subpart 1 ~~or part 1105.3000, item A~~; if the licensee shows that the programs contribute to the licensee's professional knowledge and professional competence, ~~and provided at least 72 hours for the three-year period do meet the requirements of subpart 1. All self-study program sponsors must be members of NASBA's Quality Assurance Service Program as required by subpart 1 and the program must comply with part 1105.3000, item A. All self-study programs and program sponsors must be approved by NASBA and listed on NASBA's CPE Registry. The following learning activities are eligible for CPE credit as specified in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by NASBA and AICPA:~~

A. group live programs;

B. group Internet-based programs;

C. independent study;

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D. authoring articles, books, or CPE courses for publication; and

E. preparation time and presentation of courses or seminars.

Subp. 3. **Nonresident.** A nonresident licensee holding a certificate with an active status issued by this state meets the CPE requirement of this chapter by meeting the CPE requirements for renewal of a certificate in the state in which the licensee's principal place of business is located.

Nonresident applicants for renewal of a certificate shall demonstrate compliance with the CPE renewal requirements of the state in which the licensee's principal place of business is located by signing a statement to that effect on the renewal application of for this state.

If the state in which a nonresident licensee's principal place of business state is located has no CPE requirements for renewal of a certificate, the nonresident licensee must comply with all CPE requirements of this state.

Subp. 4. **CPE hour limitations.** The following hour limitations apply during the rolling three-year CPE period:

A. at least a maximum of 60 hours must may be obtained from other than instructor preparation or presentation claimed for presenting or instructing qualifying courses or seminars;

B. at least a maximum of 60 hours must may be obtained from other than the writing of claimed for authoring articles, books, or CPE courses for publication;

C. at least 24 hours must be obtained from other than self-study attending instructor-led programs; and

D. at least 96 a maximum of 24 hours must may be obtained from programs in the subject areas other than area of personal development as defined in the Statement on Standards for Continuing Professional Education (CPE) Programs, defined as a field of study that covers such skills as communications, managing the group process, dealing effectively with others, interviewing, counseling, and career planning; and

E. at least 72 hours must be obtained through programs meeting the registry requirements under subpart 1.

1105.3200 CONTINUING PROFESSIONAL EDUCATION REPORTING AND RECORDS.

A. Persons seeking renewal of certificates with an active status pursuant to the act shall file with their applications a signed statement indicating they have met the requirements for participation in a program of continuous learning as set forth in this chapter and indicate the number of hours claimed for each of the three preceding years ending on June 30. The licensee shall report the hours claimed, separately identifying those programs meeting the registry requirements under part 1105.3100, subpart 1, and those programs not meeting the registry requirement under part 1105.3100, subpart 2.

B. Responsibility The licensee shall be responsible for documenting the acceptability of the program and the validity of the credits rests with the licensee who. Documentation must retain the documentation be retained for five years following completion of each learning activity program. Further, the Documentation of participation in the a program of learning for programs meeting the registry requirements of this chapter must consist of include a certificate of attendance that contains the registry number of the program sponsor if the registry participation meets the requirements of this chapter and must consist of the following items for those. For programs that do not meet the registry requirements of this chapter, documentation of participation must include:

(1) a certificate of attendance from the program sponsor containing the name and contact information of the sponsor, the title and description of the content of the program, the date of the program, the location of the program, and the number of CPE hours for which the licensee attended;

(2) a copy of the detailed timed agenda for the program; and

(~~3~~) a biography of the program developer and program presenter; and

(~~4~~) (3) a statement by the licensee describing how the program contributes to the licensee's professional knowledge and competence.

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~~B. C.~~ The board shall conduct audits to verify ~~on a test basis, through inspection of documentation supplied by the licensee,~~ information regarding hours of CPE attendance in order to determine compliance with the continuing professional education requirements of this chapter through inspection of documentation supplied by the licensee. In cases where the board determines that the ~~hour information documentation~~ supplied by the licensee is not supported by the ~~documentation supplied by the licensee sufficient~~ or the ~~hours programs~~ do not meet the requirements of this chapter, the board may grant an additional period of time in which the deficiencies can be cured or the board may take disciplinary action. ~~Licenses Licensees~~ determined not in compliance shall be assessed the late processing fee required in part 1105.3000, item ~~G E~~. Fraudulent reporting is a basis for disciplinary action.

~~C. D.~~ Beginning in calendar year ~~2014~~ 2014, licensees holding an active certificate on June 30 shall report to the board by ~~July~~ December 31 of each year the continuing professional education hours earned during the one- and three-year CPE period ended on June 30. The report shall be made as required by the board and ~~no report under this item shall be required of a licensee in the final year of the renewal cycle specified in part 1105.2550.~~

1105.3300 EXCEPTION TO CONTINUING PROFESSIONAL EDUCATION REQUIREMENT.

A. The board may make an exception to the requirement in part 1105.3000, item A, for a licensee who is retired or who does not perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including:

- (1) the issuance of reports on financial statements or other compilation communication;
- (2) furnishing one or more kinds of management advisory, financial advisory, or consulting services;
- (3) the preparation of tax returns; or ~~the~~
- (4) furnishing ~~of~~ advice on tax matters.

Licensees shall request an exception only in connection with the application for certificate renewal or ~~as provided for in part 1105.2550, item E~~ with a request to change the status of a licensee's certificate from "active" to "inactive" or "exempt."

[For text of items B and C, see M.R.]

D. A licensee granted an exception by the board must comply with a reentry competency requirement defined by the board in part 1105.3000, item ~~E D~~, before the licensee may discontinue use of the word "inactive" in association with the CPA title.

1105.3350 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS FOR INITIAL ISSUANCE OF CERTIFICATE.

A. Applicants for initial issuance of a certificate shall submit with the application specified in part 1105.2500, item A, on a form provided by the board, a report of continuing professional education ~~received~~ completed during the three-year period preceding the date of the initial application. The report must show the completion of at least 120 hours of continuing professional education complying with this chapter.

[For text of item B, see M.R.]

1105.3700 EXEMPTION FROM CERTIFICATE RENEWAL REQUIREMENT.

A. A licensee who does not engage in the practice of public accounting in any manner or who does not hold out as a CPA in any manner is not required to renew the certificate. The election of exempt status by a person takes effect ~~on January 1~~ following notification to the board. The notification must be made on a form provided by the board and continues in effect until a future renewal application is received by the board and a certificate renewal is granted.

[For text of item B, see M.R.]

C. Persons electing to change from exempt status to active status shall report continuing professional education as described in subitems (1) to (3).

(1) ~~Before the certificate is renewed by the board, the person shall~~ Submit evidence of completion of 50 hours of continuing professional education per year of exemption, up to a maximum of 120 hours, to be taken within 12 months prior to the renewal application in subjects specifically approved in advance by the board and meeting the requirements in part 1105.3100. ~~Persons electing to return to active status from exempt status shall have~~ The 50-hour requirement must be prorated for periods less than a full year.

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(2) If, at the time of application for exempt status, the licensee had not yet reported qualifying continuing professional education equivalent to at least 40 of 120 hours with a minimum of 20 hours per year for each of the last three years prior to the application for exempt status, the licensee shall be required to report continuing professional education for those years in addition to the hours required in subitem (1).

(3) Hours reported in subitem (1) may be used to satisfy the requirement in part 1105.3000 to the extent the hours fall within the one- or three-year CPE period.

D. For purposes of this part, the “practice of public accounting in any manner” means issuing a report as described in *Minnesota Statutes*, section 326A.01, subdivision 15, whether or not a fee is received. In addition, for purposes of this subpart, “hold out” means any oral or written communication conveying the facts that the person holds a CPA certificate, including, without limitation, the displaying of the CPA certificate in any location where business is conducted and the use of titles or legends on letterheads, business cards, resumes, office doors, or advertisements and listings, including published membership listings of professional organizations.

E. Certificate holders who have never met the experience or education requirements in *Minnesota Statutes*, section 326A.03, subdivision 6 or 8, may not elect to be exempt from the renewal requirement.

1105.3800 INITIAL ISSUANCE OF CERTIFICATE ON OR AFTER JANUARY 1, 2003.

A certificate shall be issued to a person who has:

[For text of item A, see M.R.]

B. paid the required fee specified in part 1105.0600 *Minnesota Statutes*, section 326A.04;

[For text of items C and D, see M.R.]

E. for initial certificate applications received until July 1, 2006, completed the experience required by part 1105.2700 and *Minnesota Statutes*, section 326A.03, subdivision 5;

F. for initial certificate applications received on or after July 1, 2006:

(1) until January 1, 2009, for those whose initial sitting for any part of the examination required by *Minnesota Statutes*, section 326A.03, was before July 1, 2006:

(a) completed the experience required by part 1105.2700 and *Minnesota Statutes*, section 326A.03, subdivision 5, or has two years of experience of the type required by part 1105.2600 and *Minnesota Statutes*, section 326A.03, subdivision 6, paragraph (b); and

(b) completed the education required by part 1105.1500, subpart 2, and *Minnesota Statutes*, section 326A.03, subdivision 2;

or

(2) for those whose initial sitting for any part of the examination required by *Minnesota Statutes*, section 326A.03, was on or after July 1, 2006, and for all initial applications received after December 31, 2008:

E.

(a) completed the experience required by part 1105.2600 and *Minnesota Statutes*, section 326A.03, subdivision 6, paragraph

(b); and

E.

(b) completed the education required by part 1105.2900 and *Minnesota Statutes*, section 326A.03, subdivision 6, paragraph

(a);

G. complied with the continuing professional education requirement in part 1105.3350; and

H. completed the examination on professional ethics as required by part 1105.1800, subpart 2.

1105.4000 APPLICATION FOR FIRM PERMIT.

A. Applications by firms for initial issuance and for renewal of permits under *Minnesota Statutes*, section 326A.05, must be made on a form provided by the board and, in the case of applications for renewal, must be filed no later than December 31. Applications are not considered filed until the applicable fee prescribed in *Minnesota Statutes*, section 326A.04, and all required documents prescribed in this chapter are received. Applicants who do not supply all required supporting documents and applicable fees for initial issuance of a permit within four years of the date the application was received by the board shall submit a new application with the required fee. If an application for permit renewal is filed late, it must also be accompanied by the delinquency fee prescribed in ~~part 1105.0600~~ *Minnesota Statutes*, section 326A.04. In addition, the reinstatement fee prescribed in ~~this chapter~~ *Minnesota Statutes*, section 326A.04, shall be paid if the renewal is filed more than two years late.

B. A sole proprietor shall apply for a firm permit, when a permit is needed, as required by part 1105.4200.

C. Applications for a firm permit or renewal of a firm permit must include the firm name, addresses, and telephone numbers of the main office and of any branch offices of the firm in this state, the name of the person in charge of each branch office, and the names of the partners, shareholders, members, managers, directors, and officers who are residing in and practicing in this state.

D. The board shall not issue a permit to a firm or renew the permit of a firm until all partners, members, managers, shareholders, directors, and officers who hold a certificate and whose principal place of business is in this state and who hold a certificate:

(1) ~~for initial issuance of a permit~~, individually hold nonexpired certificates with an active status issued under *Minnesota Statutes*, section 326A.04, covering the term of the firm permit to be issued; or

(2) ~~for renewal of a permit~~, individually renew their certificates with an active status or hold nonexpired certificates with an active status issued under *Minnesota Statutes*, section 326A.04, covering the term of the firm permit to be ~~issued~~ renewed.

[For text of item E, see M.R.]

F. Persons specified in item E shall annually register with the board before December 31 on a form provided by the board and pay the fee specified in ~~part 1105.0600~~ *Minnesota Statutes*, section 326A.04. The form must provide a space to indicate the percentage of voting and financial interest held by the individual in the firm.

G. The board shall not renew a permit of a firm that has not undergone a quality review within the previous three years and has not complied with the board's rules with respect to the reviews.

[For text of item H, see M.R.]

I. The application for a firm permit or renewal of a firm permit shall contain a representation from the firm that it has ~~complied with part 1105.7850, item F, and that it has~~ verified compliance of its partners, members, managers, shareholders, directors, or officers resident in this state with items D, E, and F, and that it has complied with part 1105.7850, item F.

J. The application for a firm permit for a firm whose principal place of business is in this state shall include a certified copy of the articles of incorporation, articles of organization, or LLP registration on file with the Secretary of State's Office. The application for a firm permit for a firm whose principal place of business is not in this state shall include a certified copy of the certificate of authority from the Secretary of State's Office.

K. The application for a firm permit or renewal of a firm permit shall include a copy of the firm's letterhead.

1105.4100 NOTIFICATION OF CHANGES BY FIRMS.

[For text of item A, see M.R.]

B. In the event of any change in legal form of a firm, the new firm shall, within 30 days of the change, file an application for an initial permit according to this chapter and pay the fee required by ~~this chapter~~ *Minnesota Statutes*, section 326A.04.

[For text of item C, see M.R.]

1105.4300 QUALITY REVIEW AS CONDITION FOR RENEWAL OF PERMIT.

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A. The board has established in parts 1105.4600 to 1105.5500 procedures to perform the following functions:

(1) review ~~of~~ financial statements and the reports of licensees on financial statements; to assess compliance with applicable professional standards;

(2) ~~improvement of~~ improve reporting practices of licensees through educational and rehabilitative measures;

(3) ~~referrals~~ refer to the complaint committee ~~of~~ cases requiring further investigation;

(4) ~~verification~~ verify that individuals in the firm responsible for supervising attest or compilation services and signing the accountant's report on financial statements on behalf of the firm meet the competency requirement set out in applicable professional standards;

(5) ~~verification~~ verify that a licensee who issues compilation reports for the public other than through a CPA firm, who supervises the services or who signs the compilation report on the financial statements, meets the competency requirements set out in applicable professional standards; and

(6) other functions necessary to carry out the quality review process.

B. A quality review oversight committee shall be appointed by the board to monitor the report acceptance bodies designated by the board in part 1105.5300 and report to the board whether their programs meet the requirements in this chapter and the act. The oversight committee must be constituted of and act according to subitems (1) to (6).

[For text of subitems (1) and (2), see M.R.]

(3) It must annually provide the board ~~by December 31~~ with an assessment of the effectiveness of the report acceptance bodies designated in part 1105.5300, item B, and the quality review process by December 31. ~~In addition, the committee must provide to the board the names of those licensees and firms that the committee obtained in part 1105.5300, item D. Further, the committee shall annually provide the board by August 1 with the report it obtained in part 1105.5300, item D, relating to continuing professional education sponsored by the report acceptance bodies and its evaluation of the report.~~

(4) It must maintain the confidentiality of information obtained during the quality review process except as provided in subitem ~~(3)~~ (5).

(5) It must obtain the information required by part 1105.5300, item D, by December 31 of each year. The committee must provide to the board the names of those licensees and firms that the committee obtained through part 1105.5300, item D. Further, the committee shall annually provide the board with the report it obtained in part 1105.5300, item D, relating to continuing professional education sponsored by the report acceptance bodies and its evaluation of the report by August 1.

[For text of subitem (6), see M.R.]

1105.5100 FIRM QUALITY REVIEW REQUIREMENT FOR FIRMS NEWLY SUBJECT TO REQUIREMENT ON OR AFTER JANUARY 1, 2003.

A. As a condition to renewal of a firm permit, a new firm shall:

(1) undergo a quality review during the first year after it becomes subject to the requirements for quality review; and ~~shall~~

(2) report the material in part 1105.5400 to the board no later than 15 months after the end of the first year after becoming subject to the requirement.

After the initial report, the firm shall be required to report every three years.

A new firm is one that has not previously been issued a permit in Minnesota or has not had a quality review completed in the three-year period prior to application. It does not include the firms described in items ~~A to D~~ B to E.

~~A.~~ B. A firm that had been previously issued a permit in this state and changes its name or the legal form of its practice, but retains the same practice.

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~~B.C.~~ A new partnership, corporation, LLC, or LLP in which the constituent firms were already in a quality review cycle. The quality review of the new firm must be conducted in the latest of the constituent firms' cycles.

~~C.D.~~ A partnership, corporation, LLC, or LLP that is dissolved with each individual firm taking clients from the partnership or corporation. The quality review for each of these individual firms remains in the same year to which the original partnership, corporation, LLC, or LLP was assigned.

~~D.E.~~ A partnership, corporation, LLC, or LLP that is dissolved with one partner or shareholder taking all of the existing clients. The quality review for the firm taking over the existing business remains in the year to which the partnership, corporation, LLC, or LLP was originally assigned.

1105.5400 REPORT TO BOARD.

A. Within 30 days of receipt of the letter described in subitem (2), ~~but no later than the date in part 1105.5000~~, each firm shall submit, or have submitted on its behalf, the following material to the board:

(1) a copy of the report issued by the reviewer, including any response from the firm that addresses deficiencies or significant deficiencies contained in the report;

(2) the final letter of acceptance from the report acceptance body; and

(3) any agreements to correct deficiencies that have been entered into between the firm and the report acceptance body.

The board shall review and consider this material in its decision to issue a permit to the firm.

Failure to file the required material by the required date is cause for discipline against the firm's permit.

In the case where the report acceptance body and the firm have entered into an agreement to correct deficiencies, failure by the firm to abide by that agreement is grounds for discipline against the firm's permit and the certificates of the managers in charge of the firm's offices maintained in this state.

Except as specified in part 1105.4800, a written report, including any responses by the firm attached to the report, on all inspections conducted by the Public Company Accounting Oversight Board submitted within 30 days of receipt to the board shall meet the requirements of this part.

Nothing in this part requires a firm to submit the Public Company Accounting Oversight Board inspections report to the board; ~~providing if~~ a quality review encompassing the firm's public company attest client practice has been conducted and submitted to the board according to parts 1105.4600 to 1105.5500 or according to standards adopted by the AICPA or the Public Company Accounting Oversight Board within the previous three years. ~~Prior to January 1, 2008, the board may waive the requirement for a report on the firm's public company attest client practice if a report on the review of such practice is not received by the firm from the Public Company Accounting Oversight Board.~~

[For text of items B and C, see M.R.]

1105.6300 MISLEADING CPA FIRM NAMES.

A. A CPA firm name must not be used unless the name has been registered with and approved by the board.

B. A CPA firm name is misleading within the meaning of *Minnesota Statutes*, section 326A.10, paragraph (h), if, among other things, the CPA firm name:

A. implies the existence of a legal entity when the firm does not exist in that form;

B. includes the name of a person who is neither a present nor a past partner, member, or shareholder of the firm; or

C. includes the name of a person who is not a CPA if the title "CPAs" is included as part of the firm name.

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(1) contains any representation that would be likely to cause a reasonable person to misunderstand or be confused about the legal form of the firm, or about who the owners or members of the firm are, such as a reference to a type of organization or abbreviation thereof which does not accurately reflect the form under which the firm is organized. This includes, but is not limited to, a name that:

(a) implies the existence of a corporation when the firm is not a corporation such as through the use of the words “corporation,” “incorporated,” “LTD,” “professional corporation,” or an abbreviation thereof as part of the firm name if the firm is not incorporated or is not a professional corporation;

(b) implies the existence of a partnership when there is not a partnership such as by use of the term “partnership” or “limited liability partnership,” or the abbreviation “LLP” if the firm is not such an entity;

(c) includes the name of an individual who is not a CPA if the title “CPAs” is included in the firm name;

(d) includes information about or indicates an association with persons who are not members of the firm;

(e) includes the terms “and company,” “and associate,” or “group,” but the firm does not include, in addition to the named partner, shareholder, owner, or member, at least one other unnamed partner, shareholder, owner, member, or staff employee;

(f) includes the name of a person who is neither a present nor past partner, member, or shareholder of the firm;

(2) contains any representation that would be likely to cause a reasonable person to have a false or unjustified expectation of favorable results or capabilities, through the use of a false or unjustified statement of fact as to any material matters;

(3) claims or implies the ability to influence a regulatory body or official; or

(4) includes the name of an owner whose license has been revoked for disciplinary reasons by the board, whereby the licensee has been prohibited from practicing public accountancy or prohibited from using the title CPA or holding the licensee out as a certified public accountant.

C. The following types of CPA firm names are not misleading and are permissible so long as they do not violate *Minnesota Statutes*, section 326.05:

(1) a firm name that includes the names of one or more former or present owners;

(2) a firm name that excludes the names of one or more former or present owners;

(3) a firm name that uses the CPA title as part of the firm name when all named individuals are owners of the firm and who hold such title or are former owners who held such title at the time they ceased to be owners of the firm; or

(4) a firm name that includes the name of a non-CPA owner if the CPA title is not part of the firm name.

D. A network firm, as defined in the AICPA Code of Professional Conduct in effect July 1, 2011, may use a common brand name, or share common initials, as part of the firm name.

E. A network firm, as defined in the AICPA Code of Professional Conduct in effect July 1, 2011, may use the network name as the firm’s name provided it also shares one or more of the following characteristics with other firms in the network:

(1) common control, as defined by generally accepted accounting principles in the United States among the firms through ownership, management, or other means;

(2) profits or costs, excluding costs of operating the association, costs of developing audit methodologies, manuals and training courses, and other costs that are immaterial to the firm;

(3) a common business strategy that involves ongoing collaboration amongst the firms whereby the firms are responsible for implementing the association’s strategy and are held accountable for performance pursuant to the strategy;

(4) a significant portion of professional resources; or

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(5) common quality control policies and procedures that participating firms are required to implement and that are monitored by the association.

E. The firm name shall not include the name of a person who was a past partner, member, or shareholder of the firm if the person withdraws consent to the use or if the person becomes a partner, member, shareholder, or owner of a firm established under *Minnesota Statutes*, section 326A.05.

1105.6550 DEFINITION OF VALID CERTIFICATE, LICENSE, PERMIT, REGISTRATION, AND OF GOOD STANDING.

A. "Valid certificate" or "valid license," as used in *Minnesota Statutes*, section 326A.10 or 326A.14, is an unexpired certificate that has a certificate status of "active" as defined in part 1105.2500. This definition does not limit the use of the CPA designation by those persons who comply with parts part 1105.3300 and 1105.3900.

[For text of items B to D, see M.R.]

1105.6600 REGISTERED ACCOUNTING PRACTITIONER.

The designation of "registered accounting practitioner" shall be issued by the board to persons of good moral character who have made application on a form provided by the board and who:

[For text of items A to D, see M.R.]

E. have paid the fee in part 1105.0600 *Minnesota Statutes*, section 326A.04.

1105.7000 RENEWAL OF REGISTRATION.

A. The registration of a registered accounting practitioner expires on December 31 each year and must be renewed annually before December 31 on a form provided by the board for that purpose. The fee in part 1105.0600 *Minnesota Statutes*, section 326A.04, must be paid. If an application for renewal is filed late, it shall also be accompanied by the delinquency fee in part 1105.0600 *Minnesota Statutes*, section 326A.04. In addition, the reinstatement fee in this chapter *Minnesota Statutes*, section 326A.04, must be paid if the renewal is filed more than two years late.

B. A registrant seeking renewal shall show that the registrant has completed no less than 90 hours of continuing professional education complying with the standards in part 1105.3100 during the three-year period preceding renewal with a minimum of 20 hours in each year. At least four hours of the 90 hours shall be in accounting regulatory ethics or business behavioral ethics. ~~A program in ethics includes topics such as ethical reasoning, state-specific statutes and rules, and standards of professional conduct, including those of other applicable regulatory bodies.~~ A registrant's initial three-year period starts on January 1 following the date the individual is initially registered by the board.

C. Failure to report continuing professional education, failure to obtain CPE required by this part, reporting an amount less than that required, or fraudulently reporting continuing professional education is a basis for disciplinary action under *Minnesota Statutes*, section 326A.08. A registrant not in compliance with this part on June 30 of each year shall be subject to the requirements of part 1105.3000, item G E.

[For text of items D and E, see M.R.]

1105.7100 RAP FIRM APPLICATION.

A. Applications by RAP firms for initial issuance and for renewal of RAP firm permit must be made on a form provided by the board and, in the case of applications for renewal, shall be filed no later than December 31. Applications are not considered filed until the applicable fee prescribed in *Minnesota Statutes*, section 326A.04, and all required documents prescribed in this chapter are received. Applicants who do not supply all required supporting documents and applicable fees for initial issuance of a RAP firm permit within four years of the date the application was received by the board shall submit a new application with the required fee. If an application for permit renewal is filed late, it must also be accompanied by the delinquency fee prescribed in part 1105.0600 *Minnesota Statutes*, section 326A.04. In addition, the reinstatement fee prescribed in this chapter *Minnesota Statutes*, section 326A.04, shall be paid if the renewal is filed more than two years late.

B. A sole proprietor shall apply simultaneously for renewal of an individual registration and a RAP firm permit, if a permit is ~~needed~~

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required.

[For text of item C, see M.R.]

D. The board shall not issue a permit to a RAP firm until all partners, members, managers, shareholders, directors, and officers resident in this state ~~and holding who hold~~ a registration as a RAP have a minimum of two years of qualifying experience of the type specified in part 1105.6900 and:

[For text of subitems (1) and (2), see M.R.]

[For text of item E, see M.R.]

F. No licensee may be a partner, member, manager, shareholder, director, or officer of a RAP firm. Persons specified in item E shall annually register with the board before December 31 on a form provided by the board and pay the fee specified in ~~part 1105.0600~~ *Minnesota Statutes, section 326A.04*. The form must provide a space to indicate the percentage of voting and financial interest held by the individual in the firm. The aggregate amount of percentages must not exceed 50 percent for all persons who do not hold a registration issued under part 1105.6600.

G. The board shall not renew a permit of a RAP firm that has not undergone a quality review specified in part 1105.7400 within the previous three years and has not complied with the board's rules with respect to such reviews.

[For text of item H, see M.R.]

1105.7200 NOTIFICATION OF CHANGES BY RAP FIRMS.

[For text of item A, see M.R.]

B. In the event of any changes in legal form of a RAP firm, the new firm shall, within 30 days of the change, file an application for an initial RAP firm permit according to this chapter and pay the fee required by ~~this chapter~~ *Minnesota Statutes, section 326A.04*.

[For text of item C, see M.R.]

1105.7450 MISLEADING RAP FIRM NAMES AND FICTITIOUS RAP FIRM NAMES.

~~A. No person holding a designation as a registered accounting practitioner or a RAP firm may use a professional or firm name or designation that is misleading about the legal form of the firm, about the persons who are partners, officers, members, managers, or shareholders of the firm, or about any other matter.~~

~~B. A RAP firm name is misleading if, among other things, the RAP firm name:~~

~~(1) implies the existence of a legal entity when the firm does not exist in that form;~~

~~(2) includes the name of a person who is neither a present nor a past partner, member, or shareholder of the firm; or~~

~~(3) includes the name of a person who is not a RAP if the title "RAP" is included as part of the firm name.~~

~~A. A RAP firm name must not be used unless the name has been registered with and approved by the board.~~

~~B. A RAP firm name is misleading within the meaning of *Minnesota Statutes, section 326A.10, paragraph (h)*, if the RAP firm name:~~

~~(1) contains any representation that would be likely to cause a reasonable person to misunderstand or be confused about the legal form of the firm, or about who the owners or members of the firm are, such as a reference to a type of organization or abbreviation thereof which does not accurately reflect the form under which the firm is organized. This includes, but is not limited to, a name that:~~

~~(a) implies the existence of a corporation when the firm is not a corporation such as through the use of the words "corporation," "incorporated," "LTD," "professional corporation," or an abbreviation thereof as part of the firm name if the firm is not incorporated or is not a professional corporation;~~

~~(b) implies the existence of a partnership when there is not a partnership such as by use of the term "partnership" or "limited liability partnership," or the abbreviation "LLP" if the firm is not an LLP;~~

~~(c) includes the name of an individual who is not a RAP if the title "RAPs" is included in the firm name;~~

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(d) includes the information about or indicates an association with persons who are not members of the firm;

(e) includes the terms “and company,” “and associate,” or “group,” but the firm does not include, in addition to the named partner, shareholder, owner, or member, at least one other unnamed partner, shareholder, owner, member, or staff employee; or

(f) includes the name of a person who is neither a present nor past partner, member, or shareholder of the firm;

(2) contains any representation that would be likely to cause a reasonable person to have a false or unjustified expectation of favorable results or capabilities, through the use of a false or unjustified statement of fact as to any material matters;

(3) claims or implies the ability to influence a regulatory body or official; or

(4) includes the name of an owner whose registration has been revoked for disciplinary reasons by the board, whereby the registrant has been prohibited from using the title RAP or from practicing or holding himself out as a registered accounting practitioner.

C. The following types of RAP firm names are not misleading and are permissible so long as they do not violate *Minnesota Statutes*, section 326.05:

(1) a firm that includes the names of one or more former or present owners;

(2) a firm name that excludes the names of one or more former or present owners;

(3) a firm name that uses the “RAP” title as part of the firm name when all named individuals are owners of the firm and who hold such title or are firm owners who held such title at the time they ceased to be owners of the firm; or

(4) a firm name that includes the name of a non-RAP owner if the RAP title is not part of the firm name.

D. A network firm as defined in the AICPA Code of Professional Conduct in effect July 1, 2011, may use a common brand name, or share common initials, as part of the firm name.

E. A network firm, as defined in the AICPA Code of Professional Conduct in effect July 1, 2011, may use the network name as the firm’s name provided it also shares one or more of the following characteristics with other firms in the network:

(1) common control, as defined by generally accepted accounting principles in the United States among the firms through ownership, management, or other means;

(2) profits or costs, excluding costs of operating the association, costs of developing audit methodologies, manuals and training courses, and other costs that are immaterial to the firm;

(3) a common business strategy that involves ongoing collaboration among the firms whereby the firms are responsible for implementing the association’s strategy and are held accountable for performance pursuant to the strategy;

(4) a significant portion of professional resources; or

(5) common quality control policies and procedures that participating firms are required to implement and that are monitored by the association.

F. The firm name shall not include the name of a person who was a past partner, member, shareholder, or owner of the firm if the person withdraws consent to the inclusion or if the person becomes a partner, member, shareholder, or owner of a firm established under part 1105.7100.

G. A fictitious RAP firm name, that is, one not consisting of the names or initials of one or more present or former partners, members, or shareholders, may not be used by a RAP firm unless the name has been registered with and approved by the board as not being false or misleading.

A firm name is considered false or misleading if:

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- (1) it is not the lawful and registered name of the firm;
- (2) the name contains or fairly implies a misrepresentation of facts;
- (3) the name indicates character or grade of service that is not based upon verifiable facts;
- (4) the name is likely to mislead or deceive because it omits relevant facts. The following are examples, but are not inclusive:
 - (a) the name indicates a geographic area of service which is not based on verifiable facts; or
 - (b) the firm name includes a nonowner firm employee or the name or initials of any other nonowner, except as permitted in *Minnesota Statutes*, section 326A.10, paragraph (h);
- (5) the name is intended or likely to create false or unjustified expectations of favorable results;
- (6) the name implies special expertise;
- (7) the name implies educational or professional attainment or licensing recognition of the firm or of its owners, partners, or shareholders that are not supported in fact;
- (8) the name of the firm that is incorporated does not include the words “corporation,” “incorporated,” “Ltd.,” “professional corporation,” or “company,” or an abbreviation thereof as part of the firm name and the name of a firm organized under the limited liability partnership statute does not include the words “limited liability company” or “limited liability partnership,” as appropriate, or an abbreviation thereof, as part of the firm name;
- (9) the name includes the designation “and company,” “company,” “group,” “associates,” or “and associates,” or abbreviations thereof or similar names implying more than one employed registrant in the firm, unless there are at least two registrants involved full time in the practice;
- (10) the name of a firm that is a partnership or professional corporation fails to contain the personal name or names of one or more individuals presently or previously a partner, officer, or shareholder thereof, except that an acronym may be used for a firm name if the acronym is composed exclusively of the first letters of the surnames of current or past partners or shareholders of the firm;
- (11) the name of a firm that is a sole proprietorship fails to contain the surname of the sole proprietor;
- (12) the name contains other representations or implications that are likely to cause an ordinarily prudent person to misunderstand or to be deceived; or
- (13) the name includes the name of an individual whose registration has been suspended or revoked by the board.

REPEALER. *Minnesota Rules*, parts 1105.0100, subpart 5; 1105.1500, subpart 2; 1105.3900; 1105.4500; and 1105.5000, are repealed.

Minnesota Department of Labor and Industry (DLI) Proposed Amendment to Rules Governing the Minnesota Accessibility Code, *Minnesota Rules*, chapter 1341

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor’s ID Number R-04152; OAH Docket Number 60-1900-30859

Introduction. The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30

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p.m. on January 13, 2014, the Department will hold a public hearing in the Minnesota Room in the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Monday, January 27, 2014. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after January 13, 2014 and before January 27, 2014.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Colleen Clayton at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, **phone:** (651) 284-5867, **fax:** (651) 284-5749, and **e-mail:** colleen.clayton@state.mn.us. **TTY** users may call the Department at (651) 297-4198.

Subject of Rules and Statutory Authority. The proposed rules contain modifications to *Minnesota Rules*, Chapter 1341, the Minnesota Accessibility Code, to properly incorporate by reference chapter 11 of the 2012 International Building Code (“IBC”) and the 2009 edition of the International Code Council/American National Standards Institute’s (“ICC/ANSI”) A117.1 Standard. Modifications are also made to the amendments for chapter 11 of the 2012 IBC contained in the proposed rules, which include the following topics: general requirements; definitions; scoping requirements; accessible routes; accessible entrances; parking and passenger loading facilities; restriping; dwelling units and sleeping units; special occupancies; other features and facilities; signage; additions; alterations; and change of occupancy. Modifications are further made to the amendments for the 2009 edition of the ICC/ANSI A117.1 Standard, which include the following topics: dwelling and sleeping units; components; walking surfaces; elevators; limited use/limited application elevators; private residence elevators; platform lifts; parking spaces; toilet and bathing rooms; water closets and toilet compartments; shower compartments; position of grab bars; seats; transportation facilities; sales and service counters; and Type B Units.

The statutory authority to adopt the proposed rules is located in *Minnesota Statutes*, sections 326B.02, subdivision 5, 326B.101, and 326B.106, subdivision 1. A free copy of the rules is available upon request from the agency contact person listed above. The proposed rules can also be viewed on the Department’s **website at:** www.dli.mn.gov/PDF/docket/1341rule.pdf.

Comments. You have until 4:30 p.m. on Monday, January 13, 2014, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Monday, January 13, 2014. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for January 27, 2014, if the agency does not receive

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requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 284-5867 after January 13, 2014 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge James E. LaFave is assigned to conduct the hearing. Judge LaFave can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7848, and **fax:** (651) 361-7936.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness (“SONAR”) summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR can also be viewed at: www.dli.mn.gov/PDF/docket/1341sonar.pdf.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone: (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge’s report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 27 November 2103

Ken B. Peterson, Commissioner
Department of Labor and Industry

Minnesota Department of Labor and Industry (DLI)

Proposed Amendment to Rules Governing the Minnesota Elevator Code, *Minnesota Rules*, Chapter 1307

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; *Minnesota Rules*, Chapter 1307, Revisor's ID Number R-04143; OAH Docket Number 82-1900-30854

Introduction. The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on January 13, 2014, the Department will hold a public hearing in the Minnesota Room of the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:00 a.m. on Tuesday, February 18, 2014. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after January 13, 2014 and before February 18, 2014.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Colleen Clayton at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, Minnesota 55155, **phone:** (651) 284-5867, **fax:** (651) 284-5749, and **e-mail:** colleen.clayton@state.mn.us. **TTY** users may call the Department at (651) 297-4198.

Subject of Rules and Statutory Authority. The proposed rules contain modifications to *Minnesota Rules*, Chapter 1307, the Minnesota Elevator Code, to properly incorporate by reference: chapter 30 of the 2012 International Building Code ("IBC"); the American Society of Mechanical Engineers ("ASME") A17.1/CSA B44-2010, Safety Code for Elevators and Escalators; the ASME A17.3-2011, the Safety Code for Existing Elevators and Escalators; ASME A17.5-2011, Safety Standard for Platform Lifts and Stairway Lifts; ASME A18.1-2011, Safety Standard for Platform Lifts and Stairway Lifts; ASME A90.1-2009, Safety Standard for Belt Manlifts; and ASME B20.1-2009, Safety Standard for Conveyors and Related Equipment.

Modifications are also made to Chapter 1307's general requirements pertaining to: definitions; permits; inspection, tests, and approvals; and special provisions.

Modifications are made to the ASME A17.1/CSA B44-2010 Standard that include: clearance between car and hoistway enclosures; general requirements; emergency operation and signal devices; information included on layout drawings; car safeties; application of safeties; elevator inspector qualifications; periodic inspection and test frequency; conditions for continued operation; other requirements; and removal of existing elevators dumbwaiters, escalators, and moving walks.

Modifications are further made to chapter 30 of the IBC referenced in Chapter 1307 that include: general requirements; hoistway enclosures; emergency operations; hoistway venting; conveying systems; machine rooms; fire service access elevator; and occupant evacuation elevators.

Finally, modifications are made to the ASME A18.1-2011 Standard referenced in Chapter 1307 that include: runways; operating devices and control equipment; emergency signals; standby power; platform guarding; operation; and clearances.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.02, subdivision 5, 326B.101, 326B.106, subdivision 1, and 326B.187. A copy of the proposed rules is published on the Department's website at www.dli.mn.gov/PDF/docket/1307rule.pdf. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Monday, January 13, 2014, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Proposed Rules

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Monday, January 13, 2014. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for February 18, 2014, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 284-5867 after January 13, 2014 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara J. Case is assigned to conduct the hearing. Judge Case can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7877, and **fax:** (651) 361-7936.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness (“SONAR”) summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR can also be viewed at: www.dli.mn.gov/PDF/docket/1307sonar.pdf.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public

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Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, then please submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 27 November 2013

Ken B. Peterson, Commissioner
Department of Labor and Industry

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Department of Commerce Adopted Permanent Rules Governing the Valuation of Life Insurance Policies

The rules proposed and published at *State Register*, Volume 38, Number 8, pages 243-245, August 19, 2013 (38 SR 243), are adopted as proposed.

Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited rules detail the agency's rulemaking authority.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Department of Health (MDH) Adopted Expedited Rules Relating to Health Care Quality Measures

The rules proposed and published at *State Register*, Volume 38, Number 7, pages 219-221, August 12, 2013 (38 SR 219), are adopted with the following modifications:

4654.0800 INCORPORATION BY REFERENCE.

"Minnesota Statewide Quality Reporting and Measurement System: Appendices to *Minnesota Administrative Rules*, Chapter 4654," issued by the Minnesota Department of Health, ~~August~~ November 2013, is incorporated by reference. It is available through the Minitex interlibrary loan system and the Minnesota Department of Health Web site at <http://www.health.state.mn.us/healthreform/measurement/index.html>. They are not subject to frequent change.

Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

Minnesota Department of Natural Resources (DNR) Designation of Forest Trails and Area With Limitations in the Chengwatana State Forest in Pine County, Minnesota

NOTICE IS HEREBY GIVEN that the Commissioner of the Minnesota Department of Natural Resources orders the designation of forest trails, changes to the designations of forest trails, and the designation of an area with limitations on off-trail and non-designated trail use, in the Chengwatana State Forest, pursuant to *Minnesota Statutes* 2012, section 89.19, subdivision 2, and *Minnesota Statutes* 2012, section 84.926, subdivision 5.

Commissioner's Orders

WHEREAS:

1. *Minnesota Statutes* 2012, section 89.19, subdivision 2, authorizes the commissioner to designate forest trails and change designations of forest trails, and specifies public notice and public meeting requirements that must be fulfilled prior to making such designations. Such designations must be by written order published in the *State Register*.
2. *Minnesota Statutes* 2012, section 84.926, subdivision 5, authorizes the commissioner to designate areas on state forest lands that are not subject to the exceptions provided in section 84.926, subdivisions 2 and 4 for off-trail and undesignated trail use by off-highway vehicles during hunting and trapping activities. Such designations must be by written order published in the *State Register*.
3. The agency has identified improvements to recreational trail systems in the Chengwatana State Forest including:
 - a) new off-highway vehicle trails to connect existing trails and to provide improved recreational opportunity;
 - b) new non-motorized trails for hunting;
 - c) an area where motorized vehicles may not be used off-trail or on non-designated trails during hunting and trapping activities; and
 - d) closure of unsustainable trails.
4. The agency held two public meetings in the forest vicinity and solicited, received, and considered written comments on the proposed designations and changes in designation.
5. The agency has completed all notice and procedural requirements in *Minnesota Statutes*, 2012, sections 89.19, subdivision 2 and 84.926, subdivision 5.
6. The forest trail designations and changes in trail designation are both needed and reasonable.
7. Designation of the area with limitations on off-trail and non-designated trail use is both needed and reasonable.

NOW THEREFORE, IT IS ORDERED that approximately 3 miles of forest trails identified in *Exhibit A*, attached hereto and incorporated herein, are hereby undesignated.

IT IS FURTHER ORDERED that the area depicted in *Exhibit A* as "Designated Areas with Limitations" is designated as an area with limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes* 2012, section 84.926, subdivision 5.

IT IS FURTHER ORDERED that the trails identified in *Exhibit B*, attached hereto and incorporated herein, are hereby designated for the uses specified therein, including:

1. **Trails for Class 1 All-Terrain Vehicle (ATV)/Off-Highway Motorcycle (OHM)** – Approximately 1 mile of trail is designated as Class 1 ATV/OHM trail. *Exhibit B* depicts the general trail location; the specific trail alignment will be determined during subsequent field assessments.
2. **Hunter Walking Trails** – Approximately 5.5 miles of trail is designated as Hunter Walking trail.

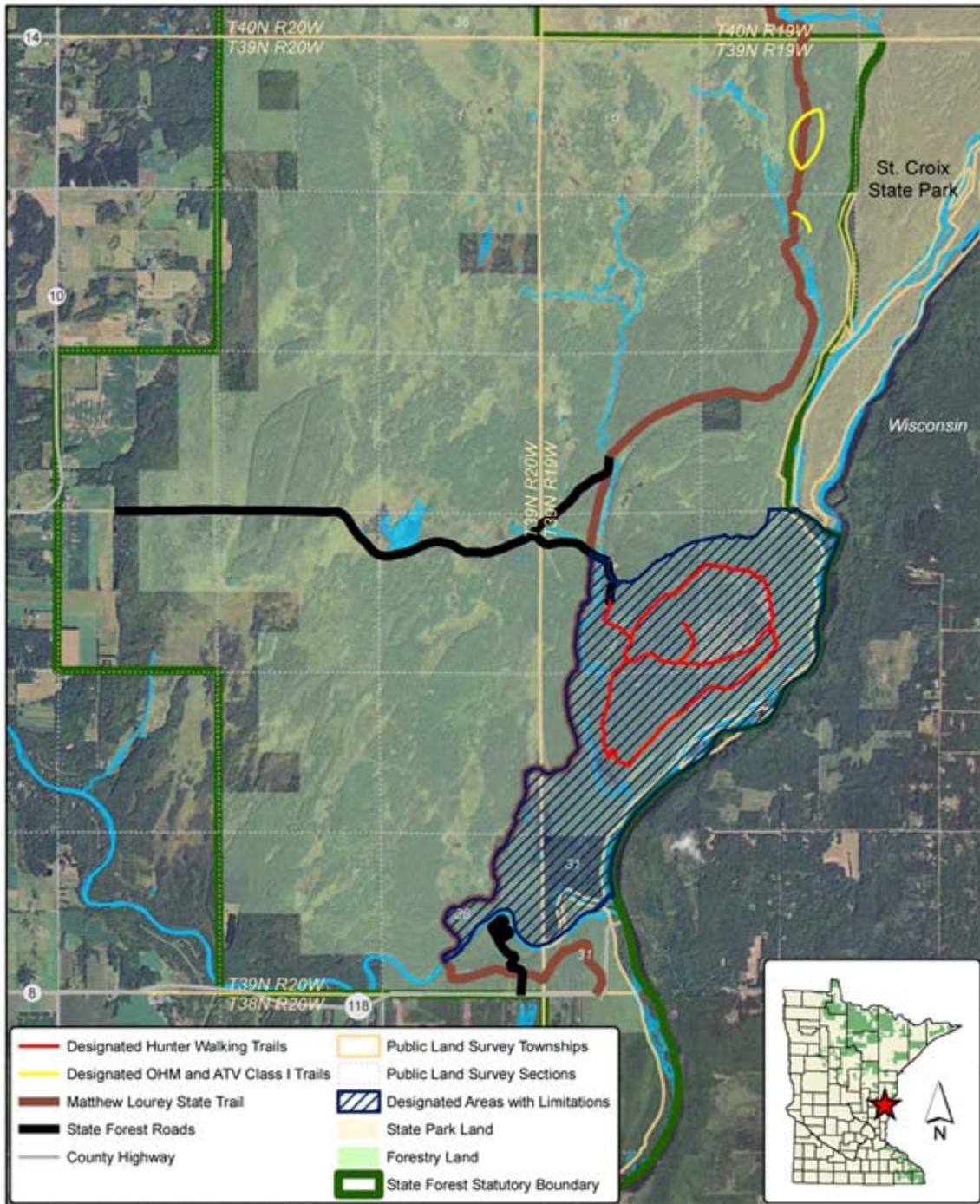
IT IS FURTHER ORDERED that the above designations shall be effective January 1, 2014.

Date signed: November 18, 2013

Approved by: Tom Landwehr, Commissioner
Minnesota Department of Natural Resources

FOLLOWING:

- Exhibit A:** Chengwatana State Forest Undesignated Trails
Exhibit B: Chengwatana State Forest Changes in Trail Designations



MN DNR, Division of Parks & Trails, November 2013.

Exhibit B
Chengwatana State Forest
Changes in Trail Designations

Boundaries and trail alignments depicted on this map are intended to show the general location and are for illustration purposes only. They do not reflect certified survey or global positioning system (GPS) data.



Commissioner's Orders

Minnesota Department of Natural Resources (DNR)

Designation of Forest Trails and Areas With Limitations in the General C. C. Andrews State Forest in Pine County, Minnesota

NOTICE IS HEREBY GIVEN that the Commissioner of the Minnesota Department of Natural Resources orders the designation of forest trails, changes to the designations of forest trails, and the designation of areas with limitations on off-trail and non-designated trail use, in the General C. C. Andrews State Forest, pursuant to *Minnesota Statutes* 2012, section 89.19, subdivision 2, and *Minnesota Statutes* 2012, section 84.926, subdivision 5.

WHEREAS:

1. *Minnesota Statutes* 2012, section 89.19, subdivision 2, authorizes the commissioner to designate forest trails and change designations of forest trails, and specifies public notice and public meeting requirements that must be fulfilled prior to making such designations. Such designations must be by written order published in the *State Register*.

2. *Minnesota Statutes* 2012, section 84.926, subdivision 5, authorizes the commissioner to designate areas on state forest lands that are not subject to the exceptions provided in section 84.926, subdivisions 2 and 4, for off-trail and undesignated trail use by off-highway vehicles during hunting and trapping activities. Such designations must be by written order published in the *State Register*.

3. The agency has identified improvements to recreational trail systems in the General Andrews State Forest, including:
- a) new off-highway vehicle trails to connect existing trails and to provide improved recreational opportunity;
 - b) changes to the uses allowed on existing trails;
 - c) areas where motorized vehicles may not be used off-trail or on non-designated trails during hunting and trapping activities; and
 - d) closure of unsustainable trails.

4. The agency held two public meetings in the forest vicinity and solicited, received, and considered written comments on the proposed designations and changes in designation.

5. The agency has completed all notice and procedural requirements in *Minnesota Statutes*, 2012, sections 89.19, subdivision 2 and 84.926, subdivision 5.

6. The forest trail designations and changes in trail designation are both needed and reasonable.

7. Designation of the areas with limitations on off-trail and non-designated trail use is both needed and reasonable.

NOW THEREFORE, IT IS ORDERED that approximately 2.2 miles of forest trails identified in *Exhibit A*, attached hereto and incorporated herein, are hereby undesignated.

IT IS FURTHER ORDERED that the areas depicted in *Exhibit A* as "Designated Areas with Limitations" are designated as areas with limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes* 2012, section 84.926, subdivision 5.

IT IS FURTHER ORDERED that the trails identified in *Exhibit B*, attached hereto and incorporated herein, are hereby designated for the uses specified therein, including:

1. **Trails for Class 1 and Class 2 All-Terrain Vehicle (ATV)/Off-Highway Motorcycle (OHM)** – Approximately 0.8 miles of new trail is designated as trail for Class 1 and Class 2 ATVs and OHMs. Class 2 ATV use is added to approximately 3.2 miles of existing Class 1 ATV / OHM trail.

2. **Trails for Class 1 and Class 2 All-Terrain Vehicle (ATV)/Off-Highway Motorcycle (OHM) / Off-Road Vehicle (ORV)** – Approximately 0.2 miles of new trail is designated for Class 1 and Class 2 ATVs, OHMs, and ORVs. Off-road vehicle (ORV) use is added to approximately 0.8 miles of existing ATV/OHM trail.

Commissioner's Orders

IT IS FURTHER ORDERED that the above designations shall be effective January 1, 2014.

Date signed: November 18, 2013

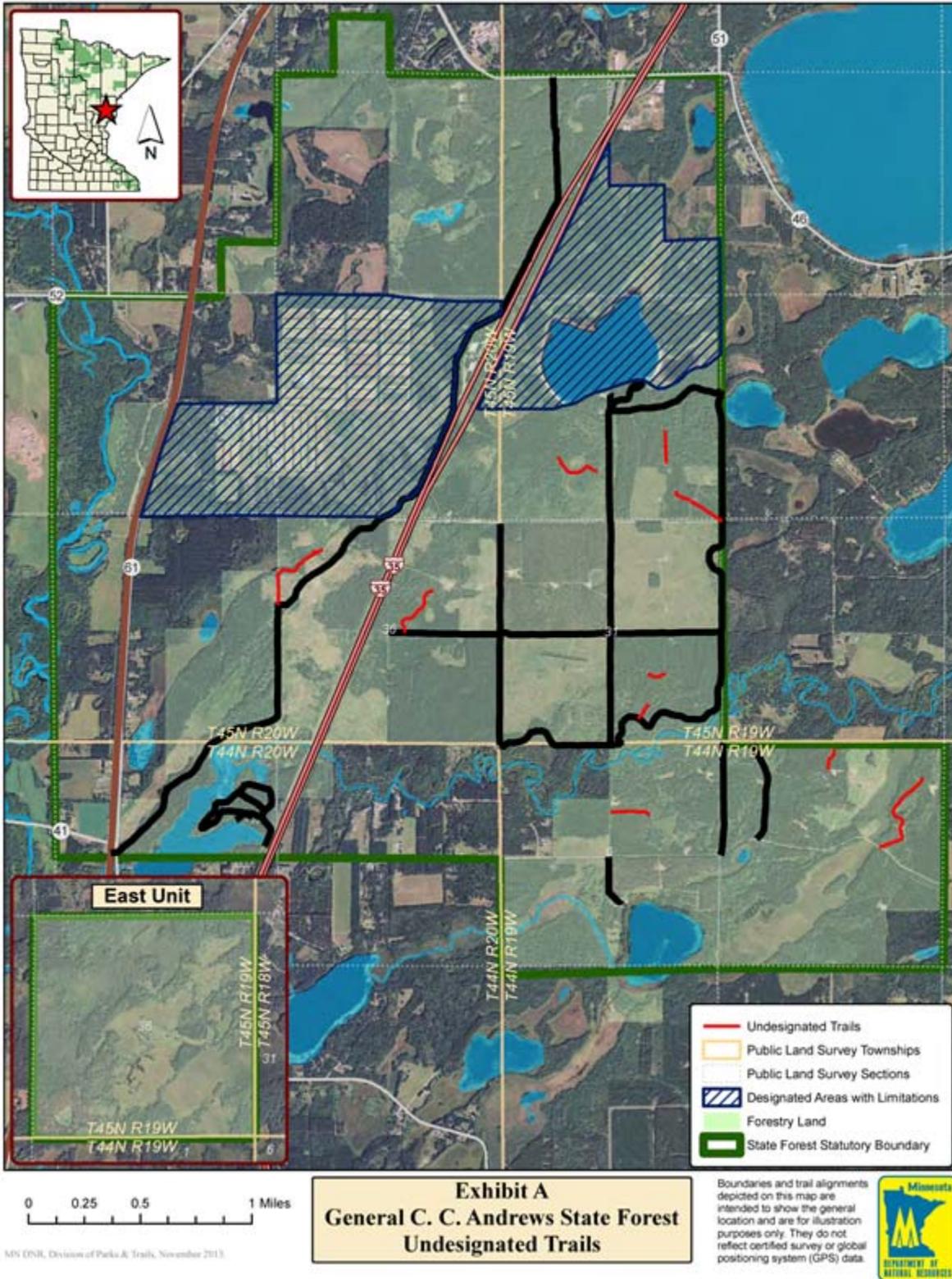
Approved by: Tom Landwehr, Commissioner
Minnesota Department of Natural Resources

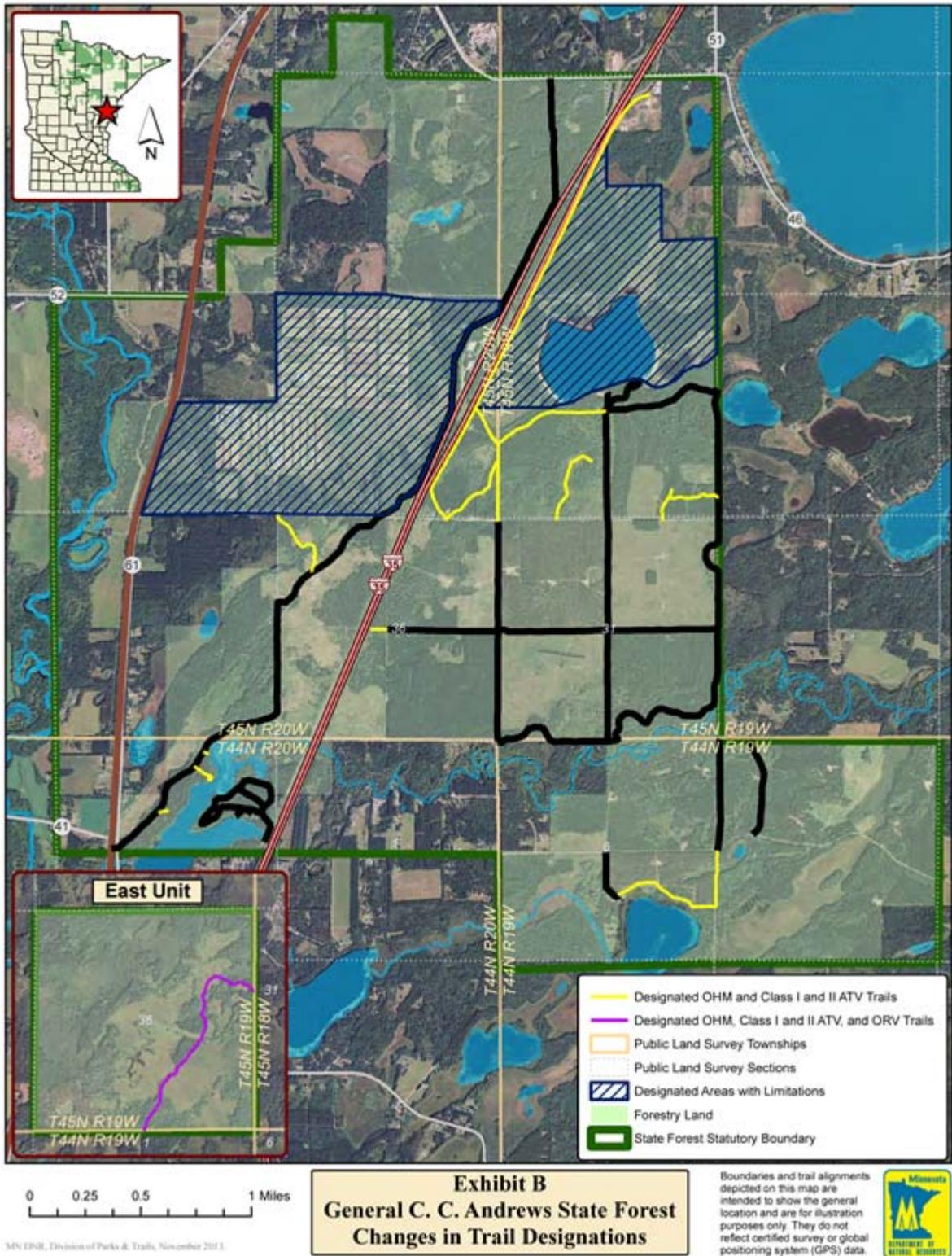
FOLLOWING:

Exhibit A: General C. C. Andrews State Forest Undesignated Trails

Exhibit B: General C. C. Andrews State Forest Changes in Trail Designations

Commissioner's Orders





Commissioner's Orders

Minnesota Department of Natural Resources (DNR)

Designation of Forest Trails and Areas With Limitations in the Nemadji State Forest in Pine County, Minnesota

NOTICE IS HEREBY GIVEN that the Commissioner of the Minnesota Department of Natural Resources orders the designation of forest trails, changes to the designations of forest trails, and the designation of areas with limitations on off-trail and non-designated trail use in the Nemadji State Forest, pursuant to *Minnesota Statutes* 2012, section 89.19, subdivision 2, and *Minnesota Statutes* 2012, section 84.926, subdivision 5.

WHEREAS:

1. *Minnesota Statutes* 2012, section 89.19, subdivision 2, authorizes the commissioner to designate forest trails and change designations of forest trails, and specifies public notice and public meeting requirements that must be fulfilled prior to making such designations. Such designations must be by written order published in the *State Register*.

2. *Minnesota Statutes* 2012, section 84.926, subdivision 5, authorizes the commissioner to designate areas on state forest lands that are not subject to the exceptions provided in section 84.926, subdivisions 2 and 4, for off-trail and undesignated trail use by off-highway vehicles during hunting and trapping activities. Such designations must be by written order published in the *State Register*.

3. The agency has identified improvements to recreational trail systems in the Nemadji State Forest, including:
- a) new off-highway vehicle trails to connect existing trails and to provide improved recreational opportunity;
 - b) new non-motorized trails for hunting;
 - c) changes to the uses allowed on existing trails;
 - d) areas where motorized vehicles may not be used off-trail or on non-designated trails during hunting and trapping activities; and
 - e) closure of unsustainable trails.

4. The agency has identified user interest in cooperatively developing opportunities for technical off-road vehicle use, including inactive gravel pits and short technical loops off existing forest roads, but has not identified suitable locations for this development.

5. The agency held two public meetings in the forest vicinity and solicited, received, and considered written comments on the proposed designations and changes in designation.

6. The agency has completed all notice and procedural requirements in *Minnesota Statutes*, 2012, sections 89.19, subdivision 2 and 84.926, subdivision 5.

7. The forest trail designations and changes in trail designation are both needed and reasonable.

8. Designation of the areas with limitations on off-trail and non-designated trail use is both needed and reasonable.

NOW THEREFORE, IT IS ORDERED that approximately 17 miles of forest trails identified in *Exhibit A*, attached hereto and incorporated herein, are hereby undesignated.

IT IS FURTHER ORDERED that the two areas depicted in *Exhibit A* as "Designated Areas with Limitations" are designated as areas with limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes* 2012, section 84.926, subdivision 5.

IT IS FURTHER ORDERED that approximately 32 miles of Hunter Walking Trail, depicted in *Exhibit A*, are hereby designated.

IT IS FURTHER ORDERED that the trails depicted in *Exhibit B*, attached hereto and incorporated herein, are hereby designated for the uses specified therein, including:

1. **Trails for Class 1 All-Terrain Vehicle (ATV) / Off-Highway Motorcycle (OHM)** – Approximately 5.3 miles of new trail is designated for Class 1 ATV and OHM use.

Commissioners' Orders

2. Trails for Class 1 and Class 2 All-Terrain Vehicle (ATV) / Off-Highway Motorcycle (OHM) – Approximately 2.2 miles of new trail is designated for Class 1 and Class 2 ATV and OHM use. Class 2 ATV use is added to approximately 0.2 miles of existing Class 1 ATV / OHM trail.

3. Trails for Off-Highway Motorcycle (OHM) – Approximately 3.4 miles of new trail is designated for OHM use.

4. Trails for Off-Road Vehicle (ORV) – Approximately 3.3 miles of new trail is designated for use by ORVs only. Approximately 0.4 mile of existing ATV/OHM trail is changed from ATV/OHM to ORV-only trail. Off-road vehicle (ORV) use is added to approximately 7.1 miles of existing ATV/OHM trail.

IT IS FURTHER ORDERED that the above designations shall be effective January 1, 2014.

Date signed: November 18, 2013

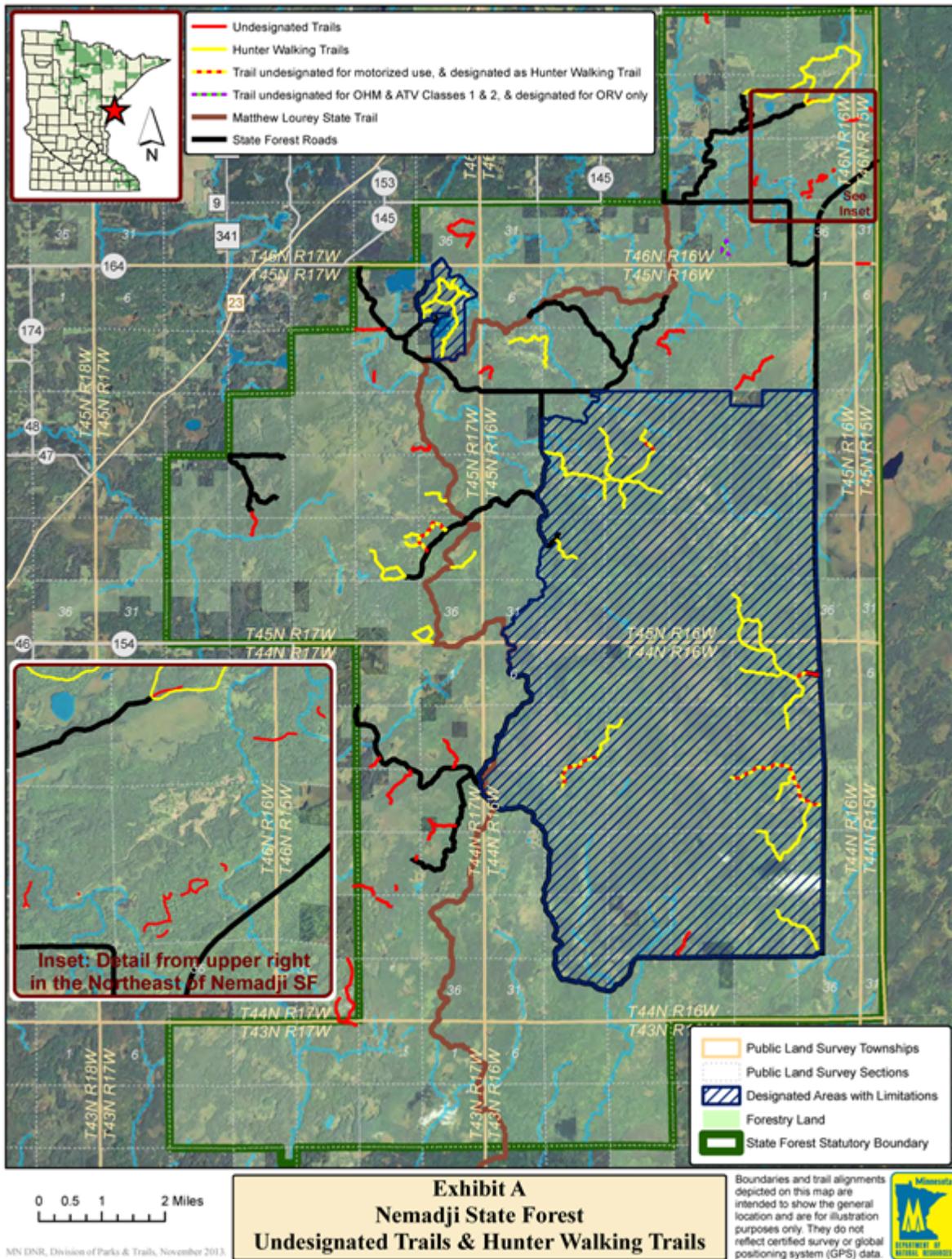
Approved by: Tom Landwehr, Commissioner
Minnesota Department of Natural Resources

FOLLOWING:

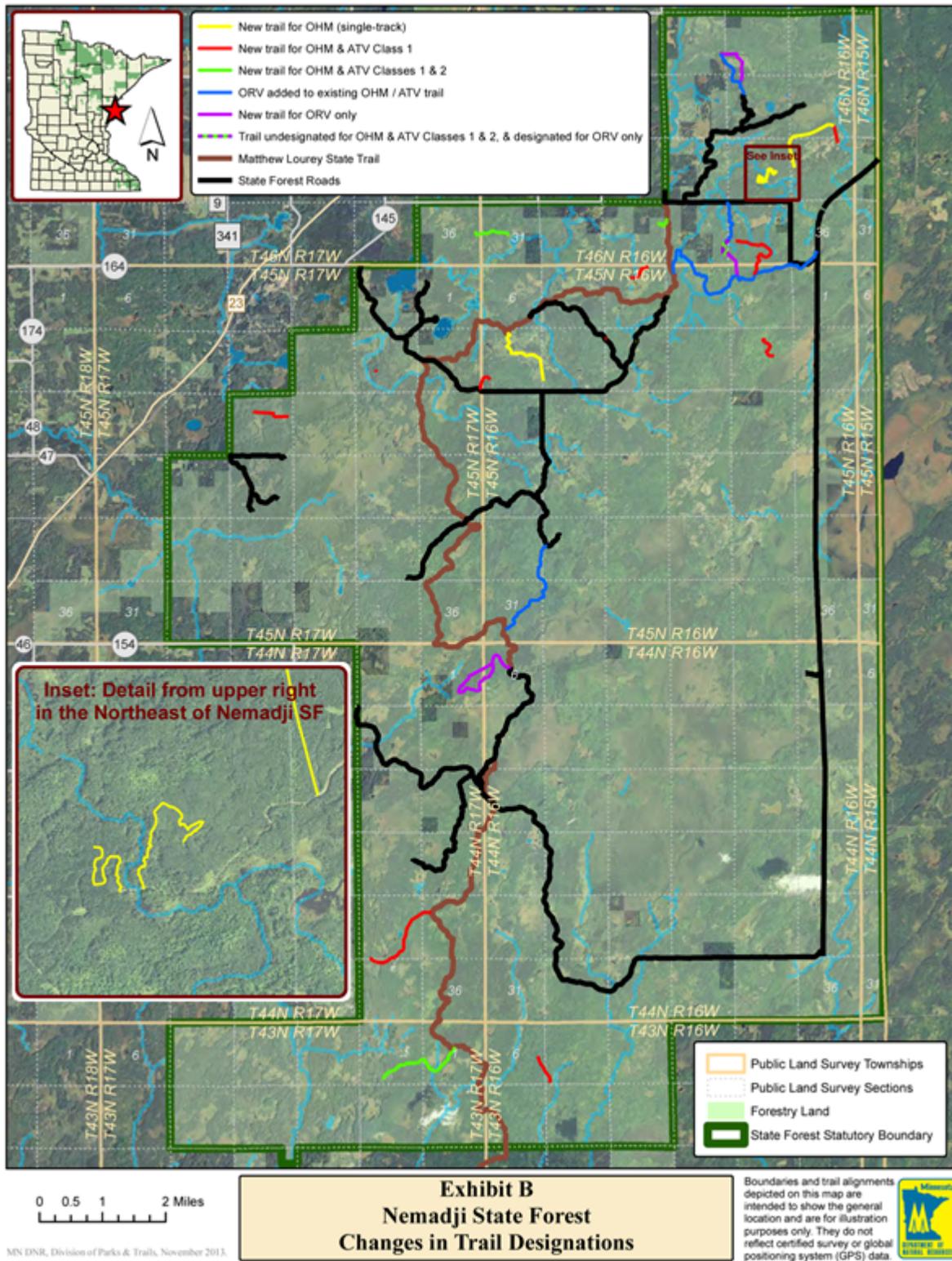
Exhibit A: Nemadji State Forest Undesignated Trails and Hunter Walking Trails

Exhibit B: Nemadji State Forest Changes in Trail Designations

Commissioner's Orders



Commissioner's Orders



Commissioner's Orders

Minnesota Department of Natural Resources (DNR)

Designation of Forest Trails and Area With Limitations in the St. Croix State Forest in Pine County, Minnesota

NOTICE IS HEREBY GIVEN that the Commissioner of the Minnesota Department of Natural Resources orders the designation of forest trails, changes to the designations of forest trails, and the designation of an area with limitations on off-trail and non-designated trail use, in the St. Croix State Forest, pursuant to *Minnesota Statutes* 2012, section 89.19, subdivision 2, and *Minnesota Statutes* 2012, section 84.926, subdivision 5.

WHEREAS:

1. *Minnesota Statutes* 2012, section 89.19, subdivision 2, authorizes the commissioner to designate forest trails and change designations of forest trails, and specifies public notice and public meeting requirements that must be fulfilled prior to making such designations. Such designations must be by written order published in the *State Register*.

2. *Minnesota Statutes* 2012, section 84.926, subdivision 5, authorizes the commissioner to designate areas on state forest lands that are not subject to the exceptions provided in section 84.926, subdivisions 2 and 4, for off-trail and undesignated trail use by off-highway vehicles during hunting and trapping activities. Such designations must be by written order published in the *State Register*.

3. The agency has identified improvements to recreational trail systems in the St. Croix State Forest, including:
- a) new off-highway vehicle trails to connect existing trails and to provide improved recreational opportunity;
 - b) new non-motorized trails for hunting;
 - c) changes to the uses allowed on existing trails;
 - d) an area where motorized vehicles may not be used off-trail or on non-designated trails during hunting and trapping activities; and
 - e) closure of unsustainable trails.

4. The agency has identified user interest in cooperatively developing opportunities for technical off-road vehicle use, including inactive gravel pits and short technical loops off existing trails, but has not identified suitable locations for this development.

5. The agency held two public meetings in the forest vicinity and solicited, received, and considered written comments on the proposed designations and changes in designation.

6. The agency has completed all notice and procedural requirements in *Minnesota Statutes*, 2012, sections 89.19, subdivision 2 and 84.926, subdivision 5.

7. The forest trail designations and changes in trail designation are both needed and reasonable.

8. Designation of the area with limitations on off-trail and non-designated trail use is both needed and reasonable.

NOW THEREFORE, IT IS ORDERED that approximately 4.6 miles of forest trails identified in *Exhibit A*, attached hereto and incorporated herein, are hereby undesignated.

IT IS FURTHER ORDERED that the area depicted in *Exhibit A* as "Designated Areas with Limitations" is designated as an area with limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes* 2012, section 84.926, subdivision 5.

IT IS FURTHER ORDERED that the trails identified in *Exhibit A* are hereby designated for the uses specified therein, including:

1. Trails for Class 1 All-Terrain Vehicle (ATV)/Off-Highway Motorcycle (OHM) – Approximately 2.1 miles of existing non-motorized trail and 0.4 miles of new trail is designated as Class 1 ATV / OHM trail.

2. Trails for Class 1 and Class 2 All-Terrain Vehicle (ATV)/Off-Highway Motorcycle (OHM) – Approximately 0.4 miles of new trail is designated as Class 1 and Class 2 ATV / OHM trail.

Commissioner's Orders

3. Hunter Walking Trails – Approximately 8.3 miles of trail is designated as Hunter Walking trail.

4. Trails for Off-Road Vehicle (ORV) – Approximately 0.5 mile of new trail is designated for use by ORVs only. Off-road vehicle (ORV) use is added to approximately 7.8 miles of existing ATV/OHM trail.

IT IS FURTHER ORDERED that the above designations shall be effective January 1, 2014.

Date signed: November 18, 2013

Approved by: Tom Landwehr, Commissioner
Minnesota Department of Natural Resources

FOLLOWING:

Exhibit A: St. Croix State Forest Changes in Trail Designations

Commissioner's Orders

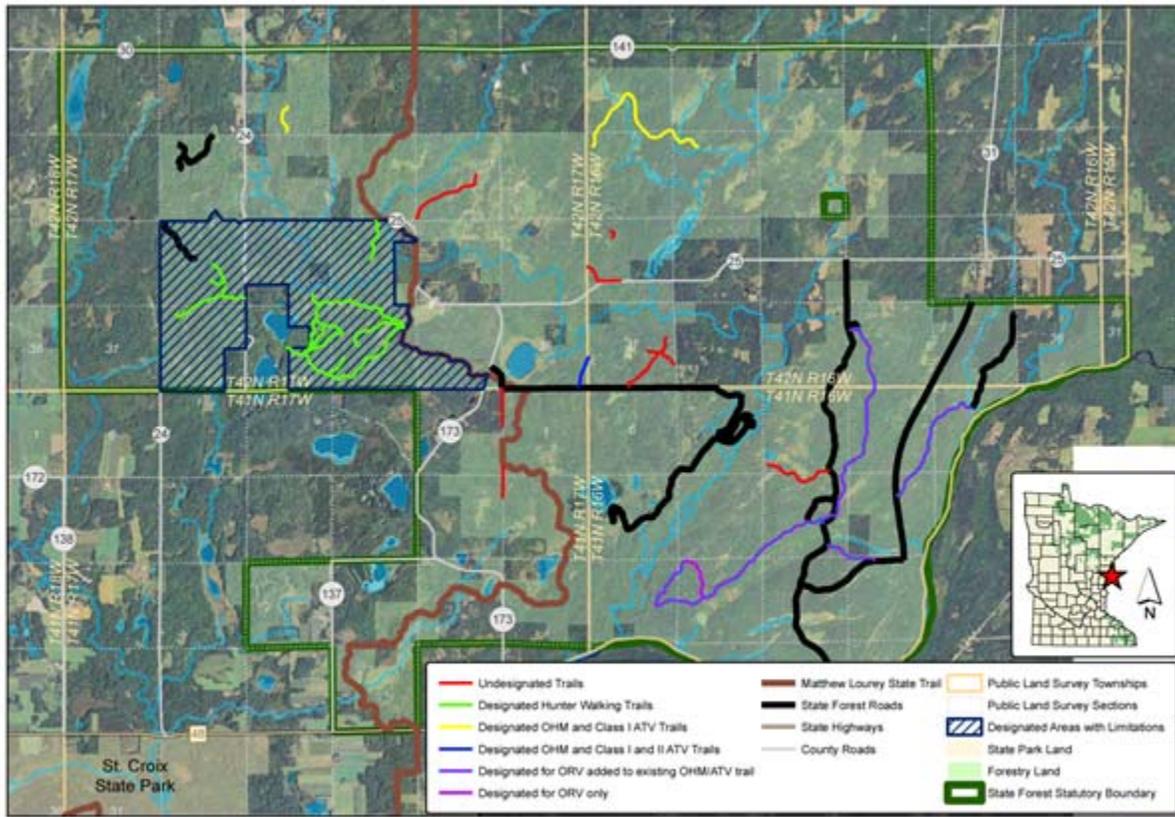


Exhibit A
St. Croix State Forest
Changes in Trail Designations

Boundaries and trail alignments depicted on this map are intended to show the general location and are for illustration purposes only. They do not reflect certified survey or global positioning system (GPS) data.



Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings, and matters of public interest, state grants and loans, and state contracts

Minnesota Department of Agriculture (MDA) Minnesota Department of Commerce (MDC) Minnesota Pollution Control Agency (MPCA) Notice of Biofuels Task Force Meeting Wednesday 11 December 2013

The Minnesota Departments of Agriculture, Commerce and the Minnesota Pollution Control Agency announce the first meeting of the Biofuels Task Force:

Wednesday, December 11, 1:00-3:00pm
Orville L. Freeman Building, Room B555
625 N. Robert Street, Saint Paul, MN 55155

The agenda for the meeting will be posted on the **Task Force webpage**: <http://www.mda.state.mn.us/renewable/biofuels.aspx>

For more information, contact:

Kevin Hennessy, Biofuels Manager
Minnesota Department of Agriculture
625 Robert Street North
St. Paul, MN 55155
Phone: (651) 201-6223
E-mail: kevin.hennessy@state.mn.us

Minnesota Comprehensive Health Association (MCHA) Notice of Enrollee Appeal Meeting Thursday 12 December 2013

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Enrollee Appeal will be held at 9:00 a.m. on Thursday, December 12th, 2013

The meeting will be initiated at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN; it should be noted that some or all attendees will participate telephonically.

If anyone wishes to attend or participate in this meeting please contact MCHA's Executive Office at (952) 593-9609 for additional information.

Minnesota Pollution Control Agency (MPCA) Municipal Division Notice for the Municipal Separate Storm Sewer System (MS4) Stormwater Pollution Prevention Program (SWPPP) Document Public Notice Process

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) intends to establish a special interest e-mail list
(Cite 38 SR 863) *Minnesota State Register*, Monday 9 December 2013 **Page 863**

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for the purpose of providing notification to interested persons of the public notice dates for Stormwater Pollution Prevention Program (SWPPP) Documents. Pursuant to the requirements of a Minnesota Court of Appeals ruling, the MPCA is required to provide public notice and opportunity for hearing on the individual proposed Stormwater Pollution Prevention Program Documents for MS4s. The MPCA is establishing a special interest e-mail list for persons requesting to be notified of the specific date each MS4s' proposed SWPPP Document will be placed on public notice. Requests to be placed on the special interest e-mail list for public notice of MS4 SWPPP Documents should be submitted in accordance with the provisions of this public notice.

Approximately 233 MS4s will submit permit applications and SWPPP Documents for coverage under the 2013 reissuance of the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Permit (MNR040000) for MS4s. The permit requires MS4s to develop and implement a SWPPP that is designed to reduce the discharge of pollutants from their storm sewer system and to protect water quality. The SWPPPs must include Best Management Practices (BMPs) for six minimum control measures that are set forth in the NPDES Program regulations 40 *Code of Federal Regulations* § 122.34 (a) and (b).

NPDES/SDS General Permit for Small Municipal Separate Storm Sewer Systems (MS4s)

Potential Applicants

Any small MS4 in the State of Minnesota that is located within the boundaries of a Federal Bureau of Census-delineated "urbanized area" based on the latest decennial census pursuant to 40 *Code of Federal Regulations* § 122.26 or an MS4 designated by the MPCA for permit coverage under *Minnesota Rules* Chapter 7090.

Background

The authority to develop and issue a general permit is based on the 1979 United States Environmental Protection Agency (EPA) revisions to the NPDES Program regulations 40 *Code of Federal Regulations* § 122.28 which created a class of permits called general permits. General permits are issued by the MPCA in the State of Minnesota under *Minnesota Statutes* 115 and *Minnesota Rules* 7001.0210. General permits can be issued in states with NPDES authority if the state program includes general permit authority from the EPA. MPCA's general permit program was approved by the EPA on December 15, 1987. This general permit is based in part on federal requirements in 40 *Code of Federal Regulations* § 122.26, and state requirements in *Minnesota Rules* 7001.0210 and *Minnesota Rules* Chapter 7090.

The NPDES/SDS General Permit for small MS4s was first issued June 2002, appealed, and then reissued in 2006 for the period June 1, 2006, to May 31, 2011. The NPDES/SDS Small MS4 General Permit was reissued with an effective date of August 1, 2013, and provides a mechanism to regulate discharges of stormwater from small MS4s. Like the previous permit, the 2013 reissuance of the MS4 Permit will require the permittee to develop and implement a Stormwater Pollution Prevention Program or SWPPP that, if properly designed, reduces the discharge of pollutants to the maximum extent practicable, protects water quality, and satisfies the appropriate water quality requirements of the Clean Water Act. This general permit will provide coverage for approximately 233 small MS4s in the State, and additional MS4s if designated by the MPCA under *Minnesota Rules* Chapter 7090.

To obtain coverage under the proposed permit all current small MS4s are required to submit a complete application in accordance with the schedule identified in the 2013 reissuance of the NPDES/SDS General Permit (MNR040000). New MS4s, which may be designated in the future by the MPCA, will be required to submit an application and SWPPP Document by the date specified in the MPCA Commissioner's designation determination.

All small MS4s are required to submit an annual report on the implementation of their Stormwater Pollution Prevention Program by June 30th of each year, or on another date if established for a MS4 by the MPCA Commissioner.

Municipal Stormwater Pollution Prevention Program (or SWPPP) Public Notice Process

NOTICE: the MPCA intends to establish a special interest e-mail list for the purpose of providing notification to interested persons of the public notice dates for the Stormwater Pollution Prevention Program (SWPPP) Documents for small MS4s.

The MPCA anticipates that the individual SWPPP Documents will be placed on public notice in groups according to the schedule in the 2013 reissuance of the NPDES/SDS Small MS4 General Permit (MNR040000) starting approximately 90 days after the effective date of

the permit. Persons on the special interest e-mail list will be notified via e-mail of the specific dates when each MS4 SWPPP Document or group of SWPPP Documents will be public noticed. A link to the MS4 SWPPP Documents on public notice can be retrieved from the MPCA website listed below. NOTE: All MS4 permittees will automatically receive e-mail notification of all MS4 SWPPP Document public notice dates.

To request to be placed on the special interest e-mail list for public notice of MS4 SWPPP Documents, please send an e-mail with your name, complete e-mail address, and telephone number to: rachel.stangl@state.mn.us. If you wish to be notified by United States mail of the SWPPP Documents on public notice please submit a letter with your name, complete mailing address, and telephone number to:

Rachel Stangl
c/o: Minnesota Pollution Control Agency
M.S. 4 - Stormwater Permit Program
520 Lafayette Road North – 4th Floor
St. Paul, Minnesota 55155-4194

More information about the public notice process of SWPPP Documents and the locations where paper and electronic copies of SWPPP Documents will be available for public review can be retrieved from the MPCA website at: www.pca.state.mn.us/ms4.

Minnesota Pollution Control Agency (MPCA) Watershed Division

Notice of Availability of Draft Lake Volney and Jefferson-German Lake Chain Excess Nutrients Total Maximum Daily Load Reports and Request for Comment

Public Comment Period Begins:

December 9, 2013

Public Comment Period Ends:

January 9, 2014

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft reports for Lake Volney and Jefferson-German Lake Chain Total Maximum Daily Load (TMDL) studies. The draft TMDL report is available for review at:

<http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>

Following the comments, the MPCA will revise the draft TMDL report and submit it to the U.S. Environmental Protection Agency (EPA) for approval.

A TMDL is a scientific study, conducted on waters designated as impaired, required by the federal Clean Water Act. A TMDL study calculates the maximum amount of a pollutant that a water body can receive and continue to meet water quality standards for designated beneficial uses. It is a process that identifies all the sources of the pollutant causing the impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

Lake Volney, in east-central Le Sueur County, is 277 acres in size with an average depth of 22.7 feet and maximum of 65 feet. Its drainage area covers 2,017 acres and is mostly used for agriculture. Water monitoring found phosphorus levels average 63 ppb, above the standard of 40 ppb. Once popular for swimming, several algae blooms, including toxic blue-green algae, have restricted recreation in the lake in recent years.

The Jefferson German Lake Chain consists of five lake basins: West Jefferson Lake, Middle Jefferson Lake, East Jefferson Lake, Swedes Bay and German Lake. The chain of lakes includes deep and shallow lakes in southeastern Le Sueur County. These five lakes total 3,157 acres, making it the largest lake system in south central Minnesota. Despite the relatively large size of this chain of lakes, the watershed that drains into it is relatively small at 15,167 acres and is mainly used for agriculture. Water monitoring found phosphorus levels ranging from 65 parts per billion (ppb) in deeper lakes, above their standard of 40 ppb, to more than 300 ppb in shallower lakes, above their standard of 60 ppb.

All of the lake basins were found to be impaired for aquatic recreation because of excess nutrient levels, particularly phosphorus, and violate Minnesota water quality standards based on water quality monitoring conducted over the last several years. The excess phospho-

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rus makes the water unsuitable for aquatic recreation (swimming). As a result, they were placed on Minnesota's list of impaired waters. Because of the exceedance, a Total Maximum Daily Load (TMDL) study was conducted. The TMDL study assessed the phosphorus concentration in all six lake basins and determined the amount of phosphorus the lake could receive and still meet water quality standards. Sources of phosphorus were evaluated, including watershed runoff, internal loading, and atmospheric load. Implementation practices to move the basins toward the state standard nutrient levels are included in the TMDL report.

Preliminary Determination on the Draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL report to the EPA for final approval. A draft TMDL report and fact sheet are available for review at the MPCA office at the address listed below, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>

Written Comments: You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination. Written comments must include the following:

1. A statement of your interest in the draft TMDL report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft TMDL that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the MPCA Commissioner to investigate the merits of your position.

Written comments on the draft TMDL report must be sent to the MPCA contact person listed below and received by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Suggested changes will be considered before the final TMDL report is sent to the EPA for approval.

Agency Contact Person. Written comments and requests for more information should be directed to:

Justin Watkins
Minnesota Pollution Control Agency
18 Wood Lake Dr SE
Rochester, MN 55904
Phone: (507) 206-2621 (direct)
Minnesota Toll Free: 1-800-657-3864
Fax: (507) 280-5513
E-mail: justin.watkins@state.mn.us
TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

Petition for Public Informational Meeting: You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the draft TMDL report; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the TMDL report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6 (4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or (3) a timely request for a contested case hearing is pending.

You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL report.

If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft TMDL report.

Dated: December 2013

Minnesota Department of Transportation (MnDOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation ("MnDOT") has ordered that the following vendors be debarred for a period of thirty (30) months, effective August 22, 2011 until February 22, 2014:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

Official Notices

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, MN

Minnesota Statute section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller's or transfer's debarment.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Minnesota Department of Transportation (Mn/DOT)

Office of Transit

Notice of Intent to Solicit Intercity Bus Grant Proposals

NOTICE IS HEREBY GIVEN that the Minnesota Department of Transportation (MnDOT) Office of Transit is accepting grant applications under the Minnesota Intercity Bus Program. The Office of Transit will consider applications for operating, capital, and marketing assistance for intercity bus projects serving non-urbanized communities. Eligible applicants include public entities and private transportation providers (both for-profit and non-profit).

The application period will be open until January 31, 2014. Grant contracts for successful projects will be effective for the 18-month period from July 1, 2014, until December 31, 2015.

Funding for the Minnesota Intercity Bus Program is provided through the Federal Transit Administration under 49 USC Section 5311(f), as well as State funding. Successful applicants will be required to abide by all pertinent rules and regulations associated with the acceptance of State and Federal grants.

Instructions and application forms are available for download at the Office of Transit's Intercity Bus Program home page:
www.dot.state.mn.us/transit/grants/5311f/

State Grants & Loans

Interested applicants are offered a one-on-one, pre-submittal application work session with the Program Coordinator, provided that the applicant contacts the Program Coordinator no later than December 31, 2013, to schedule this work session. This work session is strongly encouraged, though not required. The Program Coordinator can be contacted for this or any other inquiry as follows:

Shaun Morrell, AICP
Intercity Bus and Urban Transit Program Coordinator
MnDOT Office of Transit
E-mail: shaun.morrell@state.mn.us
Phone: (651) 366-4183

Applications submitted in response to this announcement must be received electronically **by 5:00 p.m. Central Standard Time on Friday, January 31, 2014. The Office of Transit reserves the right to reject incomplete applications and those received after the deadline.**

This request does not obligate the State of Minnesota to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the applicant.

State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division's (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWIFT system.

Explore Minnesota Tourism

Notice of Availability of Contract for French Tourism Marketing Representation

The Minnesota Department of Explore Minnesota Tourism is requesting proposals for the purpose of developing a proactive program of trade and consumer based activities which will enhance the position of Minnesota in key trade and media distribution markets in France to promote travel to Minnesota.

Work is proposed to start after February 1, 2014.

A Request for Proposals will be available by mail or email from this Office. **A written request (by direct mail, email or fax) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Leann Kispert, Senior Marketing Manager
Explore Minnesota Tourism
121 East 7th Place, Suite 100

State Contracts

Saint Paul, MN 55101 USA
Telephone: (651) 757-1854
Fax: (651) 296-7095
E-mail: Leann.Kispert@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:30 pm Central Standard Time on December 17, 2013. **Late proposals will NOT be considered.**

This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT’s Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. - Mail Stop 680
St. Paul, MN 55155

Minnesota Department of Transportation (Mn/DOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>.

Goodhue County

Request for Proposals for Public-Private Partnership for Park and Recreation Enterprise

NOTICE: Goodhue County is soliciting Request for Proposals (RFP) for a *Public-Private Partnership for Park Related Enterprise on Goodhue County Land Adjacent to the Lake Byllesby Park*.

Sealed proposals will be received by the Goodhue County Administrator at his office (Room 309) in the Goodhue County Government Center, 509 W 5th St., Red Wing, Minnesota, 55066 until 4:00 p.m. on Friday, January 31st, 2014.

Interested parties can view the full ad and the RFP on the County **website**: www.co.goodhue.mn.us

BY ORDER OF THE GOODHUE COUNTY BOARD OF COMMISSIONERS
Scott Arneson, Goodhue County Administrator



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- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ♦ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

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<i>Subtotal is:</i>	<i>Add:</i>
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\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
<small>*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.</small>	
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Subtotal _____

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If tax exempt, please provide ES number or completed exemption form.
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