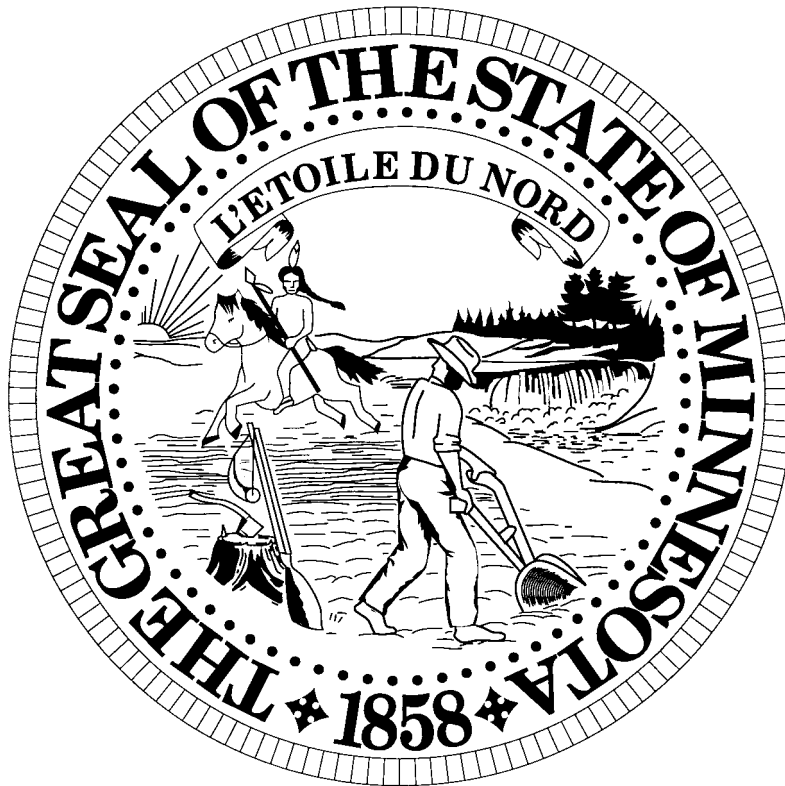


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

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- appointments
- official notices
- non-state public bids, contracts and grants
- proclamations and commendations
- state grants and loans
- contracts for professional, technical and consulting services
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- executive orders of the governor
- commissioners' orders
- revenue notices

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Vol. 27 Issue Number	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 Both Adopted and Proposed RULES
#38	Monday 17 March	Noon Tuesday 11 March	Noon Wednesday 5 March
#39	Monday 24 March	Noon Tuesday 18 March	Noon Wednesday 12 March
#40	Monday 31 March	Noon Tuesday 25 March	Noon Wednesday 19 March
#41	Monday 7 April	Noon Tuesday 1 April	Noon Wednesday 26 March

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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. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. 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 in the *State Register*, 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. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

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 #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). 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, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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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 rules previous *State Register* publication will be cited.

Expedited and Emergency Rules

Provisions for the Commissioner of Natural Resources to adopt emergency expedited Game and Fish Rules are specified in *Minnesota Statutes* §§ 84.027. The commissioner may adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with requirements for emergency 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 emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months.

Board of Accountancy

Adopted Permanent Rules Relating to Licensure and Regulation of Accountants

The rules proposed and published at *State Register*, Volume 27, Number 18, pages 603-630, October 28, 2002 (27 SR 603), are adopted with the following modifications:

1105.0100 ~~1-1~~; DEFINITIONS.

Subp. 4. **Applicant.** “Applicant” means a person applying to take the Uniform Certified Public Accountant Examination. The term “applicant” also includes persons who have passed the examination but have not yet received their CPA certificates.

Subp. 7. **Director.** “Director” means a director of a firm issued a permit under part 1105.7100 (~~Rule 11-6~~) or *Minnesota Statutes*, section 326A.05.

Subp. 8. **Examination.** “Examination” means an examination conducted under parts 1105.1600 to 1105.2400 (~~Rules 3-3 to 3-11~~) or *Minnesota Statutes*, section 326A.03.

Subp. 11. **Officer.** “Officer” means an officer of a firm issued a permit under part 1105.7100 (~~Rule 11-6~~) or *Minnesota Statutes*, section 326A.05.

Subp. 12. **Quality review.** “Quality review” means a peer review as required by *Minnesota Statutes*, section 326A.05, subdivision 8. Quality review also means a study, appraisal, or review of one or more aspects of the professional work of a licensee or CPA firm that issues attest or compilation reports, or the professional work of a person registered under *Minnesota Statutes*, section 326A.06, paragraph (b), by a person or persons who hold certificates with an active status and who are not affiliated with the licensee or CPA firm being reviewed.

Subp. 13. **RAP or registered accounting practitioner.** “RAP” or “registered accounting practitioner” means a person registered by the board as a registered accounting practitioner under *Minnesota Statutes*, section 326A.06, paragraph (b), and part 1105.6600 (~~Rule 11-1~~).

Subp. 16. **Registration.** “Registration” means the voluntary registration of accounting practitioners under parts 1105.6600 to 1105.7700 (~~Rules 11-1 to 11-12~~) and *Minnesota Statutes*, section 326A.06, paragraph (b).

Subp. 17. **Report.** “Report,” as defined in *Minnesota Statutes*, section 326A.01, subdivision 15, and as used in this chapter and *Minnesota Statutes*, section 326A.10, paragraph (a), includes forms of language contained in a report that refers to financial statements, when the forms of language express or deny any assurance as to the reliability of the financial statements to which it refers. Among the possible sources of such forms of language are pronouncements by authoritative bodies describing the work that should be performed and/or the responsibilities that should be assumed, for specified kinds of professional engagements, and in addition, prescribing the form of report, which should be issued upon completion of such engagements. A form of report prescribed by such

Adopted Rules

a pronouncement will ordinarily constitute a form of language, which is conventionally understood as implying assurance and expertise. For this reason, as provided in *Minnesota Statutes*, section 326A.10, report includes the issuance of reports using the forms of language set out in the AICPA's Statement on Standards for Accounting and Review Services No. 1 (SSARS 1), for reports with respect to "reviews" of financial statements and compilations of financial statements, as well as the forms of language for "special reports" set out in the AICPA's Statement on Auditing Standards Nos. ~~14, 34, 35~~ and 62 (SAS ~~14, 35~~; and 62) or successor pronouncements.

1105.0200 ~~1-2~~; INTERPRETATION OF RULES.

1105.0300 ~~2-1~~; BOARD OF ACCOUNTANCY MEETINGS.

1105.0400 ~~2-2~~; ELECTION AND TENURE OF OFFICERS.

1105.0500 ~~2-3~~; DUTIES OF OFFICERS.

1105.0600 ~~2-4~~; FEES.

The following fees apply:

- D. renewal of certificate with an active status, \$45;
- E. initial CPA firm permits, except for sole practitioners, \$100;
- G. initial issuance and renewal of CPA firm permits for sole practitioners, \$35;
- J. registration of noncertificate holders ~~or, nonlicensees, and~~ nonregistrants in connection with renewal of firm permits, \$45;
- Q. computer-based CPA examination, fee determine d by third-party examination administrator; ~~and~~
- R. *Minnesota Statutes*, section 326A.14, practice privilege application, ~~\$35~~ \$45; and
- S. renewal of certificates with an inactive status, \$10.

1105.0700 ~~2-5~~; REFUNDING FEES.

1105.0800 ~~2-6~~; CPA EXAMINATION CANCELLATION FEES.

1105.0900 ~~2-7~~; VERIFICATION AND TRANSFER OF GRADE FEES.

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Certificate, permit, or registration fees pertain to a calendar year and must not be prorated.

1105.1100 ~~2-9~~; OBLIGATION OF LICENSEES AND REGISTRANTS TO NOTIFY THE BOARD OF CHANGES OF ADDRESS AND OTHER INFORMATION.

1105.1200 ~~2-10~~; COMMUNICATIONS.

1105.1300 ~~2-11~~; APPEARANCE BEFORE BOARD.

1105.1400 ~~3-1~~; SEMESTER HOUR; ACCREDITED COLLEGES, UNIVERSITIES, SCHOOLS, AND PROGRAMS; CREDIT FOR COURSES.

Subp. 2. **Definition; accreditation.** As used in this chapter, "accreditation" refers to the process of quality control of the education process. There are three different levels of accreditation referred to in this chapter and the degree to which the board relies on accreditation differs according to the level at which the degree-granting institution is accredited. The three levels of accreditation are described in items A to C.

A. Level one accreditation, the educational institution, is granted to a four-year, degree-granting college or university that is accredited by one or more recognized regional or national accrediting agencies or successor agencies listed with the United States Department of Education.

B. Level two accreditation, the business school, is granted to a business school or college of business that has been accredited by a national accreditation agency ~~recognized by the board~~ listed with the United States Department of Education, such as the American Assembly of Collegiate Schools of Business (AACSB), following a specific and comprehensive review of its faculty, resources, and curricula. In evaluating a candidate's credentials, the board shall rely on this accreditation as evidence that the institution's business school has met minimum overall standards of quality for such schools.

C. Level three accreditation, the accounting program or department, is granted to an accounting program or department that has been accredited by a national accreditation agency ~~recognized by the board~~ listed with the United States Department of Education, such as the AACSB. Accounting programs or departments accredited in this manner have met standards substantially higher and much more specific than those required for level one or level two accreditation. For level three accreditation, the accounting program or department must meet a stringent set of standards that address faculty credentials, student quality, physical facilities, and curricula. Graduates who submit transcripts from accredited accounting programs shall be deemed to have met the board's specific accounting and business course requirements.

Subp. 8. **Accounting and business concentration.** The accounting and business concentration or equivalent described in *Minnesota Statutes*, section 326A.03, subdivision 3, must consist of the semester hours specified in part 1105.1500 (~~Rule 3-2~~). No

more than six hours may be recognized for internships or life experience.

1105.1500 ~~3-2~~; 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:

A. earned a graduate degree with a concentration in accounting from an accounting program or department that is accredited (level three accreditation) by an accrediting agency ~~recognized by the board~~ listed with the United States Department of Education;

C. earned a baccalaureate degree from a business school or college of business that is accredited (level two accreditation) by an accrediting agency ~~recognized by the board~~ listed with the United States Department of Education that included at least 24 semester hours in accounting at the undergraduate or graduate level, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, and management accounting; and completed at least an additional 24 semester hours in business-related or accounting courses at the undergraduate or graduate level; or

Subp. 2. **Education requirements before July 1, 2006.** Before July 1, 2006, an applicant shall meet the education requirements of items A to C.

B. An applicant with an accounting major or concentration in accounting granted by a college or university fully accredited by the North Central Association of Schools and Colleges or its equivalent regional accrediting association listed with the United States Department of Education is considered to meet the educational requirements in *Minnesota Statutes*, section 326A.03, subdivision 2.

1105.1600 ~~3-3~~; APPLICATIONS FOR EXAMINATION.

1105.1700 ~~3-4~~; TIME AND PLACE OF EXAMINATION.

Prior to the implementation of a computer-based examination, notice of the time and place of the examination shall be mailed at least ten days prior to the date set for the examination to each candidate whose application to sit for the examination has been approved by the board.

Upon the implementation of a computer-based examination, eligible candidates shall be notified of the time and place of the examination or shall independently contact the state board or the delivery vendor to schedule the time and place for the examination at an approved test site. Scheduling reexaminations must be made in accordance with part 1105.2000 (~~Rule 3-7~~), subpart 2.

1105.1800 ~~3-5~~; EXAMINATION CONTENT.

1105.1900 ~~3-6~~; DETERMINING AND REPORTING EXAMINATION GRADES.

1105.2000 ~~3-7~~; RETAKE AND CONDITIONING POLICIES.

1105.2100 ~~3-8~~; 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 (~~Rule 2-4~~).

1105.2200 ~~3-9~~; CHEATING.

1105.2300 ~~3-10~~; SECURITY AND IRREGULARITIES.

1105.2400 ~~3-11~~; EMERGENCY EXAMINATION PROCEDURES.

When circumstances exist making it impossible for the board 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 certain rules to avoid hardship on examination candidates affected. These rules are parts 1105.0600 (~~Rule 2-4~~), items A and B; 1105.1600 (~~Rule 3-3~~), subpart 3; and 1105.1700 (~~Rule 3-4~~). 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 ability to fairly administer the examination.

1105.2500 ~~4-1~~; APPLICATIONS FOR CERTIFICATES.

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

(5) 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;

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

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

1105.2600 4-2; EXPERIENCE REQUIRED FOR INITIAL CERTIFICATE ISSUED 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 meet the requirements in items A to ~~E~~ D.

C. Experience as an auditor in the office of the legislative auditor or state auditor, as verified by a licensee, is acceptable experience.

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.

1105.2700 4-3; EXPERIENCE REQUIRED FOR CPA EXAMINATION AND INITIAL CERTIFICATE UNTIL JULY 1, 2006.

1105.2800 4-4; EVIDENCE OF APPLICANT’S EXPERIENCE.

1105.2900 4-5; EDUCATION REQUIRED FOR INITIAL CERTIFICATION ON OR AFTER JULY 1, 2006.

A. Applicants who meet the requirements of part 1105.1500 (~~Rule 3-2~~), subpart 1, item A, B, or C, are presumed to have completed the education requirements of *Minnesota Statutes*, section 326A.03, subdivision 6, if 150 semester hours or 225 quarter hours have been completed.

~~B. Applicants who meet the requirements of part 1105.1500 (Rule 3-2), subpart 1, item D, shall complete an additional 24 semester hours in business-related or accounting courses at the undergraduate or graduate level at an accredited educational institution.~~

~~C.~~ Applicants who meet the requirements of part 1105.1500 (~~Rule 3-2~~), subpart 1, item D, and have in total at least 150 semester hours from an accredited educational institution are presumed to have completed the educational requirements of *Minnesota Statutes*, section 326A.03, subdivision 6, if the 150 hours completed include at least the following:

Subject Matter	Semester Hours
Upper division or graduate-level courses in financial accounting, auditing, taxation, or <u>and</u> management accounting	24
Undergraduate or graduate-level courses in business-related subjects or accounting (not including elementary-level courses)	24

1105.3000 4-6; CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS FOR RENEWAL OF CERTIFICATE.

The requirements of continuing professional education in items A to H apply to the renewal of certificates pursuant to *Minnesota Statutes*, section 326A.04, subdivision 4.

A. A ~~certificate holder~~ licensee seeking renewal of a certificate with an active status shall show the completion of at least 120 hours of continuing professional education complying with this chapter during the three-year period preceding renewal, with a minimum of 20 hours in each year. A ~~certificate holder~~ licensee seeking renewal of a certificate shall demonstrate participation in a program of learning meeting the standards set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by NASBA and AICPA. At least eight hours of the 120 hours shall be in accounting or business ethics.

B. A ~~certificate holder~~ licensee whose certificate has lapsed shall complete at least 120 hours of CPE complying with this chapter during the three-year period preceding the date of reapplication. A ~~certificate holder~~ licensee whose certificate has lapsed shall identify and complete a program of learning designed to demonstrate the currency of the licensee’s competencies directly related to the ~~certificate holder’s~~ licensee’s area of service.

E. A ~~certificate holder~~ licensee granted an exception from the competency requirement by the board under part 1105.3300 (~~Rule 4-9~~) may discontinue use of the word “inactive” in association with the ~~certificate holder’s~~ licensee’s CPA title upon showing that:

(1) the ~~certificate holder~~ licensee has completed at least 120 hours of continuing professional education complying with this chapter during the three-year period preceding the ~~certificate holder’s~~ licensee’s request to discontinue use of the word “inactive”; or

(2) until June 30, 2003, the licensee has completed at least 50 hours of continuing professional education complying with this chapter during the one-year period preceding the licensee’s request to discontinue use of the word “inactive.” If at the time of

application for inactive status, the licensee had not yet reported continuing professional education for the years of the reporting cycle during which the licensee was previously actively licensed, the licensee shall be required to report continuing professional education on a pro rata basis (40 hours per year) for those years in addition to the 50 hours required in this subitem.

F. ~~Certificate holders~~ Licensees who have elected to be exempt from certificate renewal pursuant to part 1105.3700 (~~Rule 4-13~~) need not comply with this part.

G. Failure to report CPE, reporting of an amount less than that required, or fraudulently reporting CPE is a basis for disciplinary action as specified in *Minnesota Statutes*, section 326A.08. A ~~certificate holder~~ licensee not in compliance with this part on June 30 of each year shall be assessed a fee of \$50 for the first month of noncompliance and \$25 per month of noncompliance thereafter.

H. ~~Certificate holders~~ Licensees who, prior to July 1, 2004, have a hardship in complying with the three-year 120-hour requirement in item A shall request annually from the board prior to June 30 an exception from all or part of the requirement. The granting of an exception is solely at the board's discretion.

1105.3100 4-7; PROGRAMS QUALIFYING FOR CONTINUING PROFESSIONAL EDUCATION CREDIT.

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. Beginning July 1, 2004, 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. Exceptions to this requirement are seminar or lecture programs sponsored by the office of the legislative auditor or state auditor or CPA firms or certificate holders licensees for their own employees, and colleges and universities whose academic programs qualify an applicant to sit for the CPA examination. CPE programs sponsored by professional organizations recognized by the board as a report acceptance body pursuant to part 1105.5300 (~~Rule 7-8~~) are exempt from the registry requirement.

Subp. 2. **Qualifications by request.** The board shall accept programs meeting the standards in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by NASBA and AICPA or standards deemed by the board to be comparable to them. A ~~certificate holder~~ licensee must request written approval of the board prior to the end of a CPE year for any programs that do not meet the specific requirements of part 1105.3000, item A, but the ~~certificate holder~~ licensee believes contributes to the ~~certificate holder's~~ licensee's professional knowledge and professional competence. If the approval is not requested or not obtained, the program may not be used to satisfy the hour requirements of part 1105.3000 (~~Rule 4-6~~), item A.

Subp. 3. **Nonresident.** A nonresident licensee seeking renewal of a certificate with an active status in 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 office is located.

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

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

1105.3200 4-8; CONTINUING PROFESSIONAL EDUCATION 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 by the board or contained in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by the NASBA and the AICPA and indicate the number of hours claimed for each of the three preceding years ending on June 30. Responsibility for documenting the acceptability of the program and the validity of the credits rests with the applicant who must retain such documentation for five years following completion of each learning activity.

1105.3300 4-9; EXCEPTIONS EXCEPTION TO CONTINUING PROFESSIONAL EDUCATION REQUIREMENT.

A. The board may make an exception to the requirement set out in part 1105.3000 (~~Rule 4-6~~), 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 the issuance of reports on financial statements or other compilation communication; ~~of~~ furnishing one or more kinds of management advisory, financial advisory, or consulting services; the preparation of tax returns; or the furnishing of advice on tax matters. Licensees shall request an exception only in connection with the application for certificate renewal for the following year.

B. The board may in particular cases make exceptions to the requirements in part 1105.3000 (~~Rule 4-6~~), item A, for reasons of individual hardship including health, military service, foreign residence, or other good cause.

D. A licensee granted an exception by the board must comply with a reentry competency requirement defined by the board in

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part 1105.3000 (~~Rule 4-6~~), item ~~E~~, before the licensee may discontinue use of the word “inactive” in association with the CPA title.

1105.3400 4-10; INTERSTATE RECIPROCITY.

1105.3500 4-11; INTERNATIONAL RECIPROCITY.

Subp. 3. **Requirements for renewal.** An applicant for renewal of a CPA certificate originally issued in reliance on a foreign accounting credential shall:

D. either show completion of continuing professional education substantially equivalent to that required under part 1105.3000 (~~Rule 4-6~~) within the three-year period preceding renewal application, or petition the board for complete or partial waiver of the CPE requirement based on the ratio of foreign practice to practice in this state.

1105.3600 4-12; QUALITY REVIEW FOR ~~CERTIFICATE HOLDERS~~ LICENSEES WHO DO NOT PRACTICE IN LICENSED A FIRM.

A ~~certificate holder~~ licensee who issues compilation reports as defined in the act other than through a CPA firm that holds a permit under *Minnesota Statutes*, section 326A.05, must undergo a quality review as described in parts 1105.4600 to 1105.5500 (~~Rules 7-1 to 7-10~~).

1105.3700 4-13; EXEMPTION FROM CERTIFICATE RENEWAL REQUIREMENT.

A. A ~~certificate holder~~ 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 granted.

C. Persons electing to change from exempt 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 renewal application in subjects specifically approved in advance by the board and meeting the requirements in part 1105.3100 (~~Rule 4-7~~). Persons electing to return to active status from exempt status shall have the 50-hour requirement prorated for periods less than a full year.

(2) If at the time of application for exempt status the ~~certificate holder~~ licensee had not yet reported continuing professional education equivalent to at least 40 hours per year for each of the last three years, the ~~certificate holder~~ 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 (~~Rule 4-6~~) to the extent the hours fall within the annual reporting period.

D. For purposes of this part, the “practice of public accounting in any manner” means issuing a report as described in part 1105.0100 (~~Rule 1-1~~), subpart 17, 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, the use of titles or legends on letterheads, business cards, resumes, office doors, or advertisements and listings, including published membership listings of professional organizations.

1105.3800 4-14; INITIAL ISSUANCE OF CERTIFICATE ON OR AFTER JANUARY 1, 2003.

A certificate shall be issued to a person who has:

B. paid the required fee specified in part 1105.0600 (~~Rule 2-4~~);

E. for initial certificate applications received until July 1, 2006, completed the experience required by part 1105.2700 (~~Rule 4-3~~) and *Minnesota Statutes*, section 326A.03, subdivision 5; and

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

(1) for those where initial sitting for the examination required by *Minnesota Statutes*, section 326A.03, was before July 1, 2006, upon the completion of experience required by part 1105.2700 (~~Rule 4-3~~) and *Minnesota Statutes*, section 326A.03, subdivision 5, or two years of experience of the type required by part 1105.2600 and *Minnesota Statutes*, section 326A.03, subdivision 6, paragraph (b); or

(2) for those whose initial sitting for the examination required by *Minnesota Statutes*, section 326A.03, was on or after July 1, 2006:

(a) upon completion of experience required by part 1105.2600 (~~Rule 4-2~~) and *Minnesota Statutes*, section 326A.03, subdivision 6, paragraph (b); and

(b) upon completion of education required by part 1105.2900 (~~Rule 4-5~~). The provisions of item F, subitem (1), may not be used after December 31, 2008.

1105.3900 4-15; RENEWAL BY CERTIFICATE HOLDERS WHO HAVE NOT MET EXPERIENCE REQUIREMENTS OF MINNESOTA STATUTES, SECTION 326A.03, SUBDIVISION 8 5.

A. Certificate holders who have not met the experience requirements of *Minnesota Statutes*, section 326A.03, subdivision 8 5, shall file an annual statement with the board containing the person's name, address, and telephone and facsimile numbers; employer name, address, and telephone number; and certification that the person has not or will not until the amount and type of experience required by *Minnesota Statutes*, section 326A.03, subdivision 8 5, has been fulfilled and verified by the board, hold out as a CPA in any manner unless the certificate holder places the words "inactive certificate holder" adjacent to the CPA title. For this purpose, "hold out" is defined in part 1105.3700 (~~Rule 4-13~~), item D.

C. The board shall notify each certificate holder of the renewal requirement. Each certificate holder shall file the form and pay the delinquency fee as required in part 1105.0600 (~~Rule 2-4~~) if the registration form is not received by December 31 or post-marked by the United States Postal Service by that date. The certificate holder shall also inform the board of any address change within 30 days of the date of occurrence.

D. The certificates of persons who on January 1, 2003, have not met the experience required by *Minnesota Statutes*, section 326A.03, subdivision 8 5, must be revoked following the procedures of *Minnesota Statutes*, chapter 14, if the experience is not obtained before July 1, 2006, or unless the person (1) submits to the board within the 90 days prior to July 1, 2006, a statement detailing experience of the type required by part 1105.2600 and *Minnesota Statutes*, section 326A.03, subdivision 6, paragraph (b), on a form provided by the board and in the amount required by *Minnesota Statutes*, section 326A.03, subdivision 5; (2) submits a certificate renewal application with the statement required by subitem (1) requesting an inactive status; and (3) pays the fee specified in part 1105.0600. Once the experience is verified by the board and the application is approved, the certificate shall have an inactive status effective as of July 1, 2006. Persons who have had their certificates revoked or who have been notified by the board that such action is pending can file an application for initial certificate provided that the then-current requirements specified in part 1105.3800 (~~Rule 4-14~~), item F, subitem (2), ~~units (a) and (b)~~, have been satisfied. The board shall use the grades achieved on the examination that was the basis for the certificate held on January 1, 2003, for determining completion of the examination required by *Minnesota Statutes*, section 326A.03, subdivision 4.

1105.4000 5-1; APPLICATION FOR FIRM PERMIT.

A. Applications by firms for initial issuance and for renewal of permits pursuant to *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 and all required documents prescribed in this chapter are received. If an application for permit renewal is filed late, it must also be accompanied by the delinquency fee prescribed in part 1105.0600 (~~Rule 2-4~~).

B. A sole proprietor ~~may~~ shall apply simultaneously for a certificate or a renewal of a certificate and a firm permit, if such a permit is needed.

C. Applications 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 until all partners, members, managers, shareholders, directors, and officers resident in this state and holding a certificate:

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

(2) for renewal of a permit, individually renew their certificates with an active status for the coming year.

E. A firm's partners, members, shareholders, directors, or officers resident in this state who do not hold, and are not eligible to hold, a certificate shall annually, in connection with initial issuance or renewal of the firm permit, submit with the application a statement signed by the person that:

(3) specifies all professional licenses held by the person that were issued by the state and any disciplinary actions that have been taken against the licenses in the last five years.

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 (~~Rule 2-4~~). The form must provide a space to indicate the percentage of voting and financial interest held by the individual in the firm.

1105.4100 5-2; NOTIFICATION OF CHANGES BY FIRMS.

1105.4200 5-3; APPLICATIONS FOR INITIAL ISSUANCE AND FOR RENEWAL OF PERMITS.

The application for initial issuance and for renewal of permits must specify that:

A. all individual ~~licensed~~ employees of the firm who hold certificates and those persons specified in part 1105.4000 (~~Rule~~

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~~5-4~~, item D, who are responsible for supervising attest or compilation services or who sign or authorize someone to sign an accountant's report on financial statements have met the competency requirements set out in professional standards; and

B. all attest and compilation services rendered by the firm in this state are under the charge of a person holding ~~a valid an unexpired~~ certificate issued under *Minnesota Statutes*, section 326A.04, with an active status or the corresponding provision of prior law.

1105.4300 ~~5-4~~; QUALITY REVIEW AS CONDITION FOR RENEWAL OF PERMIT.

A. The board has established in parts 1105.4600 to 1105.5500 (~~Rules 7-1 to 7-10~~) procedures to perform the following functions:

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

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 (~~Rule 7-8~~) and report to the board that their programs meet the requirements in this chapter and the act. The oversight committee must be constituted and act according to subitems (1) to (4).

(1) It must be composed of five individuals appointed by the board for three-year staggered terms. No individuals who are members or employees of the board or employees, directors, or officers of a report acceptance body designated in part 1105.5300 (~~Rule 7-8~~) may serve on the committee. At least two of the individuals appointed by the board shall be licensees at the time of their appointment. The chair of the committee shall be a licensee and shall be designated as chair by the board.

(3) It must provide the board with an assessment of the effectiveness of the report acceptance bodies designated in part 1105.5300 (~~Rule 7-8~~), item B, and the quality review process. In addition, the committee must provide to the board the names of those ~~certificate holders~~ licensees and firms that have undergone and have had an accepted quality review as well as whether the ~~certificate holders~~ licensees and firms are meeting the terms, conditions, and remedial actions, if any, required by the report acceptance body. The committee shall also report to the board the names of any licensees and firms it believes should be subject to discipline described in part 1105.5400, item B.

1105.4400 ~~5-5~~; INTERNET PRACTICE.

1105.4500 ~~6-1~~; LICENSED PUBLIC ACCOUNTANTS.

E. In connection with any application for practice privileges in another state under that state's substantial equivalency provisions, persons granted a certificate under *Minnesota Statutes*, section 326A.06, paragraph (a), shall inform the other state that a CPA examination was not passed.

1105.4600 ~~7-1~~; QUALITY REVIEW.

For the purpose of parts 1105.4600 to 1105.5500 (~~Rules 7-1 to 7-10~~), the terms in this part have the meanings given.

A. "Quality review" means a study, appraisal, or review of one or more aspects of the professional work of a person or firm as required by *Minnesota Statutes*, section 326A.05, subdivision 8, by a reviewer who meets the requirements of part 1105.5200 (~~Rule 7-7~~).

C. "Reviewer" means the ~~licensed individual~~ licensee or firm selected to conduct the quality review.

1105.4700 ~~7-2~~; QUALITY REVIEW STANDARDS.

A. For purposes of parts 1105.4600 to 1105.5500 (~~Rules 7-1 to 7-10~~), Standards for Performing and Reporting on Peer Reviews (Standards) and Statements on Quality Control Standards (Statements) that are contained in AICPA Professional Standards, Volume 2 (June 1, 2002), are incorporated by reference. This document is published by the American Institute of Certified Public Accountants, Inc. It is subject to frequent change and is available at the state law library.

B. Quality reviews conducted according to the standards meet the board's requirements for a quality review. Except as specified in part 1105.4800, inspections conducted under Section 104 of the Sarbanes-Oxley Act of 2002, Public Law 107-204, shall meet the board's requirements for a quality review. Approved report acceptance bodies specified in part 1105.5300, item B, shall file with the board prior to April 1 of each year a statement which details all significant differences between the quality review standards followed by the report acceptance body and the standards specified in item A. A firm shall notify the board and obtain permission prior to having a review conducted ~~in accordance with any other standards~~ by a report acceptance body other than those specified in part 1105.5300.

C. The review conducted must include verification that the individuals in the firm who are responsible for supervising attest and compilation services and who sign or authorize someone to sign the accountant's report on financial statements on behalf of the firm have met the competency requirements set out in professional standards.

1105.4800 ~~7-3~~; QUALITY REVIEW REQUIREMENTS.

A. As a condition to renewal of its permit pursuant to *Minnesota Statutes*, section 326A.05, subdivision 8, every firm shall undergo a quality review in accordance with parts 1105.4600 to 1105.5500 (~~Rules 7-1 to 7-10~~) once every three years.

B. To the extent that inspections conducted under Section 104 of the Sarbanes-Oxley Act of 2002, Public Law 107-204, cover only an inspection of a firm's public company attest clients, an additional quality review of the firm's nonpublic company attest and compilation clients is required.

1105.4900 ~~7-4~~; EXEMPTION FROM QUALITY REVIEW REQUIREMENT.

A firm is exempt from the quality review requirement specified in part 1105.4000 (~~Rule 5-1~~) if it annually represents to the board that it has not issued attest or compilation reports, that it does not intend to engage in such practices during the following year, and that it shall immediately notify the board in writing if it engages in such practices.

The representation must be made in writing, under oath, and upon forms provided by the board. The representation must be made annually at the time the firm applies for renewal of its permit.

If a firm under exemption notifies the board that it has issued attest or compilation reports, it must undergo a quality review during the first full year after its initial acceptance of an engagement, or sooner at the request of the firm.

1105.5000 ~~7-5~~; QUALITY REVIEW CYCLE FOR FIRMS.

Subpart 1. **General.** Firms that are participating in the quality review program on December 31, 2002, under the board's then-existing rules shall continue in their existing three-year cycles as follows:

A. firms in Cycle A whose year under review ends in 2005 shall submit their reports to the board no later than ~~12~~ 15 months after the end of their year;

B. firms in Cycle B whose year under review ends in 2003 shall submit their reports to the board no later than ~~12~~ 15 months after the end of their year; and

C. firms in Cycle C whose year under review ends in 2004 shall submit their reports to the board no later than ~~12~~ 15 months after the end of their year.

Subp. 2. **Transition period.** Firms governed by subpart 1 shall submit their reports as follows:

C. firms in Cycle B whose year under review ends in 2003 shall submit their reports to the board no later than ~~12~~ 15 months after the end of their year.

Subp. 3. **Firms that are subject to quality review after December 31, 2002.** Firms that become subject to the quality review program after December 31, 2002, for the first time shall determine their cycles in accordance with part 1105.5100 (~~Rule 7-6~~).

1105.5100 ~~7-6~~; FIRM QUALITY REVIEW REQUIREMENT FOR FIRMS NEWLY SUBJECT TO REQUIREMENT ON OR AFTER JANUARY 1, 2003.

As a condition to renewal of a firm permit, a new firm shall undergo a quality review during the first full year after it becomes subject to the requirements for quality review, and shall report the material specified in part 1105.5400 (~~Rule 7-9~~) to the board no later than ~~12~~ 15 months after the end of the first full 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.

1105.5200 ~~7-7~~; QUALIFICATIONS OF REVIEWER.

The reviewer shall have the following minimum qualifications:

A. hold a ~~current~~ certificate with an active status or permit as a CPA or a firm, from any state; and have undergone at least one quality review;

1105.5300 ~~7-8~~; QUALIFICATIONS OF REPORT ACCEPTANCE BODIES.

A. The AICPA ~~or an organization approved by the United States Securities Exchange Commission is an~~ and the Public Company Accounting Oversight Board are approved report acceptance body bodies.

B. The Minnesota Association of Public Accountants, the Minnesota Society of Certified Public Accountants, other state accountancy boards, and any other organization able to demonstrate that it will fulfill its responsibilities in accordance with recognized review standards may apply to the board to be considered a report acceptance body. The board shall approve applications to be considered a report acceptance body if the applicant demonstrates that it has or will fulfill its responsibilities in accordance with recognized standards specified in part 1105.4700 (~~Rule 7-2~~). Approval must be withdrawn if a report acceptance body fails to fulfill its responsibilities.

1105.5400 ~~7-9~~; REPORT TO BOARD.

A. By the date specified in part 1105.5000 (~~Rule 7-5~~), each firm that is scheduled to report that year shall submit the following material to the board:

(1) a copy of the ~~modified, adverse, or unmodified~~ report issued by the reviewer, including any letters of comment and responses;

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(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 of a ~~modified or adverse report~~, 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, item B, a written report, including any responses by the firm attached to the report, on inspections conducted by the Public Company Accounting Oversight Board submitted to the board shall meet the requirements of this part.

B. In addition to any agreement made between the report acceptance body and the firm, the board may:

(1) require that a partner, member, manager, shareholder, or employee of the firm complete continuing education in the areas of deficiency in addition to the continuing professional education hours required in part 1105.3000 (~~Rule 4-6~~);

1105.5500 ~~7-10~~; PRIVATE DATA.

The board and the quality review oversight committee shall treat all material of the firm obtained through the quality review process, as private data as defined by *Minnesota Statutes*, section 13.02, subdivision 12, or nonpublic data as defined by *Minnesota Statutes*, section 13.02, subdivision 9, as applicable. The reports received by the board pursuant to part 1105.5400 (~~Rule 7-9~~), item A, may be made public by the board.

If a firm becomes the subject of a disciplinary proceeding pursuant to *Minnesota Statutes*, section 326A.08, the board may make the information public according to *Minnesota Statutes*, chapter ~~14~~ 13.

1105.5600 ~~8-4~~; GROUNDS FOR ENFORCEMENT ACTIONS.

C. violations of the act or rules promulgated under the act, within the meaning of *Minnesota Statutes*, section 326A.08, subdivision 5, paragraph (a), clause (1), including:

(1) using the CPA title or providing attest or compilation services in this state without a certificate with an active status, registration, or permit to practice issued under *Minnesota Statutes*, sections 326A.04 and 326A.05, or without properly qualifying to practice across state lines under the substantial equivalency provision of the act;

1105.5700 ~~8-2~~; RETURN OF CERTIFICATE, REGISTRATION, OR PERMIT TO PRACTICE.

1105.5800 ~~8-3~~; REVIEW OF PROFESSIONAL WORK PRODUCT.

The board may solicit and receive publicly available reports of licensees, registrants, and individuals with privileges under *Minnesota Statutes*, section 326A.14, and related financial statements from clients, public agencies, banks, and other users of financial statements on a general and random basis without regard to whether an application for renewal of the particular licensee is then pending or whether there is any formal complaint or suspicion of impropriety on the part of the licensee, registrant, or individual. It may also review such reports and otherwise proceed with respect to the results of the review as prescribed in part 1105.4300 (~~Rule 5-4~~).

1105.5900 ~~8-4~~; NOTICES OF HEARING ~~BEFORE COMPLAINT COMMITTEE OR CONFERENCE.~~

A. A notice of hearing issued by the board or ~~is a notice of conference by the board's~~ complaint committee pursuant to *Minnesota Statutes*, section 326A.08, must include:

B. When the complaint and notice of hearing or conference are served pursuant to *Minnesota Statutes*, section 326A.08, they must be accompanied by:

C. The investigation and hearing ~~before the complaint committee~~ or conference may result in the discovery of additional violations. The additional violations do not need to be specifically identified in the notice issued in item A.

1105.6000 ~~8-5~~; SERVICE.

1105.6100 ~~9-1~~; APPLICATIONS FOR RELIEF FROM DISCIPLINARY PENALTIES.

1105.6200 ~~9-2~~; ACTION BY BOARD.

A. An application pursuant to part 1105.6100 (~~Rule 9-1~~) must ordinarily be processed by the board upon the basis of the materials submitted in support of it, supplemented by any additional inquiries required by the board or its complaint committee. At the board's discretion, a hearing may be held by the board or its complaint committee on an application following procedures the board may find suitable for the particular case.

C. In considering an application under part 1105.6100 (~~Rule 9-1~~), the board may consider all activities of the applicant since the disciplinary penalty from which relief is sought was imposed, the offense for which the applicant was disciplined, the applicant's activities during the time the certificate, registration, privileges under *Minnesota Statutes*, section 326A.14, or permit was in good standing, the applicant's rehabilitative efforts, restitution to damaged parties in the matter for which the penalty was imposed, and the applicant's general reputation for truth and professional probity.

1105.6300 ~~10-1~~; MISLEADING CPA FIRM NAMES.

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:

- C. includes the name of a person who is not a CPA if the title “CPAs” is included in the firm name.

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 does not 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.

1105.6400 ~~10-2~~; FICTITIOUS FIRM NAMES.

1105.6500 ~~10-3~~; SAFE HARBOR LANGUAGE.

A. Nonlicensees not registered under *Minnesota Statutes*, section 326A.06, paragraph (b), and part 1105.6600 (~~Rule 11-1~~) must use the following disclaimer language in connection with financial statements so as not to violate the act:

B. Nonlicensees registered under *Minnesota Statutes*, section 326A.06, paragraph (b), and part 1105.6600 (~~Rule 11-1~~) must use the following disclaimer language in connection with financial statements so as to not violate the Act:

1105.6550 DEFINITION OF VALID CERTIFICATE, PERMIT, AND REGISTRATION.

A. “Valid certificate,” as used in *Minnesota Statutes*, section 326A.10, 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 1105.3300 and 1105.3900.

B. “Valid permit,” as used in *Minnesota Statutes*, section 326A.10, is an unexpired permit issued to a firm.

C. “Valid registration,” as used in *Minnesota Statutes*, section 326A.10, is an unexpired registration issued to a registrant under part 1105.6600.

1105.6600 ~~11-1~~; REGISTERED ACCOUNTING PRACTITIONER.

The designation of “registered accounting practitioner” shall be issued by the board after June 30, 2003, to persons who have made application on a form provided by the board and who:

- A. have met the education requirement specified in part 1105.6700 (~~Rule 11-2~~);
- B. have met the RAP examination requirement specified in part 1105.6800 (~~Rule 11-3~~);
- C. have met the experience requirement specified in part 1105.6900 (~~Rule 11-4~~);
- E. have paid the fee specified in part 1105.0600 (~~Rule 2-4~~).

1105.6700 ~~11-2~~; EDUCATION REQUIREMENT FOR REGISTERED ACCOUNTING PRACTITIONER.

1105.6800 ~~11-3~~; EXAMINATION REQUIREMENT FOR REGISTERED ACCOUNTING PRACTITIONER.

A. Persons applying for initial designation as a registered accounting practitioner shall successfully pass all sections of an RAP examination designed to test knowledge in the subjects of accounting and compilation services, business law, and taxation with a score of 75 percent. The board may designate the Accreditation Council for Accountancy and Taxation examination or an examination developed or administered by another vendor whose objective is to test knowledge in the subject matter areas specified in part 1105.6700 (~~Rule 11-2~~) as the RAP examination that applicants must use.

C. An original copy of the RAP examination results is to be filed with the application required by part 1105.6600 (~~Rule 11-1~~).

1105.6900 ~~11-4~~; EXPERIENCE REQUIREMENT FOR REGISTERED ACCOUNTING PRACTITIONER.

1105.7000 ~~11-5~~; 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 such purpose. The fee specified in part 1105.0600 (~~Rule 2-4~~) must be paid. If an application for renewal is filed late, it shall also be accompanied by the delinquency fee prescribed in part 1105.0600 (~~Rule 2-4~~).

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 specified in part 1105.3100 (~~Rule 4-7~~) 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 or business ethics. A registrant’s initial three-year period starts on January 1 following the date the individual is initially registered by the board.

1105.7100 ~~11-6~~; 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 and all required documents prescribed in this chapter are received. If an application for permit renewal is filed late, it must also be accompanied by the delinquency fee prescribed in part 1105.0600 (~~Rule 2-4~~).

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

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 a registration as a RAP have a minimum of two years of qualifying experience of the type specified in part 1105.6900 (~~Rule 11-4~~) and:

(1) for initial issuance of a RAP firm permit, individually hold a nonexpired registration issued under part 1105.6600 (~~Rule 11-4~~); and

E. RAP firm partners, members, shareholders, directors, or officers resident in this state who do not hold a registration issued under part 1105.6600 (~~Rule 11-4~~) shall annually, in connection with initial issuance and renewal of the RAP firm permit, submit with the application a statement signed by the person that:

(3) specifies all professional licenses held by the person that were issued by the state and any disciplinary actions which have been taken against the licensees in the last five years.

F. No licensee may be a partner, member, manager, shareholder, director, or officer, or employee 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 (~~Rule 2-4~~). 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 (~~Rule 11-4~~).

G. The board shall not renew a permit of a RAP firm that has not undergone a quality review specified in part 1105.7400 (~~Rule 11-9~~) within the previous three years and complied with the board's rules with respect to such reviews.

H. A licensee may be an employee of a RAP firm, provided:

(1) the licensee maintains an unexpired certificate with a status of active;

(2) the licensee does not participate in any engagement that results in the issuance of a compilation report unless the licensee complies with Minnesota Statutes, section 326A.10, paragraph (k); and

(3) the RAP firm quality review required by part 1105.7400 includes verification of the requirement contained in subitem (2).

1105.7200 ~~11-7~~; NOTIFICATION OF CHANGES BY RAP FIRMS.

1105.7300 ~~11-8~~; APPLICATION FOR INITIAL ISSUANCE AND FOR RENEWAL OF RAP FIRM PERMIT.

The application for initial issuance and for renewal of a RAP firm permit must specify that all compilation services rendered in this state are under the charge of a person holding a valid registration issued under part 1105.6600 (~~Rule 11-4~~).

1105.7400 ~~11-9~~; QUALITY REVIEW AS CONDITION FOR RENEWAL OF PERMIT.

A. The board has established in parts 1105.4600 to 1105.5500 (~~Rules 7-1 to 7-10~~) procedures to perform the following functions:

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

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 in the firm name.

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 does not consent to the inclusion or if the person becomes a partner, member, shareholder, or owner of a firm established under part 1105.7100.

C. 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.

1105.7500 ~~11-10~~; COMPILATION REPORTS.

B. The form of the compilation report that can be issued is specified in part 1105.6500 (~~Rule 10-3~~), items B and C.

C. Registrants must comply with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants when performing compilation services except as specified in part 1105.6500 (~~Rule 10-3~~), item C. Such statements are contained in AICPA Professional Standards, Volume 2, published by the American Institute of Certified Public Accountants (June 1, 2002), which is incorporated by reference. This publication is subject to frequent change and is avail-

able through the state law library.

1105.7600 ~~11-11~~; RAP GRANDPARENTING PROVISIONS.

Notwithstanding the provisions of part 1105.6600 (~~Rule 11-1~~), the designation of “registered accounting practitioner” shall be issued by the board after June 30, 2003, and before July 1, 2005, to individuals who have made application in a form provided by the board and who have:

A. a minimum of three years of experience of the type specified in part 1105.6900 (~~Rule 11-4~~);

B. completed a minimum of 90 hours of continuing professional education complying with the standards specified in part 1105.3100 (~~Rule 4-7~~) during the three-year period preceding application;

E. paid the fee specified in part 1105.0600 (~~Rule 2-4~~).

1105.7700 ~~11-12~~; RAP CODE OF PROFESSIONAL CONDUCT.

1105.7800 ~~12-1~~; CODE OF PROFESSIONAL CONDUCT.

A. The AICPA Code of Professional Conduct ~~as contained in AICPA Professional Standards, Volume 2, published by the American Institute of Certified Public Accountants (June 1, 2002); and revised as of September 2002~~ is incorporated by reference. ~~This publication~~ The Code of Professional Conduct is subject to frequent change and is available through the state law library.

B. Failure to report continuing professional education or falsely reporting continuing professional education required by parts 1105.3000 and 1105.7000 (~~Rules 4-6 and 11-5~~) is an act discreditable to the profession and is basis for disciplinary action specified in *Minnesota Statutes*, section 326A.08.

C. Failure to report quality reviews required by parts 1105.4000 and 1105.7100 (~~Rules 5-1 and 11-6~~) or seeking an exemption when one is not warranted, is an act discreditable to the profession and is a basis for disciplinary action specified in *Minnesota Statutes*, section 326A.08.

E. Persons and firms subject to the provisions of the Sarbanes-Oxley Act of 2002, Public Law 107-204, shall comply with that act and related published rules. Failure to do so is an act discreditable to the profession and is basis for disciplinary action specified in *Minnesota Statutes*, section 326A.08.

G. A firm granted a permit under *Minnesota Statutes*, section 326A.05, is not considered independent with respect to an audit of financial statements for a client if any person specified in part 1105.4000, items D and E, within one year preceding the commencement of audit procedures, participated in any capacity in the current or prior audit and subsequently became the chief executive officer, controller, chief financial officer, chief accounting officer, or any person servicing an equivalent position for the client.

H. (1) No licensee, registrant, certificate holder, or applicant may directly or indirectly take any action to fraudulently influence, coerce, manipulate, or mislead any certified public accounting firm, the state auditor, or the legislative auditor engaged in the performance of an audit of financial statements if that person knew or was unreasonable in not knowing that the action could, if successful, result in rendering the financial statements materially misleading. Engaging in such acts is an act discreditable to the profession and is a basis for disciplinary action specified in *Minnesota Statutes*, section 326A.08.

(2) For purposes of this item, actions that “could, if successful, result in rendering the financial statements materially misleading” include, but are not limited to, the following actions taken at any time to fraudulently influence, coerce, manipulate, or mislead an auditor:

(a) to issue a report on a client’s financial statements that is not warranted in the circumstances, due to material violations of generally accepted accounting principles, generally accepted auditing standards, or other standards;

(b) not to perform an audit, review, or other procedures required by generally accepted auditing standards or other professional standards; or

(c) not to withdraw an issued report.

1105.7850 RETENTION AND CONTENT OF AUDIT WORK PAPERS.

A. Firms granted permits under *Minnesota Statutes*, section 326A.05, shall prepare, in accordance with professional standards contained in AICPA Professional Standards, Volume 1, published by the American Institute of Certified Public Accountants (June 1, 2002), and maintain for a period of not less than six years audit workpapers in sufficient detail to support the conclusions reached in any report issued by the firm on the financial statements audited.

B. The professional standards referred to in item A are incorporated by reference. The publication is subject to frequent change and is available through the state law library.

C. Failure to comply with this part is an act discreditable to the profession and is basis for disciplinary action specified in *Minnesota Statutes*, section 326A.08.

1105.7900 ~~14-1~~; SUBSTANTIAL EQUIVALENCY.

A. In accordance with *Minnesota Statutes*, section 326A.04, subdivision 3, paragraph (b), an individual rendering or offering

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to render professional services in this state whose principal place of business will be in this state is required to have a certificate issued under *Minnesota Statutes*, section 326A.04.

~~B.~~ In accordance with *Minnesota Statutes*, section 326A.14, subdivision 1, an individual rendering or offering to render professional services in this state whose principal place of business is not in this state is required to notify the board as specified in this part.

~~C.~~ Individuals seeking practice privileges under *Minnesota Statutes*, section 326A.14, shall complete an application in the form provided by the board and pay the fee required by part 1105.0600 (~~Rule 2-4~~). The practice privilege granted shall expire one year after it is effective.

~~B. D.~~ The application is immediately due and shall be received by the board within 15 days after the individual knowingly becomes subject to the laws of this state by:

~~C. E.~~ Practice privileges of individuals who have a ~~valid~~ certificate or license, for which the holder of the certificate has met the CPE requirement of this chapter, are effective as follows:

(1) if the ~~valid~~ certificate or license is issued by a state which is in substantial equivalence with the act, the practice privilege is effective upon application and payment of the fee; and

(2) if the ~~valid~~ certificate or license is issued by a state which is determined by the board not to be in substantial equivalence with the act, the practice privilege is effective after the board verifies that the individual's qualifications are substantially equivalent to the act.

~~D. F.~~ Notice must be filed with the board within 30 days after an individual changes the individual's principal place of business or within 30 days after the license has been denied, revoked, or suspended in any jurisdiction.

~~E. G.~~ Nonresident individuals are not considered to have entered this state for purposes of *Minnesota Statutes*, section 326A.14, and notice is not required under *Minnesota Statutes*, section 326A.14, if the individual's contact with this state is limited to any of the following activities:

~~F. H.~~ An individual entering into an engagement to provide professional services via a Web site pursuant to *Minnesota Statutes*, section 326A.14, shall disclose, via the Web site, the individual's principal state of licensure, license number, and address.

~~I.~~ Notwithstanding the requirements of item D, an individual whose principal place of business is not in this state and who has a valid certificate or license as a certified public accountant from any state and who enters this state to render professional services for a period of time not to exceed 20 hours in a one-year period need not notify the board.

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.

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C for Approximately 160 Acres of Farmland with Buildings in Burton Township, Yellow Medicine County

NOTICE IS HEREBY GIVEN that a public hearing will be held on March 31, 2003, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of Approximately 160 acres of farmland with buildings located two miles south of St. Leo, MN and 3/4 miles east; Section 9, Burton Township; Yellow Medicine County, Minnesota on behalf of Brad Pohlen, (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$155,000.00. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof.

Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: March 5, 2003

Jim Boerboom
RFA Director

Board of Animal Health

Notice of Quarterly Meeting

The Board of Animal Health will hold its quarterly meeting on Wednesday April 16th, 2003 at 9:30 a.m. at the Board's Office at 90 W Plato Blvd, St Paul, MN.

Minnesota Department of Commerce

Minnesota Joint Underwriting Association

Official Notice of Activation to Insure Specified Classes of Business and Public Hearing

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, section 62I.21, the Minnesota Joint Underwriting Association (MJUA) and the Market Assistance Plan (MAP) are activated to provide assistance to the following classes of business unable to obtain insurance from private insurers:

- general liability - portable rural blasting operations
- liquid manure handlers
- pharmacists

The MJUA and MAP are activated to provide assistance to the above classes of business for a period of 180 days following publication of this notice. A public hearing will be held, for the purpose of determining whether activation should continue beyond 180 days, at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota, 55401-2138, on Wednesday, April 16, 2003, at 9:30 a.m. and continuing until all interested persons and groups have had an opportunity to be heard. The hearing shall be governed by *Minnesota Statute* Sections 14.57-14.69 and by *Minnesota Rules* Parts 1400.1500-1400.8400, (1985). Questions regarding the procedure may be directed to Administrative Law Judge Allan W. Klein, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 341-7609. The authority for this proceeding is found in Chapter 62I of *Minnesota Statutes*, specifically sections 62I.21 and 62I.22.

Prior to the hearing a pre-hearing conference will be held at 1:30 p.m. on Friday, April 4, 2003, at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138.

Minnesota Statutes, Chapter 62I, which governs the Minnesota Joint Underwriting Association provides for temporary activation for 180 days by the Commissioner of Commerce. To extend the Minnesota Joint Underwriting Association's authority beyond the 180 day period a hearing must be held. Those classes of business for which the Minnesota Joint Underwriting Association was temporarily activated, by this notice and by previously published notices, must prove, at the hearing, that they meet the statutory requirements for coverage by the Minnesota Joint Underwriting Association.

Among those requirements are:

- (1) That members of those classes are unable to obtain insurance through ordinary means;
- (2) That the insurance being sought is required by statute, ordinance, or otherwise required by law, or is necessary to earn a livelihood or conduct a business; and
- (3) That the classes of business serve a public purpose.

The classes of business specified in this notice and previously published notices must be shown to meet the statutory requirements of the Minnesota Joint Underwriting Association's authority to provide coverage to them will end after 180 days from the date the notice of activation was published in the *State Register*.

Activation of a class of business does not guarantee coverage to any class member. Coverage of individual class members is determined by the Minnesota Joint Underwriting Association on a case by case basis once the class has been activated. The MJUA's address is: Pioneer Post Office Box 1760, St. Paul, Minnesota 55101. Their phone number is (651) 222-0484.

The Department strongly suggests that any persons affected by this hearing or otherwise interested in the proceedings familiarize themselves with the requirements of Chapter 62I and the contested case procedures prior to the hearing, that they take such other

Official Notices

steps as are appropriate to protect their interest and that any questions they may have as to how to proceed or how to participate at the hearing be directed to the Administrative Law Judge prior to the hearing.

All interested or affected persons will have an opportunity to participate at the hearing. Questioning of agency representatives or witnesses, and of interested persons making oral statements will be allowed in the manner set forth in the Rules pertaining to contested cases (*Minnesota Rules* parts 1400.1500-1400.8400).

Anyone wishing to oppose activation beyond the 180 days for any particular class, must file a petition to intervene with the administrative law judge at least 10 days before the hearing date. If no notice to intervene is filed for a class, then the class is activated beyond the 180 day period without further action.

Minnesota Statutes chapter 10A requires each lobbyist to register with the State of Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statute* Section 10A.01, subdivision 11 as an individual:

- (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or
- (b) Who spends more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone (612) 296-5148.

Dated: March 5, 2003

Minnesota Housing Finance Agency

Minnesota of Public Hearing on 2004 Housing Tax Credit Allocation Plan

The Minnesota Housing Finance Agency (MHFA) will hold a public hearing pursuant to Section 42 of the Internal Revenue Code of 1986, as amended. The public hearing will be held at the time and place listed below:

Tuesday, April 1, 2003
1:00 p.m. - 3:00 p.m. - Jelatis Conference Room, 3rd Floor
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN

The Omnibus Budget Reconciliation Act of 1989 (OBRA) requires that Housing Tax Credit Allocating Agencies develop a plan for allocating tax credits within their jurisdiction, setting forth criteria to determine priorities for selection of developments to receive tax credits. The OBRA also requires Tax Credit Agencies to hold a public hearing to receive public comment on the Allocation Plan.

The above public hearing is for the 2004 Allocation Plan developed by MHFA, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of the MHFA. Other Tax Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Washington County and Dakota County.

All persons interested will be given an opportunity to express their views. In order to more effectively plan for the conduct of the hearings, persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes. Written comments may also be submitted to the undersigned, and will be considered at the hearing.

Note that this public hearing is not a workshop or training session, but is intended to solicit the comments of the public.

Copies of summaries of the proposed changes to the Housing Tax Credit Procedural Manual and Qualified Allocation Plan may be picked up at the address listed below, by written or phone request (651) 296-4451 to MHFA, or by checking the MHFA web site at www.mhfa.state.mn.us.

Minnesota Housing Finance Agency
Multifamily Underwriting
Housing Tax Credit Program
400 Sibley Street, Suite 300
St. Paul, MN 55101

Department of Human Services**Aging Initiative - Continuing Care for the Elderly****Public Notice Regarding Proposed Changes to Payment Rates Related to Nursing Facilities Participating in the Medical Assistance Program**

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance Program, and the public, of proposed payment rate changes for nursing facilities participating in the Medical Assistance Program.

This notice is published pursuant to 42 *United States Code* §1396(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish proposed facility payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. This notice is also published pursuant to title 42, part 447, section 205 (42 CFR §447.205), which requires publication of a notice when there is a proposed rate change in the methods and standards for setting payment rates for Medical Assistance services.

The Department is notifying interested parties that the Governor's biennial budget for State Fiscal Years 2004 and 2005 contains the following proposed changes to nursing facility payment rates or to rate methodology.

- **The budget proposes elimination of the automatic Medical Assistance rate adjustments for operating costs for nursing facilities under contract through the Alternative Payment System (APS) for SFYs 2004-05.** Effective July 1, 2003, the automatic operating rate adjustment for APS facilities would be eliminated. *Minnesota Statutes*, §256B.434, subdivision 4.
- **The budget proposes giving nursing facilities a choice of either reducing the rates in effect on June 30, 2003 by 4% percent or removing some of their licensed beds from service.** Effective July 1, 2003, operating and property rates effective June 30, 2003, would be reduced by 4%, or nursing facilities would be permitted to reduce the number of beds to 85% of the occupied beds as of January 1, 2003 (phased-in over a period of time). *Minnesota Statutes*, §256B.431.
- **The budget proposes elimination of the per diem to nursing facilities for the scholarship program.** Effective July 1, 2003, the per diem scholarship rate amount was to be the allowable scholarship-related expenses nursing facilities incurred during the previous reporting year divided by resident days. Under the Governor's proposed budget, this adjustment would be eliminated. *Minnesota Statutes*, §256B.431, subdivision 36.
- **The budget proposes reducing the amount paid for nursing facility bed-hold days.** Effective July 1, 2003, the amount paid for nursing facility bed-hold days would be reduced from 79% of the usual rate to 60% of the usual rate. *Minnesota Statutes*, §256B.431, subdivision 2r.
- **The budget proposes reducing the Medicare coinsurance amount paid to nursing facilities for Medical Assistance-qualified residents covered under a Medicare stay.** Effective July 1, 2003, the amount that would be paid to nursing facilities will be the difference between the Medicare payment and the Medicaid State plan rate (but never less than zero), rather than the Medicare coinsurance amount set by the federal Centers for Medicare & Medicaid Services, United States Department of Health and Human Services.
- **The budget proposes reducing the number of days in which a rate enhancement may be paid for newly admitted nursing facility residents.** Effective July 1, 2003, the number of days in which a nursing facility rate enhancement may be paid would be reduced from 90 days to 30 days. The proposal would eliminate the 10% premium payments for the 60-day period and would not allow any premium payments when a resident has been in a nursing facility during the previous 30 days. *Minnesota Statutes*, §256B.431, subdivision 32.
- **The budget proposes to increase the nursing home surcharge and to increase nursing facility rates.** The supplemental budget proposes to increase each nursing facility's rate by \$5.21 per resident day, effective June 1, 2003, and to increase the annual nursing home surcharge from \$990.00 to \$2,700.00 per licensed bed, effective July 1, 2003. *Minnesota Statutes*, §§256.9657, subdivision 1 and 256B.431, subdivision 37.
- **The budget proposes to increase intergovernmental transfer revenues by increasing the disproportionate share nursing facility payment.** Beginning May 31, 2004, the budget proposes to increase each county-owned and operated nursing facility's annual disproportionate share payment to the state by \$2,230.00 for each licensed bed owned and operated by the county on that date. The Department would pay an adjustment to each county nursing home in an amount equal to \$6.11 per calendar day multiplied by the number of beds licensed in the facility on that date. *Minnesota Statutes*, §§256B.19, subdivision 1d and 256B.431, subdivision 23.

The net effect of the proposed nursing facility changes would be a decrease in state Medical Assistance expenditures for nursing facility services. Savings are projected to be \$77,627,000 in State Fiscal Year 2004 and \$88,041,000 in State Fiscal Year 2005.

A copy of the relevant budget pages and proposed rate changes is available from Sue Banken, Minnesota Department of Human Services, Aging Initiative, 444 Lafayette Road North, St. Paul, Minnesota, 55155-3844; **phone** (651) 296-5724 or **email**: sue.banken@state.mn.us.

Official Notices

The public is invited to attend the legislative hearings where these proposals will be discussed. Information on Senate hearings is available from the Senate Information Office at: (651) 296-0504 (**voice**) or (651) 296-0250 (**TTY**); for **Greater Minnesota** call 1-888-234-1112 (**voice**) or 1-888-234-1216 (**TTY**). Hearing schedules are posted at: <http://www.senate.leg.state.mn.us/schedule/2003/index.htm>. Information on House of Representatives hearings is available from the House of Representatives Public Information Office at: (651) 296-2146 (**voice**) or (651) 296-9896 (**TTY**) or 1-800-657-3550 (**Greater Minnesota**). Hearing schedules are posted at: <http://www.house.leg.state.mn.us/hinfo/schedule/>.

Notice of final rate changes enacted by the 2003 legislature will be published in the *State Register* prior to the effective date of the changes.

Department of Human Services

Continuing Care for People with Disabilities

Public Notice Regarding Proposed Changes to Payment Rates Related to Intermediate Care Facilities for Persons with Mental Retardation (ICFs/MR) Participating in the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance Program, and to the public, of proposed payment rate changes for ICFs/MR participating in the Medical Assistance Program.

This notice is published pursuant to 42 *United States Code* §1396(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish proposed facility payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. This notice is also published pursuant to title 42, part 447, section 205 (42 CFR §447.205), which requires publication of a notice when there is a proposed rate change in the methods and standards for setting payment rates for Medical Assistance services.

The Department is notifying interested parties that the Governor's biennial budget for State Fiscal Years 2004 and 2005 contains the following proposed changes to ICF/MR payment rates or to rate methodology.

- **The budget proposes to eliminate ICF/MR temporary rate adjustments.** Legislation was enacted in 2002 providing that after a discharge, ICFs/MR receive a temporary rate adjustment for the vacancy for up to 75 days or until the vacancy is filled (*Minnesota Statutes*, §256B.5013, subdivision 4). The temporary rate adjusts the occupied day rate in months in which the monthly occupancy rate of licensed beds is at least 75 percent. The temporary rate adjusts the rate of the occupied days in the month to compensate for lost revenues. Effective July 1, 2003, the budget proposes to eliminate these temporary rate adjustments.
- **The budget proposes to reduce ICF/MR rates by 4%, effective July 1, 2003.**
- **The budget proposes to eliminate the requirement that day services, which provide active treatment for ICF/MR residents, are provided exclusively by day training & habilitation providers.** This would occur by January 1, 2004. Residents could receive day services from a variety of day service providers, including their ICFs/MR.

The net effect of the proposed ICF/MR changes would be a decrease in state Medical Assistance expenditures for ICF/MR services. Savings are projected to be \$4,878,000 in State Fiscal Year 2004 and \$5,669,000 in State Fiscal Year 2005.

A copy of the relevant budget pages and proposed rate changes is available from Barbara Nelson, Minnesota Department of Human Services, Community Supports for Minnesotans with Disabilities, 444 Lafayette Road North, St. Paul, Minnesota, 55155-3857; **phone** (651) 582-1969 or **email**: barbara.nelson@state.mn.us.

The public is invited to attend the legislative hearings where these proposals will be discussed. Information on Senate hearings is available from the Senate Information Office at: (651) 296-0504 (**voice**) or (651) 296-0250 (**TTY**); for **Greater Minnesota** call 1-888-234-1112 (**voice**) or 1-888-234-1216 (**TTY**). Hearing schedules are posted at: <http://www.senate.leg.state.mn.us/schedule/2003/index.htm>. Information on House of Representatives hearings is available from the House of Representatives Public Information Office at: (651) 296-2146 (**voice**) or (651) 296-9896 (**TTY**) or 1-800-657-3550 (**Greater Minnesota**). Hearing schedules are posted at: <http://www.house.leg.state.mn.us/hinfo/schedule/>.

Notice of final rate changes enacted by the 2003 legislature will be published in the *State Register* prior to the effective date of the changes.

Department of Human Services

Health Care Purchasing and Delivery Systems Division

Public Notice Regarding Proposed Payment Rate Change For Hospitals Participating in the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance Program, and to the public, of proposed payment rate changes for hospitals participating in the Medical Assistance Program.

This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish proposed facility payment rates, the methodologies underlying the establishment of such rates, and the justification for such rates. It is also published pursuant to title 42, part 447, section 205 (42 CFR §447.205), which requires publication of a notice when there is a proposed rate change in the methods and standards for setting payment rates for Medical Assistance services.

The Department is notifying interested parties that the Governor's biennial budget for State Fiscal Years 2004-2005 contains the following proposed changes to hospital payment rates.

- **Effective for services provided on or after July 1, 2003, the budget proposes to decrease payments to hospitals by 5% for inpatient hospital services**, excluding: 1) inpatient mental health; and 2) inpatient hospital services provided by facilities of the Indian Health Service or facilities operated by a tribe or tribal organization under funding authorized by Title I of the Indian Self-Determination and Education Assistance Act (Public Law 93-638), as amended, or Title V of the Indian Self-Determination and Education Assistance Act (Public Law 106-260), operating as 638 facilities.
- **Effective January 1, 2005, rebasing of inpatient hospital payment rates to more current cost data would not occur.** Inpatient hospital rates were last rebased January 1, 2003, resulting in average rate Medical Assistance increases of 5.7 percent. Rebasing would occur again January 1, 2007.

The net effect of the proposed rateable reduction would be a savings in state Medical Assistance inpatient expenditures of \$8,417,000 for State Fiscal Year 2004 and \$8,958,000 for State Fiscal Year 2005. The net effect of the proposed elimination of rebasing would be a savings in state Medical Assistance inpatient expenditures of \$3,327,000 for State Fiscal Year 2005 and \$14,827,000 for State Fiscal Year 2006.

Information on the proposed rate changes may be obtained from Paul Olson, Minnesota Department of Human Services, Payment Policy Manager, Health Care Purchasing and Delivery Systems Division, 444 Lafayette Road North, St. Paul, Minnesota, 55155-3853; **phone** (651) 296-5620 or **email:** paul.olson@state.mn.us.

The public is invited to attend the legislative hearings where these proposals will be discussed. Information on Senate hearings is available from the Senate Information Office at: (651) 296-0504 (**voice**) or (651) 296-0250 (**TTY**); for **Greater Minnesota** call 1-888-234-1112 (**voice**) or 1-888-234-1216 (**TTY**). Hearing schedules are posted at: <http://www.senate.leg.state.mn.us/schedule/2003/index.htm>. Information on House of Representatives hearings is available from the House of Representatives Public Information Office at: (651) 296-2146 (**voice**) or (651) 296-9896 (**TTY**) or 1-800-657-3550 (**Greater Minnesota**). Hearing schedules are posted at: <http://www.house.leg.state.mn.us/hinfo/schedule/>.

Notice of any final payment rate changes enacted by the 2003 legislature will be published in the *State Register* prior to the effective date of the changes.

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, April 10, 2003 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.

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.

Minnesota Department of Corrections

Notice of Availability of Funds to Operate Remote Electronic Alcohol Monitoring Programs

The Minnesota Department of Corrections, Community & Juvenile Services Division, announces the availability of funds to operate Remote Electronic Alcohol Monitoring programs for driving-while-intoxicated offenders under court order to abstain from alcohol use.

A total of \$608,000 is available for statewide grants for the twelve-month periods of July 1, 2003 through June 30, 2004, and July 1, 2004 through June 30, 2005. These funds are available to judicial districts, counties and community corrections act agencies.

The state reserves the right to cancel this solicitation.

The deadline for proposal submission is April 28, 2003 at 12:00 noon. To receive a copy of the request for proposal which describes in detail how to apply for this funding contact:

Lynda Davis
Minnesota Department of Corrections
Community & Juvenile Services Division
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108-5219
Telephone (651) 643-2533 - **TDD** (651) 643-3589 - **e-mail** ldavis@co.doc.state.mn.us

This RFP can be accessed on the DOC **website** at www.doc.state.mn.us/publications.

Office of Environmental Assistance

Business Assistance Unit

Waste Reduction Team

Notice of Priority Funding Area Designation and Solicitation of Interest for Time-Sensitive Grants on Environmentally Friendly Non-Lead Sinker and Jig Education

NOTICE IS HEREBY GIVEN that pursuant to *Minnesota Rules* 9210.0840, Subpart 1, the Office of Environmental Assistance (OEA) Director is designating the topic of environmentally friendly non-lead sinker/jig education as a priority funding area for Fiscal Year (FY) 2003 time-sensitive grants. These time-sensitive grants are an element of an Interagency Agreement entered into on February 14, 2003, by OEA and Department of Natural Resources (DNR).

The total amount of FY 03 funds budgeted for these time-sensitive grants is \$15,000. Proposals are now being sought and will be considered through April 17, 2003, with grant(s) anticipated to be awarded by May 30, 2003.

Information about environmentally friendly non-lead sinkers and jigs can be found on the Internet at <http://www.moea.state.mn.us/reduce/sinkers.cfm>.

Interested parties are encouraged to contact Kevin McDonald, OEA Waste Reduction Team Leader, at (651) 215-0262 or kevin.mcdonald@moea.state.mn.us, or Pam Perry, DNR Nongame Wildlife Specialist, at (218) 828-3338, or pam.perry@dnr.state.mn.us. Call or write for a copy of the time-sensitive grant application form which will be sent free of charge to interested parties.

Signed,

Sherry A. Enzler
Director

Minnesota Department of Human Services

Children and Family Services

Competitive Urban Primary Support Grant Proposals Sought

Please find attached the Request for Proposals (RFP) and Application Packet for Primary Support Grants. As indicated above, this RFP is directed at urban off-reservation multi-service Indian organization.

The Primary Support Grants to Indian Organizations, and other organizations for tribal social services agency programs located off-reservation that serve Indian children and their families, is a **competitive grants** process. This RFP for Primary Support Grants is for off reservation, urban programs serving the Indian communities in Duluth, Minneapolis and Saint Paul. Competitive proposals are necessary to determine how grant criteria are met, how programs will demonstrate satisfactory performance, and to assure that budgets reflect appropriate and efficient use of funds.

The Department of Human Services Indian Child Welfare Contract's Manager will review each proposal and application and contact each applicant should there be any need to modify the proposal in any way, or to negotiate the terms of the resulting contract.

Request to Tribal and Non-Competitive Urban Program for Primary Support Grant Proposals

To Implement the Minnesota Indian Family Preservation Act

Pursuant to *Minnesota Statute* §260.785, subd. 1, Minnesota Department of Human Services is requesting proposals from tribes, Indian Organizations, other organizations, and tribal social service agencies located off-reservation, that serve Indian children and their families. The purpose of the grants is to provide primary support for Indian child welfare programs to implement the Indian Family Preservation Act in the Duluth, Minneapolis and Saint Paul urban areas.

Requests for the Request for Proposals Packet can be directed to:

Lorna Batton
Department of Human Services
Family and Children's Services Division
444 Lafayette Road North
St. Paul, MN 55155-3832
Phone: 651-296-2217
e-mail: lorna.batton@state.mn.us

The deadline for submission is March 31, 2003. An earlier submission will greatly expedite the decision process.

Should you have any questions or have need for any technical assistance please do not hesitate to call me at (651) 296-1538 or e-mail: thom.campbell@state.mn.us.

State Contracts

Informal Solicitations: Effective March 1, 2002, informal solicitations for all contracting opportunities for professional/technical (consultant) contracts with values estimated to be over \$5,000 and under \$50,000 must be posted on the Department of Administration, Materials Management Division web page (www.mmd.admin.state.mn.us) and access P/T Contracts.

Formal Requests for Proposals: Department of Administration procedures require that formal notice of any professional/technical (consultant service) contract which has an estimated value over \$50,000 must be printed in the *State Register*. Certain quasi-state agencies and Minnesota State Colleges and Universities institutions are by law exempt from these requirements.

Department of Children, Families and Learning

Notice of Request for Proposal for two goals related to the Design, Development and Implementation of Minnesota Academic Standards Tests (MAST) at Grades Four, Six, and Eight

The Department of Education is soliciting proposals from qualified vendors to design and implement two goals related to Minnesota Academic Standards Tests in reading and mathematics at grades four, six, and eight. These tests will fulfill the requirements of the No Child Left Behind Act of 2001 and the statewide testing law Minnesota Statutes § 120B.30. Goal 1 is the development of test items and an item tracking database for the grade 4, 6, and 8 MASTs. Goal 2 is the development, administration, and other test operations required for these tests.

State Contracts

The Department has estimated the cost of this project should not exceed \$23,900,000 over the five-year period of the RFP.

The anticipated project period is June 9, 2003 to June 30, 2008. The initial contract period for goal 1 is expected to be from June 9, 2003 to June 30, 2004. The initial contract period for goal 2 is expected to be from August 1, 2003 to June 30, 2004. The Responder may submit a proposal for both goals or a specific goal. The State retains the right to award a single contract for both goals or two contracts to separate contractors. For a complete copy of the Request for Proposal, please contact:

Ann Iweriebor
Department of Children, Families & Learning
1500 Highway 36 West
Roseville, Minnesota 55113-4567
Phone: (651) 582-8830
Fax: (651) 582-8874

Proposals for Goals 1 and 2 are due no later than 3:00 p.m. April 18, 2003.

In compliance with *Minnesota Statutes* § 16C.07 the availability of this contract opportunity is being offered to state employees. We will evaluate responses of any state employee along with other responses to this Request for Proposal.

The 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.

Colleges and Universities, Minnesota State MnSCU)

Southwest State University

Request for Proposal for Centrex Phone Service

NOTICE IS HEREBY GIVEN that Offers will be received by the Director of Purchasing, Southwest State University, until 2:00 p.m. on 4/10/03 for the purpose of a Central Office Based Telecommunications Service (Centrex Phone Service), according to the specifications on file at:

Southwest State University
Director of Purchasing
1501 State Street
Marshall, MN 56258

Specifications and Request for Proposal forms may be obtained from the Director of Purchasing at the address shown above.

Offers are to be submitted in a sealed envelope addressed to the Director of Purchasing at the above address and clearly marked.

“Response to Southwest State University Centrex Phone Service RFP”

Southwest State University reserves the right to accept or reject any and all Offers and to waive any informalities contained in such Offers.

Dated at Marshall, Minnesota, this 3/14/03

Jeff Kuiper
Director of Purchasing

Colleges and Universities, Minnesota State MnSCU)

Southwest State University

Request for Proposals for Operation of Campus Bookstore

NOTICE IS HEREBY GIVEN that Offers will be received by the Director of Purchasing, Southwest State University, until **2:00 p.m., April 14, 2003** for the purpose of **the operation of the Campus Bookstore** according to the specifications on file at:

Southwest State University
Office of Business Services
Individualized Learning Building, Room 139
1501 State Street
Marshall, MN 56258

Specifications and Request for Proposal forms may be obtained from the Director of Purchasing at the address shown above.

Offers are to be submitted in a sealed envelope addressed to the Director of Purchasing at the above address and clearly marked on the outside that it is an **Offer for the Operation of the Campus Bookstore**. Southwest State University reserves the right to reject any and all Offers, and to waive any informalities contained in such Offers. Southwest State University reserves the right to consider all options available for the operation of the Campus Bookstore.

Dated at Marshall, Minnesota, this 11th day of March, 2003.

Jeff Kuiper
Director Of Purchasing

Colleges and Universities, Minnesota State MnSCU)

Winona State university

Request for Sealed Bids for Kitchen Equipment

NOTICE IS HEREBY GIVEN that Winona State University will receive sealed bids for kitchen equipment for a satellite campus kitchen/server room remodeling project. The project consists of Equipment Package 'A' (Large Equipment including supply and installation) and Equipment Package 'B' (Smaller Equipment including supply only).

Bid specifications will be available March 17, 2003 from the Winona State University Purchasing Department, P.O. Box 5838, 205 Somsen Hall, Winona, MN 55987 or by calling (507) 457-5067 or (507) 457-5419.

Sealed bids must be received by Sandra Schmitt at P.O. Box 5838, at 175 W. Mark St., or Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 p.m. April 8, 2003.

Winona State University reserves the right to reject any and all bids and to waive any irregularities or informalities in proposals received.

Minnesota Historical Society

Request for Bids for James J. Hill House - Soffit Stabilization, St. Paul, Minnesota

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies to complete the stabilization of the soffits at the James J. Hill House, St. Paul, Minnesota. The Work consists of the removal of existing copper soffit materials as indicated, modifications and/or repair of soffit framing and the installation of prefinished metal soffits where indicated. All work will be done in accordance with the Drawings, Technical Specifications, Instructions to Bidders, Supplementary Conditions, General Conditions, the Contract, and the Request for Bids.

Submission of Bids

All bids must be received by Chris M. Bonnell, Contracting Officer for the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 or an authorized agent no later than **2:00 p.m. Central Time, Tuesday April 15, 2003**. A bid opening will be conducted at that time. Bids must be submitted in a sealed envelope with the project name clearly written on the envelope. A Bid Bond must be included in the amount of 5% of the total base bid if the total base bid is over \$50,000. Late bids will not be considered.

Authorized agents for receipt of bids are the following: Mary Green-Toussaint, Contract/Procurement Assistant, or any Work Service Center staff member located in the Finance and Administration Division on the 4th floor of the History Center.

Submit one copy of the bid using the form provided, sealed in an envelope or package with the bidder's name, address, and the name of the project for which the bid is being submitted clearly written on the outside. Bids must be signed in ink by the bidder or an authorized agent of the bidder firm. The Society reserves the right to request supplemental information from bidders.

There will be a **MANDATORY** pre-bid meeting for all interested parties on Thursday, April 3, 2003 at 2:00 p.m. at the site. The site is located at 240 Summit Avenue, St. Paul, MN 55102.

Society Contacts

Questions regarding this request for bids should be directed to Chris M. Bonnell, Contracting Officer, at (651) 297-5863 (chris.bonnell@mnhs.org).

Questions specific to the project scope should be referred to Denita Lemmon Selchow, at Miller Dunwiddie Architects, at (612) 337-0000 or direct (612) 278-7730.

To receive bid documents, please contact Miller Dunwiddie Architects, 123 North Third Street, Suite 104, Minneapolis, MN 55401-1657. Phone (612) 337-0000. FAX (612) 337-0031. A refundable plan deposit of \$50.00 will be required for one set. Make plan deposit checks out to Miller Dunwiddie Architects. Deposits will be returned to all parties returning plans and specifications in good condition.

State Contracts

Condition of Receipt of Bids

This Request for Bids does not obligate the Society to award any specific project. The Society reserves the right to cancel this solicitation or to change its scope if it is considered in the best interest of the Society.

The Society reserves the right to waive irregularities in proposal content or to request supplemental information from bidders. This provision will be liberally interpreted to permit consideration of all proposals received by the stated deadline for submission.

This entire presentation, including the Technical Specifications, Instructions to Bidders, Supplementary Conditions, General Conditions, and the Request for Bids does not constitute a legal offer. A legal binding contract will not be formed until all parties involved have fully executed a written contract which incorporates all mutually agreed instructions, specifications, conditions and bids.

Department of Transportation

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the "Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed 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 anticipates that most consultant contracts for highway related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting application from consultants in the following service areas: preliminary design, highway design, bridge inspection and environmental studies. Technical and administrative qualification requirements are located on the web site indicated below. In the future, Mn/DOT will be requesting applications for additional highway related consulting services as those services become available. Following advertisement of a particular category of services, applications will be accepted on a continual basis.

All expenses 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 application forms are available on Mn/DOT's web site at <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor, Mail Stop 680
St. Paul, MN 55155

NOTE: Due Date: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities

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 indicated within the public notice.

Non-State 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 project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from 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.

Metropolitan Council

Notice of Request for Proposals (RFP) for Maplewood Mall Transit Center and Park/Ride Engineering and Design Services

Contract Number 03P017

The Metropolitan Council (Council) is seeking proposals to provide Engineering and Design Services for the Maplewood Mall Transit Center and Park/Ride. Services required include:

Schematic and final design for pavement, curb/gutter, and underground utilities as well as their installations. Final design for passenger waiting facilities and driver restroom/breakroom facility. Design of additional pavement areas disrupted by these modifications, including a possible right-in, right-out access onto Beam Avenue. Written construction specifications.

Pre-bid activities, including assistance to the COUNCIL in conducting pre-bid conferences, preparing addenda, and evaluating bid results.

Construction administration support, including support for the COUNCIL, reviewing shop drawing submittals, assisting with change orders and field orders, and preparing record drawings.

A tentative schedule for the project is shown below:

<i>Issue Request for Proposals</i>	March 10, 2003
<i>Pre-proposal Conference</i>	March 20, 2003 at 9:00AM
<i>Proposals Due</i>	April 1, 2003
<i>Award of Contract</i>	April 2003
<i>Term of Contract</i>	18 months

All firms interested in being considered for this project and desiring to receive an RFP package are invited to contact:

Harriet Simmons, Sr. Administrative Assistant
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1086
Fax: (651) 602-1083
E-mail: harriet.simmons@metc.state.mn.us

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000 the requirements of *Minnesota Rules* 5000.3530 will be applicable.

Metropolitan Council

Notice of Request for Proposals (RFP) for Temporary EQA Staffing Services

Contract Number 02P152

The Metropolitan Council (Council) is seeking proposals to provide Temporary EQA Staffing Services for the Metro Wastewater Treatment Plant Laboratory. Services would be provided on an as-needed basis for a three year period. Temporary services would be required in the categories of, Lab Aid (dishwasher), and Technical Lab Support (entry-level).

A tentative schedule for the project is shown below:

<i>Issue Request for Proposals</i>	March 10, 2003
<i>Proposals Due</i>	April 2, 2003
<i>Award of Contract</i>	May 2003
<i>Term of Contract</i>	3 years

All firms interested in being considered for this project and desiring to receive an RFP package are invited to contact:

Non-State Contracts & Grants

Harriet Simmons, Sr. Administrative Assistant
Metropolitan Council
Mears Park Centre
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1086
Fax: (651) 602-1083
E-mail: harriet.simmons@metc.state.mn.us

Minnesota Statutes, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

University of Minnesota

Advertisement for Bids for Asbestos Abatement - Building 240, Studio Arts Building Demolition

Project No. 240-00-1246, Minneapolis Campus, Minneapolis, Minnesota

Work performed under this contract will include the removal of asbestos-containing materials and other hazardous materials prior to demolition.

The Work shall be completed within 34 days calendar days after start of work.

Pre-bid access to the work site is limited to specific times and dates. A mandatory pre-bid tour of the work site is scheduled for 10:30 a.m., March 28, 2003. Interested parties are to meet in the lobby of the Studio Arts Building located at 216 21st Avenue South, Minneapolis, Minnesota. Contact Sean Gabor, **e-mail** gabors@facm.umn.edu **phone** (612) 625-7547 AND Chip Foster, **e-mail** fosterc@facm.umn.edu **phone** (612) 626-8757 if you are interested in attending.

Last day for questions is Noon April 4, 2003. Please submit questions in writing to Chip Foster at fosterc@facm.umn.edu.

Prime contract bidding will close 2:00 p.m., local time, Thursday, April 10, 2003.

Sealed bids will be received by the Regents of the University of Minnesota at Facilities Management Purchasing Services, 400 Donhowe Building, 319 - 15th Avenue SE, Minneapolis, Minnesota 55455, until the stated times, when they will be publicly opened and read aloud.

Bidding Documents may be examined at:

- Builder's Exchanges in Minneapolis, St. Paul, Minnesota, and Grand Forks and Fargo North Dakota.
- Construction Bulletin Plan Room, New Hope, Minnesota.
- F. W. Dodge Plan Room, Minneapolis, Minnesota.

Direct communications regarding this project to the Design and Construction-Hazardous Material Program Manager, Sean Gabor, **e-mail:** gabors@facm.umn.edu, **phone** (612) 625-7547.

Each prime and subcontract bid shall be accompanied by a bid security of 5% of the maximum amount of the bid in the form of a Surety Bond, certified check, cashier's check.

The successful prime contract bidder shall furnish Performance and Payment Bonds in the full amount of the contract.

The University reserves the right to reject any and all bids, accept any bid, waive informalities in bids submitted, and waive minor discrepancies in bidding procedures, as it deems to be in its best interest.

Non-State Contracts & Grants

The University of Minnesota complies with Equal Employment Opportunity and Affirmative Action Policies for contractors and suppliers.

Bid result information may be obtained via fax by faxing a request to (612)-624-5796.

REGENTS OF THE UNIVERSITY OF MINNESOTA

Chip Foster

Facilities Management Principal Buyer

Health Statistics 2000

Data regarding live births, induced abortions, fertility, infant mortality and fetal deaths, general mortality, marriage, divorce and population. Softcover, 139pp. **Stock No. 10-12 \$12.95** (Call for info. re: prior volumes.)

Directory of Licensed & Certified Health Care Facilities

Year 2002 edition. Comprehensive listing of hospitals, nursing homes, supervised living facilities, outpatient clinics, home health agencies, hospices, etc. within the state. List organized by county and alphabetically. Softcover, 353pp. **Stock No. 1-89 \$23.95**

HCPCS Manual 2002

HCFA common procedural coding system, HCPCS Level II and Level III procedure codes. Looseleaf, 204pp. **Stock No. 5-2 \$21.95**

HCFA 1500 Manual - 4th edition

Standards of use manual by the administrative uniformity committee, November 9, 2000. (Does not include forms.) Looseleaf, 118pp. **Stock No. 5-9 \$15.95**

Long Term Care Nursing Assistant Course

Student Textbook Coursework for students studying to be a nursing assistant in long term care. Looseleaf, 155pp.

Stock No. 5-14 \$17.95 Binder- Stock No. 10-33 \$7.95

Student Skill Sheets Worksheets. Looseleaf, 122pp.

Stock No. 5-15 \$8.95

Instructor Packet Curriculum guide for teaching nursing assistant course/LTC. Looseleaf, 148pp.

Stock No. 5-16 \$15.95 Binder- Stock No. 10-33 \$7.95

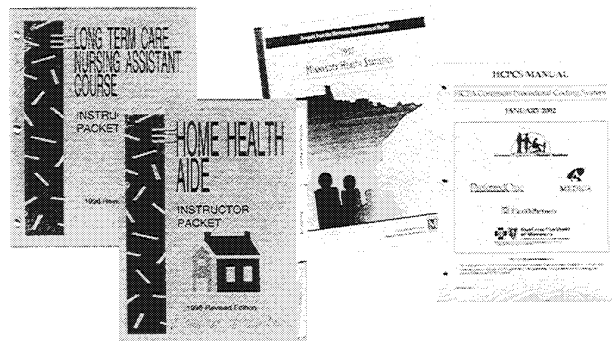
Home Health Aide Course

Student Textbook Coursework for students studying to be a home health aide. Looseleaf, 88pp. **Stock No. 5-17 \$15.95**

Binder- Stock No. 10-33 \$7.95

Instructor Packet Curriculum guide for teaching home health aide course. Looseleaf, 94pp. **Stock No. 5-18 \$18.95**

Binder- Stock No. 10-33 \$7.95



HTAC Educational Booklets

With the recent closure of the Health Technology Advisory Council offices, Minnesota's Bookstore was asked to make available the following titles remaining in their inventory. (Future printings of these booklets will be based on demand. LIMITED QUANTITY AVAILABLE.)

The following titles sell for \$4.99 each:

	Stock No.
C-Reactive Protein: Screening of Coronary Artery Disease	10-41
Detection of CAD with Electron Beam Computed Tomography	10-25
Genetic Testing for Susceptibility to Breast Cancer	10-36
Helical CT for Lung Cancer Screening/Asymptomatic Patients	10-37
Intracoronary Brachytherapy	10-46
MMR Vaccine and Autism: No Evidence of Association	10-44
New Technologies for Cervical Cancer Screening	10-54
Postmenopausal Hormone Replacement	10-53
Preventive Therapies: Women/Increased Risk of Breast Cancer	10-57
St. John's Wort	10-67
Surgical Alternatives/Hysterectomy/Abnormal Uterine Bleeding	10-20
Use of Botulinum Toxin-A In Pain/Neuromuscular Disorders	10-55
Treatment of Obstructive Sleep Apnea in Adults	10-56
Tumescent Liposuction	10-69
Human Growth Hormone/Children with Idiopathic Short Stature	10-34

The following titles sell for \$2.99 each:

Dental Implants	10-35
Pre-operative Autologous (Self) Blood Donation	10-52
Refractive Eye Surgery for Myopia	10-42
St. John's Wort Questions & Answers	10-60

