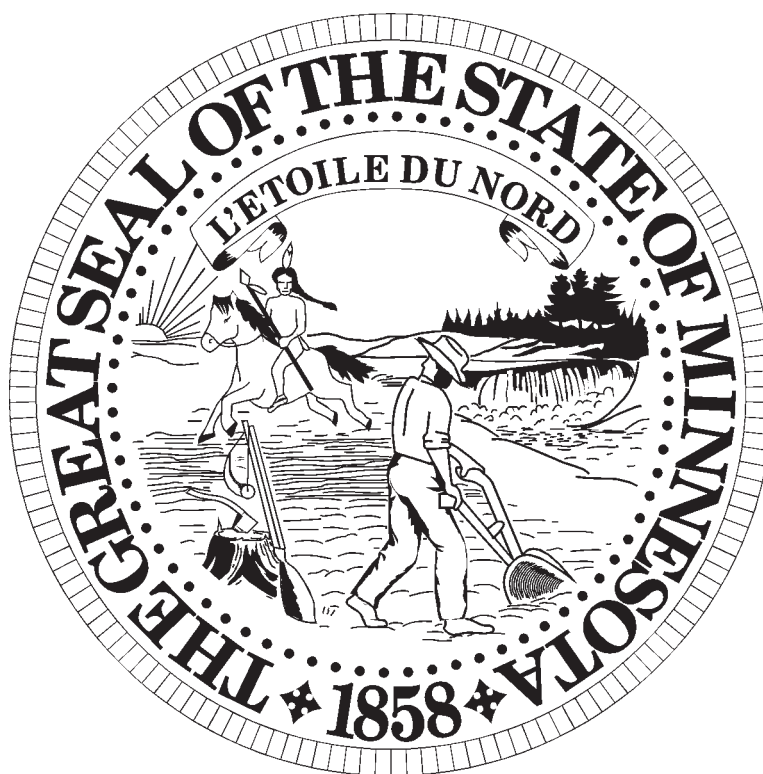


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State Register

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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:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
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Minnesota Rules: Amendments and Additions

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

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

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

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

Board of Accounting

Proposed Permanent Rules Relating to Accountants

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing If 25 or More Requests for Hearing Are Received

Proposed Amendment to Permanent Rules Governing Licensing and Regulation of Accountants, *Minnesota Rules* Chapter 1105

Introduction. The Board of Accountancy intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on July 29, 2005, a public hearing will be held in the Golden Rule Conference Room #295, Golden Rule Building, 85 East Seventh Place, St. Paul, MN 55101, starting at 10:00 AM on Monday, August 15, 2005. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after July 29, 2005 and before August 15, 2005.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Doreen Johnson Frost, Executive Director, Board of Accountancy, Suite 125, 85 E. Seventh Place, St. Paul, MN, 55101, Telephone: (651) 296-7937, TTY (651) 297-5353.

Subject of Rules and Statutory Authority. The proposed rules are about amendments to the Board's permanent rules governing licensing and regulation of accountants. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326A.02. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The Board's Statement of Need and Reasonableness and proposed rules is posted on the Board's website.

Comments. You have until 4:30 p.m. on Friday, July 27, 2005, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Friday, July 27, 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal,

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and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for Monday, August 15, 2005, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at (651) 296-7937 after July 29, 2005 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Beverly Jones Heydinger is assigned to conduct the hearing. Judge Beverly Jones Heydinger can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone:** (612) 341-7606, and **fax:** (612) 349-2665.

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from the agency. The statement is also available on the Board's website.

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

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

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

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

Dated: June 15, 2005

Doreen Johnson Frost
Executive Director

Proposed Rules

1105.0100 DEFINITIONS.

[For text of subs 1 to 3, see M.R.]

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

[For text of subs 5 to 16, see M.R.]

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 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. 35 and No. 62 (SAS 35 and 62) and forms of language for reports set out in the AICPA’s Statements on Standards for Attestation Engagements or successor pronouncements.

1105.0250 INCORPORATION BY REFERENCE.

A. For purposes of this chapter, the documents as revised as of May 2005 in item B, the documents dated June 1, 2004, in item C, the document dated December 1, 2004, in item D, and the 2003 revision, as further amended through May 2005, of the document as in item E are incorporated by reference to the extent other provisions of this chapter do not modify the provisions of the documents. They can be found at the state law library and are subject to frequent change.

B. The following documents are published by and available from the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036:

- (1) AICPA Code of Professional Conduct;
- (2) Statements on Quality Control Standards;
- (3) Statements for Performing and Reporting on Peer Reviews; and
- (4) Statement on Standards for Continuing Professional Education (CPE) Programs.

C. The following documents are published by and available from the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036:

- (1) AICPA Professional Standards, Volume 1; and
- (2) AICPA Professional Standards, Volume 2.

D. The following document is published by and available from the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036: PCAOB Standards and Related Rules.

E. The following document is published by and available from the United States General Accounting Office, Washington, DC 20548: Government Auditing Standards.

1105.0500 DUTIES OF OFFICERS.

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

B. The chair or vice-chair of the board may be removed as an officer of the board by the affirmative vote of five board members at any regular board meeting or at any special board meeting called for that purpose. Not less than 15 days written notice must be given to each board member of the intent to call for a vote to remove the chair or vice-chair from their office.

C. Except as may be specifically authorized by the board, by *Minnesota Statutes*, chapter 326A, or by this chapter, actions of any committee appointed by the chair may be rejected by the board.

1105.0600 FEES.

The following fees apply:

- A. CPA examination applications, \$212;
- B. administration of CPA examination, per section, \$53;
- C. initial issuance of certificate, \$50;

- Ⓓ: B. renewal of certificate with an active status, \$45;
- Ⓔ: C. initial CPA firm permits, except for sole practitioners, \$100;
- Ⓕ: D. renewal of CPA firm permits, except for sole practitioners, \$35;
- Ⓖ: E. initial issuance and renewal of CPA firm permits for sole practitioners, \$35;
- Ⓕ: F. annual delinquency fee for permit, certificate, or registration renewal applications, \$50;
- Ⓕ: G. copies of records, per page, 25 cents;
- Ⓕ: H. registration of noncertificate holders, nonlicensees, and nonregistrants in connection with renewal of firm permits, \$45;
- Ⓕ: I. applications for reinstatement, \$20;
- Ⓕ: J. initial registration of a registered accounting practitioner, \$50;
- Ⓕ: K. initial registered accounting practitioner firm permits, \$100;
- Ⓕ: L. renewal of registered accounting practitioner firm permits, except for sole practitioners, \$35;
- Ⓕ: M. renewal of registered accounting practitioner firm permits for sole practitioners, \$35;
- Ⓕ: N. computer-based CPA examination application, \$40;
- Ⓕ: O. computer-based CPA examination, fee determined by thirdparty examination administrator;
- Ⓕ: P. *Minnesota Statutes*, section 326A.14, practice privilege application, \$45; and
- Ⓕ: Q. renewal of certificates with an inactive status, \$10.

1105.0700 REFUNDING FEES.

Fees must be refunded if an application is rejected prior to processing. Once an application for examination or reexamination has been processed or approved by the board or third-party administrator on behalf of the board, the fee specified in part 1105.0600, item P N, may not be refunded. The fee may be applied to a subsequent examination within six months, after which the fee is forfeited. The fee specified in part 1105.0600, item Q O, is refundable based on the refund policy of the third-party administrator.

1105.1400 SEMESTER HOUR; ACCREDITED COLLEGES, UNIVERSITIES, SCHOOLS, AND PROGRAMS; CREDIT FOR COURSES.

[For text of subs 1 to 6, see M.R.]

Subp. 7. **Advanced subjects.** The advanced subjects completed to qualify under subpart 6, item B, subitem (2), shall not be used to satisfy the requirements of subpart 8.

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, subpart 1. No more than six hours may be recognized for internships or life experience.

1105.1500 EDUCATION REQUIREMENTS.

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

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

B. earned a graduate degree from a business school or college of business that is accredited (level two accreditation) by an accrediting agency recognized by the board ~~that included and completed~~ at least 24 semester hours in accounting at the undergraduate level or 15 semester hours at the graduate level, or an equivalent combination thereof, including coverage of, but not necessarily separate courses in, the subject of financial accounting, auditing, taxation, and management accounting;

C. earned a baccalaureate degree from a business school or college of business that is accredited (level two accreditation) by an accrediting agency listed with the United States Department of Education ~~that included and completed~~ 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

D. earned a baccalaureate or higher degree from an accredited educational institution (level one accreditation) that included or is supplemented by at least 24 semester hours of accounting at the upper division or graduate level, including coverage of, but not necessarily separate courses in, the subjects of financial accounting, auditing, taxation, and management accounting that is earned at an accredited educational institution. Upper division is ~~normally~~ defined as junior or senior level. In accounting, this would ~~normally~~ be all courses taken beyond the elementary level. Graduate level is defined as courses that apply towards an advanced degree offered by an accredited educational institution offering bachelor's and graduate degrees in business or accounting.

[For text of subp 2, see M.R.]

Proposed Rules

1105.1900 DETERMINING AND REPORTING EXAMINATION GRADES.

An applicant ~~shall be~~ is required to pass all sections of the examination provided for in *Minnesota Statutes*, section 326A.03, subdivision 4, in order to qualify for a certificate. ~~The board or examination administrator shall report to the applicant the results, as determined by the examination administrator, of each examination section.~~ The board ~~will~~ shall review and approve examination grades as determined by the examination ~~provider administrator~~ and ~~will report the official results to the candidate~~ make a final determination as to the official results of all sections of the examination upon application for a certificate by the applicant. The ~~candidate applicant~~ must attain the uniform passing grade established through a psychometrically acceptable standard-setting procedure.

1105.2200 CHEATING.

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

Subp. 2. **Actions constituting cheating.** For purposes of this part, the following actions or attempted activities, among others, may be considered cheating:

A. falsifying or misrepresenting educational credentials or other information required ~~for admission to~~ by the board to sit for the examination;

B. communication between candidates inside or outside the test site about the examination or copying another candidate's answers ~~while the examination is in progress;~~

C. communication with others inside or outside the test site about the examination while the ~~examination is in progress~~ candidate is taking the examination;

D. substitution of another person to sit in the test site in the place of a candidate; and

E. reference to crib sheets, textbooks, or other material, other than that provided to the candidate by the examination administrator as part of the examination, ~~inside or outside the test site while the examination is in progress~~ while the candidate is taking the examination.

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Penalties.** In any case in which the board or its representative permits a candidate to continue taking the examination, it shall, depending on the circumstances, take one or more of the following actions:

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

D. notify the ~~AICPA and/or the testing site~~ examination administrator of the circumstances, furnishing the candidate's identifying information, so that the candidate is more closely monitored in future examination sessions.

[For text of subps 6 and 7, see M.R.]

Subp. 8. **Disclosure of examination questions.** The board may impose disciplinary action, as provided for in *Minnesota Statutes*, section 326A.08, subdivision 5, against an applicant, licensee, or certificate holder who discloses examination questions to any other entity or person, with or without compensation, ~~prior to, during, or subsequent to any administration of the examination.~~

1105.2400 EMERGENCY EXAMINATION PROCEDURES.

When circumstances exist making it impossible for the board or examination administrator to conduct the examination at the time, date, or place scheduled or make it impossible for a majority of examination candidates to attend the examination at the time, date, or place scheduled, the board shall waive certain rules to avoid hardship on examination candidates affected. These rules are parts 1105.0600, items ~~A, B, P, N~~ and ~~Q, Q~~; 1105.1600, subpart 3; and 1105.1700. The circumstances include notice to the board of the unavailability of the examination site with insufficient time to give notice to examination candidates; weather emergencies as declared by the governor, the governor's designees, or those state officials empowered to close public highways; civil disturbances; natural disasters; and other causes that affect the board's or examination administrator's ability to fairly administer the examination.

1105.2500 APPLICATIONS FOR CERTIFICATES.

A. Applications for initial certificates and for renewal of certificates pursuant to the act must be made on a form provided by the board and, in the case of applications for renewal, must be filed no later than the expiration date set by the act or this chapter. Applications are not considered filed until the applicable fee prescribed in this chapter is received. If an application for renewal is filed late, it must also be accompanied by the delinquency fee prescribed in this chapter. In addition, the reinstatement fee prescribed in this chapter must be paid if the renewal is filed more than two years late.

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

E. The 60-day period in item D starts on the date the applicant or licensee has:

(1) received notification from the board or examination administrator that all sections of the Uniform Certified Public Accountant Examination have been successfully passed;

(2) met the education and experience requirements for the issuance of a certificate; and

(3) become an owner or employee of a firm issued a permit or an employee in the Office of Legislative Auditor or State Auditor.

Proposed Rules

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

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

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

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

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

1105.2900 EDUCATION REQUIRED FOR INITIAL CERTIFICATION ON OR AFTER JULY 1, 2006.

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

B. Applicants who meet the requirements of part 1105.1500, 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, and management accounting	24
Undergraduate or graduate-level courses in business-related subjects or accounting (not including elementary-level accounting courses <u>or courses used to satisfy the previous 24-hour requirement in this item</u>)	24

1105.3000 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS FOR RENEWAL OF CERTIFICATE.

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

A. A 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. No carryforward of CPE hours from a CPE period ended on June 30 to another CPE period is allowed. As further explained in part 1105.3100, a licensee seeking renewal of a certificate shall demonstrate participation in a program of learning meeting the applicable standards set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by NASBA and AICPA, which is incorporated by reference. At least eight hours of the 120 hours shall be in accounting or business ethics.

B. A licensee ~~whose who does not currently hold an active certificate has lapsed but previously held such a certificate and who elects or is required to have an active certificate~~ shall complete at least 120 hours of CPE complying with this chapter during the three-year period preceding ~~the date of reapplication application for an active certificate.~~ A Such 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 licensee's area of service. A licensee who elected to be exempt from certificate renewal pursuant to part 1105.3700 shall comply with the continuing professional education requirements in part 1105.3700, item C, before applying to obtain an active certificate.

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

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 licensee not in compliance with this part on June 30 of each year shall be assessed a fee of \$50 for the first month, or partial month, of noncompliance and \$25 per month, or partial month, of noncompliance thereafter until the date the licensee can demonstrate to the satisfaction of the board that the licensee was in compliance with this part.

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

[For text of items I to K, see M.R.]

Proposed Rules

1105.3100 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. Except to the extent permitted in subpart 2, beginning July 1, 2004, program sponsors qualifying under this chapter must be members of NASBA's CPE registry and, in the case of selfstudy programs, members of NASBA's Quality Assurance Service program. Exceptions to this registry requirement are seminar or lecture programs sponsored or presented by:

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

B. CPA firms or licensees for their own employees, and who have had a system review level quality review completed in the last three years and an unmodified report on such review has been filed with the board;

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

D. CPE programs sponsored by professional organizations recognized by the board as report acceptance bodies pursuant to part 1105.5300 are exempt from the registry requirement.

Subp. 2. **Other 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 licensee must request written approval of the board, on a form provided by the board, prior to the end of a CPE year for any programs that, in the determination of the board, contribute to the growth of the professional knowledge and competence of the licensee even if the programs do not meet the specific requirements of subpart 1 or part 1105.3000, item A, but if the licensee believes shows that such programs contribute to the licensee's professional knowledge and professional competence and provided the aggregate hours of the programs do not exceed 40 percent of the hours required for the three-year period. All self-study programs must comply with the specific requirements of subpart 1 and part 1105.3000, item A. A licensee must request written approval of the board, on a form provided by the board, prior to the end of a CPE year for any program for which the sponsor is not a member of NASBA's CPE registry or NASBA's Quality Assurance Service program as required by subpart 1 and the licensee believes contributes to the 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, item A.~~

[For text of subp 3, see M.R.]

Subp. 4. **CPE hour limitations.** On and after June 30, 2007, the following hour limitations apply during the three-year period preceding renewal:

A. no more than 50 percent of the hours required can be obtained from instructor preparation or presentation;

B. no more than 50 percent of the hours required can be obtained from the writing of articles, books, or CPE courses for publication;

C. no more than 60 percent of the hours required can be obtained from self-study programs; and

D. no more than 24 hours can be obtained from programs in the subject area of personal development as defined in the Statement on Standards for Continuing Professional Education (CPE) Programs.

1105.3200 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 in this chapter~~ and indicate the number of hours claimed for each of the three preceding years ending on June 30. The licensee shall report the hours claimed, separately identifying those programs meeting the registry requirements under part 1105.3100, subpart 1, and those programs not meeting the registry requirement under part 1105.3100, subpart 2. Responsibility for documenting the acceptability of the program and the validity of the credits rests with the ~~applicant~~ licensee who must retain such documentation for five years following completion of each learning activity. ~~Further, the documentation of participation in the program of learning must consist of a certificate of attendance that contains the registry number of the program sponsor if such registry participation meets the requirements of this chapter and must consist of the following for those programs that do not meet the registry requirements of this chapter:~~

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

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

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

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

Proposed Rules

B. The board shall verify on a test basis, through inspection of documentation supplied by the licensee, information regarding hours of CPE attendance submitted by applicants for licensees in connection with the renewal of their certificates. In cases where the board determines that the requirement is not met hour information supplied by the licensee is not supported by the documentation supplied by the licensee or such hours do not meet the requirements of this chapter, the board may grant an additional period of time in which the deficiencies can be cured or the board may take disciplinary action. Fraudulent reporting is a basis for disciplinary action.

1105.3300 EXCEPTION TO CONTINUING PROFESSIONAL EDUCATION REQUIREMENT.

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

B. The board may in particular cases make exceptions to the requirements in part parts 1105.3000, item A, and 1105.3100, subpart 1, for reasons of individual hardship including health, military service, foreign residence, or other good cause.

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

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

A certificate shall be issued to a person who has:

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

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

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

[For text of units (a) and (b), see M.R.]

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

[For text of units (a) and (b), see M.R.]

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

1105.4000 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. In addition, the reinstatement fee prescribed in this chapter shall be paid if the renewal is filed more than two years late.

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

1105.4100 NOTIFICATION OF CHANGES BY FIRMS.

A. A firm granted a permit pursuant to *Minnesota Statutes*, section 326A.05, shall file with the board a written notification of any of the following events concerning the practice of public accountancy within this state within 30 days after its occurrence:

(1) formation of a new firm;

(2) addition of a partner, member, manager, or shareholder resident in this state;

(3) retirement, withdrawal, or death of a partner, member, manager, or shareholder resident in this state;

[For text of subitems (4) to (8), see M.R.]

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

1105.4200 APPLICATIONS FOR INITIAL ISSUANCE AND FOR RENEWAL OF PERMITS.

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

(1) all individual employees of the firm who hold certificates and reside in this state and those persons specified in part 1105.4000, 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

[For text of subitem (2), see M.R.]

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

1105.4300 QUALITY REVIEW AS CONDITION FOR RENEWAL OF PERMIT.

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

B. ~~Before December 15, 2004,~~ A quality review oversight committee shall be appointed by the board to monitor the report acceptance bodies designated by the board in part 1105.5300 and report to the board whether their programs meet the requirements in this chapter and the act. The oversight committee must be constituted and act according to subitems (1) to (6).

Proposed Rules

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

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

[For text of subitems (4) to (6), see M.R.]

1105.4700 QUALITY REVIEW STANDARDS.

A. For purposes of parts 1105.4600 to 1105.5500, 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, 2003~~), 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.~~

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

1105.4800 QUALITY REVIEW REQUIREMENTS.

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

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~~ client practice, an additional quality review of the firm's nonpublic company attest and compilation ~~clients~~ client practice is required.

1105.5300 QUALIFICATIONS OF REPORT ACCEPTANCE BODIES.

A. The AICPA and the Public Company Accounting Oversight Board are approved report acceptance 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. Approval must be withdrawn if a report acceptance body fails to fulfill its responsibilities.

C. The report acceptance bodies specified in item B shall not make membership a condition of acting as a report acceptance body for any firm.

D. The report acceptance bodies specified in item B shall provide to the Quality Review Oversight Committee established in part 1105.4300, item B, or to the board if so requested, by December 31 of each year the names of the licensees, who have undergone a quality review as required by part 1105.3600, and firms that have undergone a quality review during the year ending December 15 and had the letter specified in part 1105.5400, item A, subitem (2), issued by the report acceptance body. In addition, the report acceptance bodies specified in item B shall provide to the committee by June 30 of each year a written report of the procedures it uses to ensure that the continuing professional education it sponsors meets the applicable standards set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs.

E. The report acceptance bodies specified in item B shall allow the Quality Review Oversight Committee established in part 1105.4300, item B, access to the quality review process that is subject to oversight consistent with *Minnesota Statutes*, section 326A.05, subdivision 8, paragraph (e). The Quality Review Oversight Committee shall treat all information to which it has access as confidential and shall not communicate to the board information that would divulge the identity of a licensee, registrant, or firm. Such information shall be used solely for the purpose of evaluating the effectiveness of report acceptance bodies designated by the board in item B.

1105.5400 REPORT TO BOARD.

A. Within 30 days of receipt of the letter described in subitem (2), but no later than the date specified in part 1105.5000, each firm ~~that is scheduled to report that year~~ shall submit the following material to the board:

- (1) a copy of the report issued by the reviewer, including any letters of comment and responses;
- (2) the final letter from the report acceptance body; and
- (3) any agreements to correct deficiencies that have been entered into between the firm and the report acceptance body.

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

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

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

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

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

1105.5600 GROUNDS FOR ENFORCEMENT ACTION.

The grounds for revocation and suspension of certificates, registrations, and permits, and other disciplinary action against licensees, certificate holders, applicants, and individuals with privileges under *Minnesota Statutes*, section 326A.14, are set out in *Minnesota Statutes*, section 326A.08. In addition, the grounds include the following particular grounds for disciplinary action:

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

D. conduct reflecting adversely upon the licensee's fitness to perform services, within the meaning of *Minnesota Statutes*, section 326A.08, subdivision 5, paragraph (a), clauses (2) and (10), includes:

- (1) adjudication as mentally incompetent;
- (2) fiscal dishonesty of any kind;
- (3) presenting as one's own a certificate, registration, or permit issued to another;
- (4) concealment of information regarding violations by other licensees of the act or this chapter when questioned or requested by the board; and

(5) willfully failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record, or inducing another person to impede or obstruct a filing by another; and the making or filing of a report or record which one knows to be false.

A licensee, applicant, certificate holder, registrant, or person specified in *Minnesota Statutes*, section 326A.05, subdivision 3, paragraph (c), who is subject to the actions, or has engaged in activities, described in *Minnesota Statutes*, section 326A.08, subdivision 5, paragraph (a), clauses (4), clause (6), and or (7) or has been convicted of, has pled guilty or nolo contendere to, or has been sentenced as a result of the commission of a felony or crime, an element of which is dishonesty or fraud, shall, within 30 days of being subject to or engaging in such actions or activities, notify the board in writing and provide the details of the activities. The notification may be used as a basis for initiating an investigation against the licensee, applicant, certificate holder, registrant, or person specified in *Minnesota Statutes*, section 326A.05, subdivision 3, paragraph (c), the results of which could result in disciplinary action specified in *Minnesota Statutes*, section 326A.08.

1105.6300 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:

- A. implies the existence of a legal entity when the firm does not exist in that form;
- B. includes the name of a person who is neither a present nor a past partner, member, or shareholder of the firm; or
- C. includes the name of a person who is not a CPA if the title "CPAs" is included 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~~ withdrews 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.

1105.7000 RENEWAL OF REGISTRATION.

A. The registration of a registered accounting practitioner expires on December 31 each year and must be renewed annually before December 31 on a form provided by the board for such purpose. The fee specified in part 1105.0600 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. In addition, the reinstatement fee prescribed in this chapter must be paid if the renewal is filed more than two years late.

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

1105.7100 RAP FIRM APPLICATION.

A. Applications by RAP firms for initial issuance and for renewal of RAP firm permit must be made on a form provided by the board

Proposed Rules

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. In addition, the reinstatement fee prescribed in this chapter shall be paid if the renewal is filed more than two years late.

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

1105.7450 MISLEADING RAP FIRM NAMES AND FICTITIOUS RAP FIRM NAMES.

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

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 withdraws~~ consent to the inclusion or if the person becomes a partner, member, shareholder, or owner of a firm established under part 1105.7100.

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

1105.7800 CODE OF PROFESSIONAL CONDUCT.

A. The AICPA Code of Professional Conduct ~~published by the American Institute of Certified Public Accountants and revised as of February 2004~~ is incorporated by reference. ~~The Code of Professional Conduct is subject to frequent change and is available through the state law library.~~

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

F. Persons and firms performing audit or attest services in accordance with government auditing standards issued by the Comptroller General of the United States or auditing or related professional practice standards issued by the Public Company Accounting Oversight Board, which documents are incorporated by reference, shall comply with those standards. Failure to do so is an act discreditable to the profession and is basis for disciplinary action specified in *Minnesota Statutes*, section 326A.08.

[For text of items G and H, see M.R.]

1105.7850 RETENTION AND CONTENT OF AUDIT DOCUMENTATION.

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, 2003)~~; and retain for a period of not less than six years from the report date audit documentation 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, or with all professional standards applicable to particular engagements, including, but not limited to, standards adopted by the Public Company Accounting Oversight Board or the Comptroller General of the United States, which are incorporated by reference, is an act discreditable to the profession and is basis for disciplinary action specified in *Minnesota Statutes*, section 326A.08. The documentation and retention requirements set out in this part do not apply to engagements that are subject to the jurisdiction of the Public Company Accounting Oversight Board or the Comptroller General of the United States. Unless otherwise stated in this part, firms shall comply with the documentation and retention requirements set out in this part in any other audit engagement performed in this state.

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

1105.7900 SUBSTANTIAL EQUIVALENCY.

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

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

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

- (1) accepting an engagement or assignment to render professional services in this state; or
- (2) ~~offering to render professional services through direct solicitation or marketing targeted to persons~~ rendering professional services

in this state.

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

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:

- (1) teaching either a college or continuing professional education course;
- (2) delivering a lecture;
- (3) moderating a panel discussion; or

(4) rendering professional services to the individual's employers employer or firm or to persons employed by the individual's employer or firm, including affiliated, parent, or subsidiary entities, provided the services are not rendered for the employer's or firm's clients.

[For text of items H and I, see M.R.]

INCORPORATIONS BY REFERENCE: Part 1105.0250: AICPA Code of Professional Conduct, Statements on Quality Control Standards, Statements for Performing and Reporting on Peer Reviews, Statement on Standards for Continuing Professional Education (CPA) Programs, PCAOB Standards and Related Rules, and AICPA Professional Standards, Volumes 1 and 2, published by and available from the American Institute of Certified Public Accountants, 1211 Avenue of the Americas, New York, NY 10036; Government Auditing Standards, published by and available from the United States General Accounting Office, Washington, DC 20548.

Minnesota Board of Chiropractic Examiners

Proposed Permanent Rules Relating to Continuing Education for Examiners

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Continuing Education, Units for Examiners. *Minnesota Rules*, 2500.0710

Introduction. The Board of Chiropractic Examiners intends to amend rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until July 14, 2005.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Micki King at The Minnesota Board of Chiropractic Examiners, 2829 University Ave SE, #300, Minneapolis, Minnesota, 55414, **phone:** (612) 617-2226, and **e-mail:** Micki.king@state.mn.us. **TTY** users may call the Board of Chiropractic at 800-627-3529.

Subject of Rules and Statutory Authority. The proposed amendment to the rules relates to the continuing education units, increasing the number allowed for licensing examination administration to more accurately reflect the actual learning accomplished through this process. The statutory authority to adopt the rules is *Minnesota Statutes*, section 14.23 and 148.08, Subd 3. (2000). A copy of the proposed rules is published in the *State Register*, attached to this notice as mailed, and posted on the board's web page at:

www.mn-chiroboard.state.mn.us

Comments. You have until 4:30 p.m. on Thursday, July 28, 2005, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 28, 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Proposed Rules

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

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

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

Dated: June 21, 2005

Micki King
Rules Committee Coordinator

2500.0710 CONTINUING EDUCATION UNITS FOR EXAMINERS.

Minnesota licensed chiropractors will receive up to ~~six~~ nine units of credit for continuing education for participation in the development of an examination, the administration of an examination, or the postexamination audit when the units are verified in writing by the chief examiner or other designee of the board. Units must be calculated according to part 2500.0100, subpart 4a. No chiropractor may receive more than ~~12~~ 18 units per calendar year.

Adopted Rules

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

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

Board of Behavioral Health and Therapy Adopted Permanent Rules Relating to Continuing Education

The rules proposed and published at *State Register*, Volume 29, Number 26, pages 726-730, December 27, 2004 (29 SR 726), are adopted as proposed.

Board of Behavioral Health and Therapy Adopted Permanent Rules Relating to Supervised Field Experience and Professional Practice

The rules proposed and published at *State Register*, Volume 29, Number 26, pages 723-726, December 27, 2004 (29 SR 723), are adopted with the following modifications:

2150.5010 POSTDEGREE SUPERVISED PROFESSIONAL PRACTICE.

Subp. 4. Supervised practice requirements.

C. The supervision must be obtained at the rate of ~~one hour~~ two hours of supervision per 40 hours of professional practice, for a total of ~~50~~ 100 hours of supervision. The supervision must be evenly distributed over the course of the supervised professional practice. At least 75 percent of the required supervision hours must be received in person. The remaining 25 percent of the required hours may be received by telephone or by audio or audiovisual electronic device. At least 50 percent of the required hours of supervision must be received on an individual basis. The remaining 50 percent may be received in a group setting.

Department of Labor and Industry (formerly Department of Administration) Building Codes Division

Adopted Permanent Rules Relating to Minnesota Electrical Code

The rules proposed and published at *State Register*, Volume 29, Number 43, pages 1238-1239, April 25, 2005 (29 SR 1238), are adopted as proposed.

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

Agronomy and Plant Protection Division

Notice of Publication of a Revised Minnesota Pesticide Management Plan: A Plan for the Protection of Groundwater and Surface Water

NOTICE IS HERBY GIVEN that the Minnesota Department of Agriculture (MDA) has completed revisions to the Pesticide Management Plan: A Plan for the Protection of Groundwater and Surface Water (the PMP). Development of the first PMP began in 1990, and was completed in 1996 (with minor revisions in 1998). In June 2004, a draft revised PMP was published after a series of public stakeholder meetings during which the MDA took comment on possible PMP revisions. The MDA took public comment on the draft revised PMP through September 2004. The MDA reviewed and considered submitted comments, and is now publishing the final, revised PMP. A description of the PMP, the revision process, and links to the revised PMP and related MDA activities are available at:

<http://www.mda.state.mn.us/appd/ace/pmp.htm>

MDA contacts: Gregg Regimbal (651) 297-4871; gregg.regimbal@state.mn.us or Joe Zachmann (651) 205-4788; joseph.zachmann@state.mn.us, Agronomy and Plant Protection Division, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN, 55107-2094.

Department of Employment and Economic Development

Job Opportunity Building Zones (JOBZ) Modifications #16

Pursuant to *Minnesota Statutes* § 469.320, Subd. 3, the following modifications were made to the Job Opportunity Building Zones:

Positively Southern Minnesota JOBZone Growth Corridor: City of Madelia.

Madelia Subzone 79 was decreased by 1.96 acres.

Madelia Subzone 79.1 was created using 1.96 acres.

Region Five JOBZone: City of St. Cloud.

St. Cloud Subzone 136 was decreased by 2.0 acres.

St. Cloud Subzone 136.1 was created using 2.0 acres.

Region Five JOBZone: City of Browerville.

Browerville Subzone 77 was decreased by 0.12 acres.

Browerville Subzone 77.1 was created using 0.12 acres.

Northwest Land of the Dancing Sky JOBZ: City of McIntosh.

Warren Subzone 86 was decreased by 2.8 acres.

McIntosh Subzone 62.1 was created using 2.8 acres.

Northwest Land of the Dancing Sky JOBZ: City of Oslo.

Warren Subzone 86 was decreased by 2.76 acres.

Oslo Subzone 62.2 was created using 2.76 acres.

Southwest Minnesota JOBZ: City of Pipestone.

Pipestone Subzone 118 was decreased by 22.5 acres.

Pipestone Subzone 119.1 was increased to 42.5 acres using 22.5 acres.

Southwest Minnesota JOBZ: Winsted Township.

Winsted Subzone 172.1 was decreased by 1.06 acres.

Winsted Subzone 172.2 was created using 1.06 acres.

Dated: June 17, 2005

Commissioner Matt Kramer

**Department of Human Services
Health Care Purchasing and Delivery Systems Division
Health Care Administration
Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient
Prescribed Drugs**

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of additions to the state Medical Assistance maximum allowable cost (state MAC) list for certain outpatient prescribed drugs.

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list. Additionally, the Department imposes a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the savings are at least as much as the savings would be using the federal MAC list.

The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: 1) the federal or state MAC, plus a dispensing fee; 2) the submitted usual and customary charge to the general public; or 3) a discount off of average wholesale price, plus a dispensing fee.

On January 13, 2003 at 27 SR 1117-1130, the Department published the MAC list, listing the federal and state MACs. Additional changes to the state MAC list were published on February 18, 2003 (27 SR 1331-1334), March 3, 2003 (27 SR 1386-1393), April 21, 2003 (27 SR 1583-1584), August 4, 2003 (28 SR 102-103), October 13, 2003 (28 SR 505-506), October 20, 2003 (28 SR 528-529), December 15, 2003 (28 SR 784-785), January 26, 2004 (28 SR 934-935), March 8, 2004 (28 SR 1089-1090), April 5, 2004 (28 SR 1232), April 19, 2004 (28 SR 1313-1314), May 3, 2004 (28 SR 1367-1368), August 9, 2004 (29 SR 173), August 23, 2004 (29 SR 224-225), November 8, 2004 (29 SR 510), November 15, 2004 (29 SR 534-535), February 7, 2005 (29 SR 923-924), February 14, 2005 (29 SR 951-952), March 7, 2005 (29 SR 1038-1039), and April 11, 2005 (29 SR 1174-1175).

Effective June 28, 2005, the Department will add the following outpatient prescribed drugs to the state MAC list:

<u>GCN</u>	<u>Drug Name</u>	<u>Strength</u>	<u>MAC Price</u>
42238	IPRATROPIUM BROMIDE NASAL SPRAY	42MCG	\$1.476
42239	IPRATROPIUM BROMIDE NASEL SPRAY	21MCG	\$0.864
60821	FLUCONAZOLE	40MG/ML	\$1.008
60822	FLUCONAZOLE	10MG/ML	\$0.324

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be state savings of \$2,000 for the remainder of State Fiscal Year 2005 (through June 30, 2005) and \$69,000 for State Fiscal Year 2006 (July 1, 2005 through June 30, 2006).

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205 (42 CFR §447.205), which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for Medical Assistance services.

Written comments and requests for information may be sent to Cody Wiberg, Pharm.D., R.Ph., Pharmacy Program Manager, Health Care Purchasing and Delivery Systems Division, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3854; **phone:** (651) 296-8515, or **e-mail:** *cody.c.wiberg@state.mn.us*.

Official Notices

Department of Human Services Disabilities Services Division, Continuing Care Administration

Public Notice Regarding a Medical Assistance Case Management Service, and Rates

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of a new Medical Assistance (Medicaid) service, and accompanying rates.

In 2001, the legislature enacted legislation providing for home care case management services under the Medical Assistance Program beginning January 1, 2003. This legislation is codified at *Minnesota Statutes*, §256B.0621. Pursuant to *Laws of Minnesota 2003, First Special Session*, chapter 14, article 13C, section 2, implementation was delayed until July 1, 2005.

Upon federal approval, Minnesota's Medical Assistance Program will cover home care case management services to assist individuals receiving home care services to gain access to medical, social, educational, financial, housing and other services and supports necessary to meet their needs so that they may remain in the community.

Home care case management services will be coordinated on an individual client basis. Examples of home care case management services are: assessments of individuals' needs for services and supports; routine communication with individuals and their families, legal representatives, caregivers, service providers, and other relevant people; developing and reviewing individual service plans; completing and maintaining necessary records; coordinating referrals to appropriate service providers; and identification of other possible home and community-based services.

The Department expects that providers will be county agencies; private entities; Indian Health Service (IHS) facilities; facilities owned or operated by tribes or tribal organizations funded 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; and subcontractors of counties, private entities, IHS facilities and "638" facilities.

Minnesota Statutes, §256B.0621 requires that home care case management providers will be certified by the Department. The 2005 Minnesota Legislature is currently determining whether to amend this law to require that only non-county agency providers be certified. The Department also anticipates that IHS and "638" facilities, and their subcontractors, will not require certification.

In addition, *Minnesota Statutes*, §256B.0621 requires that, at a minimum, certified providers will have a bachelor's degree or a license in a health or human services field, as well as the capacity and experience mandated in state law. The 2005 Minnesota Legislature is currently determining whether to amend this law to require: 1) a minimum of a bachelor's degree, or a license in a health or human services field, or comparable training and two years of experience in human services (as well as the capacity and experience mandated in state law); 2) that certified providers cannot provide out-of-home residential services (services provided out of a person's familial home, such as foster care, board and lodge, and boarding care home services) to persons receiving home care case management services; and 3) that certified providers supplying services other than out-of-home residential services to persons receiving home care case management services requires counties to ensure that: a) any possible conflict of interest is explained each year, in writing and at a face-to-face meeting, after which informed consent is provided by persons receiving home care case management services; and b) information on a range of other service provider options is provided to persons receiving the case management services.

County agency providers will be required to have the capacity and experience mandated in *Minnesota Statutes*, §256B.0621, subd. 4.

Upon federal approval, Medical Assistance will pay the following rates:

- To counties and private entities, \$20.43 per 15-minute unit.
- To IHS and "638" facilities, the federally-approved "encounter" rate negotiated between the IHS and the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services and published annually by the IHS in the *Federal Register*.
- To subcontractors, a negotiated rate with a cap of \$20.43 per 15-minute unit.

The Department anticipates that the total Medical Assistance costs will be \$1,712,000 from July 1, 2005-June 30, 2006 (State Fiscal Year 2006), of which \$856,000 is projected to be state costs, and \$2,710,000 from July 1, 2006-June 30, 2007 (State Fiscal Year 2007), of which \$1,355,000 is projected to be state costs.

If pertinent amendments to *Minnesota Statutes*, §256B.0621 not mentioned in this notice are enacted by the 2005 Minnesota Legislature, a subsequent *State Register* notice will be published.

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205 (42 CFR §447.205), which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for noninstitutional Medical Assistance services. Written comments and requests for information may be sent to Lynn Beutel, Disabilities Services Division, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3872, **phone:** (651) 582-1920 or **e-mail:** lynn.beutel@state.mn.us

Department of Human Services**Health Care Purchasing and Delivery Systems Division****Health Care Administration****Public Notice Regarding Prescription Drug Payment Rate and Methodology Changes, and Pharmacy Services Under the Medical Assistance Program**

NOTICE IS HEREBY GIVEN to recipients, providers of services, and the public of certain statutory changes made to the Medical Assistance (MA) Program that the 2005 Minnesota Legislature enacted during the 2005 legislative session. This notice is published pursuant to the *Code of Federal Regulations*, Title 42, section 447.205 (42 CFR §447.205), which requires public notice of any significant proposed change in the methods and standards for setting payment rates for MA services. The changes are estimated to result in a net decrease in state MA Program expenditures of \$2,694,000 for State Fiscal Year 2006 (July 1, 2005 through June 30, 2006).

- One of the ways pharmacy providers are reimbursed is the actual acquisition costs of a drug, plus a standard dispensing fee of \$3.65. Legislation effective July 1, 2005 provides that the actual acquisition cost of antihemophilic factor (drug-clotting) drugs will be estimated at 70% of the average wholesale price (average wholesale price -30%). The Department expects to implement this change as of August 1, 2005. *Laws of Minnesota 2005*, Chapter 155, Article 3, Section 5.
- Effective July 1, 2005, reimbursement for drugs administered in outpatient settings will be the lower of the usual and customary cost submitted by providers or the amount established for the Medicare Program. *Laws of Minnesota 2005*, Chapter 155, Article 3, Section 5.
- Effective July 1, 2005, the Department may negotiate reimbursement rates for specialty pharmaceutical products that are lower than the standard rate of average wholesale price – 11.5% + \$3.65 dispensing fee. Specialty pharmacy products are defined as those used by a small number of recipients or recipients with complex and chronic diseases that require extensive and challenging drug regimens. Examples of these conditions include multiple sclerosis, HIV/AIDS, hepatitis C, and certain forms of cancer. The Department may require recipients to obtain specialty pharmacy products from providers with whom the Department has negotiated lower payment rates. Recipients and providers will receive additional information before changes are made for these products. *Laws of Minnesota 2005*, Chapter 155, Article 3, Section 5.
- Effective July 1, 2005, the Department may require prior authorization for up to 180 days for any prescribed drug that is approved by the federal Food and Drug Administration on or after July 1, 2005. *Laws of Minnesota 2005*, Chapter 155, Article 3, Section 6.

Laws of Minnesota 2005, Chapter 155 is available by calling the House of Representatives Public Information office at 651/296-2146 (voice) or (651) 296-9896 (TTY) or 1-800-657-3550 (Greater Minnesota) or 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). It is also available at:

<http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=H2448.1&session=ls84>

Written comments and requests for information may be sent to Cody Wiberg, Pharm.D., R.Ph., Pharmacy Program Manager, Health Care Purchasing and Delivery Systems Division, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3854; **phone:** (651) 296-8515, or **e-mail:** cody.c.wiberg@state.mn.us.

Department of Human Services**Health Care Administration****Public Notice Regarding 7/1/05 Rate and Rate Methodology Changes under the Medical Assistance (MA) Program**

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of certain anticipated July 1, 2005 rate changes to Minnesota's Medical Assistance (MA) Program that may be enacted by the 2005 Minnesota Legislature during the current Special Session. 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 final 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 MA services. The changes to the state MA Program are estimated to result in a net decrease in state MA Program expenditures of \$13,644,000 for State Fiscal Year 2006.

The actual text of these changes is currently under debate by the 2005 Minnesota Legislature. The Department will issue an updated *State Register* notice to the public, recipients, and providers once the Health and Human Services appropriations bill is enacted

Official Notices

by the 2005 Minnesota Legislature if there are pertinent changes to the provisions, below.

After enactment, information relating to implementation of these provisions will be sent to local human services agencies through bulletins and manual updates, to recipients and enrollees through written notice, and to health care providers through newsletters and updates to the *Minnesota Health Care Programs Provider Manual*.

Proposed changes are being considered for the following areas:

- I. MA Non-Institutional Payment Rates
- II. MA Institutional Payment Rates
- III. MA Home and Community-Based Payment Rates

I. MA Non-Institutional Payment Rates

- Effective for services provided on or after July 1, 2005, fee-for-service payments for outpatient hospital services, before third-party liability and spenddown, will be decreased by 5%, excluding outpatient 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.

- One of the ways pharmacy providers are reimbursed is the actual acquisition cost of a drug, plus a standard dispensing fee of \$3.65. Effective July 1, 2005, the actual acquisition cost of prescribed drugs may be estimated at 88% of the average wholesale price (average wholesale price minus 12%) + \$3.65. Currently, the actual acquisition costs of prescribed drugs is estimated at 88.5% of the average wholesale price (average wholesale price minus 11.5%) + \$3.65.

- As of July 1, 2005, the maximum MA special transportation reimbursement for special transportation may change as follows:
 - for persons not requiring a wheelchair-accessible van, from a base rate of \$12 and \$1.35 per mile to a base rate of \$11.50 and \$1.30 per mile;
 - for persons requiring a wheelchair-accessible van, from a base rate of \$18 and \$1.40 per mile to a base rate of \$16.50 and \$1.30 per mile; and
 - for persons requiring a stretcher-accessible vehicle, from a base rate of \$36 and \$1.40 per mile (plus an attendant rate of \$9 per trip) to a base rate of \$60 and \$2.40 per mile (plus the current attendant rate of \$9 per trip)

II. MA Institutional Payment Rates

Pursuant to the Governor's biennial budget, the Department proposed rate changes for institutional services. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which residents, trade associations, providers, facility employee union representatives, and the general public were invited to attend. The legislature is currently considering the public's input as it debates the Health and Human Services appropriations bill.

Inpatient Hospitals

- Effective for services provided on or after July 1, 2005, fee-for-services payments for inpatient hospital services will be decreased by 5%, 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 for services provided on or after July 1, 2005, MA inpatient hospital payments for 16 specific diagnosis related groups (DRGs) to hospitals outside of the seven-county metropolitan area are: 1) fully funded at the greater of the hospital's rate or 90% of the seven-county metropolitan average or 2) increased by \$800,000.

If these items are enacted, the Department anticipates adding them to the MA State plan.

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

Nursing Facilities

- Effective July 1, 2005, nursing facilities will receive rate increases of up to 10% of the operating payment rate if they create new single-bed rooms by permanently closing beds to create single bed rooms.

- Effective July 1, 2005 and July 1, 2006, the automatic MA operating rate adjustments for nursing facilities reimbursed under the contractual payment rate system will be suspended.

- Effective July 1, 2005, nursing facilities with moratorium exception projects approved between July 1, 2001 and July 1, 2003

are allowed an additional 18 months before they must commence construction on their projects.

- Effective July 1, 2005, the Minnesota Department of Health may approve moratorium exception projects for which the annualized state share of MA costs do not exceed \$3,000,000.
- Effective July 1, 2005, the operating rate for 180-bed nursing facilities receiving an operating payment rate for a RUGS weight of 1.00 equal to \$163.72 will be increased by \$2.49 in each care level.
- Effective October 1, 2005, the operating rates for nursing facilities in Stearns, Sherburne, and Benton counties will be increased to the 30th percentile of the geographic group III nursing facility rates.
- Effective July 1, 2005, any nursing facility that has been given beds from another nursing facility that has closed under state law governing nursing home moratoriums will be allowed to construct new nursing facilities using beds that are currently on layaway at a facility in the same area. The payment rates will be the same as the facilities currently in existence.
- Effective April 1, 2005, hospitals that had an agreement with the Department of Human Services on January 1, 2004, will be allowed to continue to provide swing bed services. Hospitals will be provided an exemption from the "sole community provider" status requirement.
- Effective July 1, 2005, the department is permitted to withhold funds from MA payments to nursing facilities that are more than two months delinquent in paying their surcharge to the state.

If these items are enacted, the Department anticipates adding them to the MA State plan. Individual nursing facility payment rates are available by contacting the Continuing Care for the Elderly Division, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3836; **phone** (651) 296-7123.

Intermediate Care Facilities for Persons with Mental Retardation (ICFs/MR)

- Effective July 1, 2005, the Department is authorized to grant a new license to a 6-bed facility with a current rate of \$116.57 that replaces an existing ICF/MR, provided the new facility is built on already purchased property. A new rate will be established for this facility.
- Effective July 1, 2005, for State Fiscal Years 2006 and 2007, the Department is authorized to use \$300,000 each year for ICF/MR rate adjustments for facilities that are downsizing.

If these items are enacted, the Department anticipates adding them to the MA State plan.

Questions about ICF/MR payment rates should be directed to Barb Nelson, Disability Services Division, Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, Minnesota 55155-3857; **phone** (651) 582-1969.

III. MA Home and Community-Based Payment Rates

- Effective July 1, 2005, the Department of Human Services may be authorized to develop a Program for All Inclusive Care of the Elderly (PACE). The PACE program manages the full Medicare and Medicaid (MA) benefit packages for Elderly Waiver eligible seniors and other Minnesotans receiving MA who are at least age 56 comprising primary, acute, post-acute and long-term care through a geriatric interdisciplinary team model. The Department of Human Services cannot establish the program until after receiving grant money sufficient to cover the state share of actuarial services and administrative costs.

If this item is enacted, the Department anticipates adding it to the MA State plan.

Questions about this item should be directed to the Continuing Care Administration, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3836; **phone** (651) 296-2770.

Metropolitan Council

Notice of Public Hearing on Adoption of Public Housing Agency Plan and Admission Preferences for the Public Housing and Section 8 Program

The Metropolitan Council's Community Development Committee will conduct a public hearing to receive public comment on the proposed 2006 Public Housing Agency (PHA) Plan. Included in the plan are local preference changes for the Public Housing and Section 8 Rental Assistance Program. Admission preferences are included in the PHA Plan, Section 3. PHA Policies Governing Eligibility, Selection, and Admissions.

The PHA Plan is a comprehensive guide to public housing agency policies, programs, operations and strategies for meeting local housing needs and goals. Required by the US Department of Housing and Urban Development (HUD) the PHA Plan includes two parts, the Five-Year Plan and the Annual Plan. Both parts of the PHA Plan require PHA's to examine their existing operations and needs and to design long-range and short-range strategies to address those needs.

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The public hearing will be held:

- 4:00 p.m., Monday, August 15, 2005
- Metropolitan Council
- Mears Park Centre Building, Room 1A
- 230 East Fifth St., St. Paul, MN 55101

The Housing Agency Plan is available for public review at the HRA administrative offices located at 230 East Fifth Street in St. Paul, and on the Metropolitan Council's website at www.metrocouncil.org. All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Sue Putz at (651) 602-1584 or TTY at (651) 291-0904. Upon request, the Council will provide a reasonable accommodation to persons with disabilities.

In addition to speaking at the hearing, comments may be made in the following ways:

- Send comments to: Sue Putz, Metro HRA, Mears Park Centre, 230 East Fifth St., St. Paul, MN 55101
- FAX comments to: Sue Putz at (651) 602-1313
- Send comments electronically to: data.center@metc.state.mn.us
- Record comments on the Council's Public Comment Line: (651) 602-1500
- TTY: (651) 291-0904

Comments must be received by 4:00 p.m., Monday, August 15, 2005.

Minnesota Pollution Control Agency Municipal Division

Public Notice of Intent to Issue National Pollutant Discharge Elimination System (NPDES) and State Disposal System (SDS) Permit MNG420000

Public Comment Period Begins: June 27, 2005
Public Comment Period Ends: July 28, 2005

Description of Permitted Facility

The Minnesota Pollution Control Agency (MPCA) intends to issue a General National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Permit to wastewater treatment facilities (WWTFs) that discharge phosphorus to specified areas within the Minnesota River Basin (Basin). Appendix A of the permit contains a permit coverage map. The permit is known as the Minnesota River Basin General Phosphorus Permit – Phase I (Permit). This Permit authorizes the discharge of phosphorus to surface waters within the Basin and phosphorus trading. This Permit only authorizes and limits the discharge of phosphorus and is separate from a facility's individual NPDES/SDS Permit which authorizes and limits the discharge of other pollutants. WWTF's must comply with the requirements of this Permit and their individual NPDES/SDS Permit.

Coverage under this Permit is limited to WWTFs within the following categories:

1. Existing Continuously Discharging Facilities that discharge to the Minnesota River (directly or via tributaries) downstream of the outlet of Lac Qui Parle (river mile 285) and upstream of Jordan (river mile 39.4).
2. Existing Continuously Discharging Facilities that discharge to the Minnesota River (directly or via tributaries) from Jordan (river mile 39.4) to Shakopee (river mile 25.1).
3. Existing Controlled Discharge Stabilization Ponds that discharge to the Minnesota River (directly or via tributaries) downstream of the outlet of the Lac Qui Parle Reservoir (river mile 285) and upstream of Shakopee (river mile 25.1).
4. Unsewered or undersewered communities that discharge to the Minnesota River (directly or via tributaries) downstream of the outlet of the Lac Qui Parle Reservoir (river mile 285) and upstream of Shakopee (river mile 25.1).
5. Expanding Discharging Facilities (Permittees who apply for an increase in their hydraulic or organic capacity under their individual permit or undergo design and construction during the term of this permit).
6. New Facilities that discharge to the Minnesota River (directly or via tributaries) downstream of the outlet of the Lac Qui Parle Reservoir (river mile 285) and upstream of Shakopee (river mile 25.1).

WWTFs listed in Appendix B of the Permit must submit a permit application to the MPCA, in order to receive coverage under this Permit. In addition, any new WWTF or expanding WWTF (which will trade phosphorus) must apply for coverage under this Permit. All other WWTFs listed in the appendices of this Permit are automatically covered under this Permit.

Preliminary Determination on the Draft Permit

The MPCA Commissioner has made a preliminary determination to issue this Permit for a term of approximately five years.

Informational Meetings

The MPCA will hold two public information meetings to present information, to answer questions, and solicit comments and statements on the proposed permit. The meeting times and locations are:

- **July 20, 2005**, from 6:00 p.m. through 9:00 p.m., at the Kilowatt Community Center, 600 Kilowatt Drive, Granite Falls, Minnesota.
- **July 21, 2005**, from 6:00 p.m. through 9:00 p.m., at the Best Western North Mankato, 1111 Range Street, North Mankato, Minnesota.

A draft Permit and fact sheet are available for review at the MPCA St. Paul office listed below. A copy of the draft Permit and fact sheet will be mailed to you if the MPCA receives your written or oral request. If you prefer, an electronic copy of the Permit and fact sheet are available at the MPCA Web site at: (<http://www.pca.state.mn.us/permits/index.html>). If you have questions about this draft Permit or the MPCA Commissioner's preliminary determination, please contact **Steve Sommer** at (651) 282-5851.

Written Comments

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

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

Petition for Public Informational Meeting

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

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

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

Petition for Contested Case Hearing

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

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

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

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

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

Official Notices

MPCA Decision

You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the Permit issuance. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to issue the Permit and, if so, under what terms will be presented to the Board for decision if: (1) the MPCA Commissioner grants the petition requesting the matter be presented to the MPCA Citizens' Board; (2) one or more Board members request to hear the matter before the time the MPCA Commissioner makes a final decision on the Permit; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Citizens' Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this Permit. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the MPCA Citizens' Board, will make the final decision on the draft Permit.

Comments, petitions, and/or requests must be submitted in writing on or before the end date of the public comment period identified on page 1 of this notice to:

Steve Sommer
Minnesota Pollution Control Agency
Municipal Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Minnesota Board of Teaching Announcement of a Change in the Minimum Passing Score for Examinations of Licensure-specific Teaching Skills for a Minnesota Teaching License

As required by *Minnesota Rules*, Part 8710.0500, subpart 12, the Minnesota Board of Teaching shall periodically review the examination system to determine whether the system meets the requirements of this part.

As required by *Minnesota Rules*, Part 8710.0500, subpart 4, the Minnesota Board of Teaching hereby notifies the citizens of Minnesota that the minimum passing scores for examinations of licensure-specific teaching skills have been evaluated and adjusted for an applicant for a teaching license in Minnesota.

Applicants prepared outside Minnesota shall be granted temporary licenses under the provisions of *Minnesota Rules* 8710.0500, subpart 11, while they meet the testing requirements.

The examinations listed are from the Praxis II series of examinations by the Educational Testing Service (ETS). For information regarding these examinations, applicants should contact their teacher preparation institution, the Minnesota Board of Teaching (651) 582-8833, or: http://education.state.mn.us/html/intro_teacher_test_req.htm.

The tests announced herein have adjustments in the minimum passing score of the required examinations under *Minnesota Rules* 8710.0500, subpart 1, item A and B. Completion of the test and achieving the required passing score as posted in this announcement shall become effective for all licensure applications postmarked on or after September 1, 2006. A first-time applicant must successfully complete the appropriate test for the applied for license with a minimum required passing score of:

<u>Licensure Field</u>	<u>New Passing Score</u>
Business Education	610
Library Media	630
Technology Education	600

Minnesota Board of Teaching Request for Comments on Proposed Rule 8710 to Establish a Teacher of General Science 9-12 License

Proposed Amendments to *Minnesota Rule* 8710.4750 to Include the Requirements of Subp. 3E of *Minnesota Rule* 8710.4750, to the Licensure Rules of 9-12 Teachers of Chemistry, 9-12 Teachers of Earth and Space Science, 9-12 Teachers of Life Science and 9-12 Teachers of Physics, as this was Inadvertently Excluded from these Licensure Areas When the Rules Were Rewritten

Subject of Rules. The Board of Teaching requests comments on proposed rules regarding the addition of a General Science 9-12 license *Minnesota Rule* 8710.xxxx and the addition of Subp. 3E of *Minnesota Rule* 8710.4750 to the license areas of 9-12 Teachers of Chemistry,

9-12 Teachers of Earth and Space Science, 9-12 Teachers of Life Science and 9-12 Teachers of Physics as this was previously inadvertently omitted.

Persons Affected. The amendments to the rules would likely affect teachers, the schools they will serve, and educational organizations and institutions in Minnesota.

Statutory Authority. *Minnesota Statutes*, section 122A.09, subdivision 4, grants authority to the Board of Teaching to adopt rules regarding teacher licensure and renewal.

Public Comment. Interested persons or groups may submit comments or information on these proposed rules in writing until 4:30 Friday 2 September 2005.

Rules Drafts. A preliminary draft of the proposed rules is currently being prepared and will be sent to those who request it from the Board of Teaching

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these proposed rules should be addressed to: Allen Hoffman, Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113. Mr. Hoffman's telephone number is (651) 582-8888 and the fax number is (651) 582-8872. TTY users may call the Board at (651) 582-8201.

Alternative Format. Upon request this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Note: Comments received in response to this notice will not necessarily be in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Department of Transportation

Program Management Division

Office of Freight and Commercial Vehicle Operations

Official Release of the Statewide Freight Plan

The Statewide Freight Plan is the first comprehensive planning document focused on the movement of freight in Minnesota. The Plan identifies system deficiencies on the statewide freight system (trucking, rail, waterways, air cargo, and intermodal facilities) and recommends planning and programmatic solutions to address the growing challenge of freight mobility.

The Plan is now available on the Mn/DOT Freight Plan website at: http://www.dot.state.mn.us/ofrw/statewide_plan.htm. Printed copies of the Plan can be found at:

Mn/DOT Library
Minnesota Department of Transportation
M.S. 155, Room 175 Transportation Building
395 John Ireland Boulevard
Saint Paul, MN 55155

Requests for printed copies can be directed to:

John Tompkins
Freight Plan Project Manager
John.Tompkins@dot.state.mn.us
(651) 406-4808

Dated June 20, 2005

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 Agriculture

Notice of Availability of Grant Funds for Dairy Profitability Enhancement Teams

Grants to Dairy Profitability and Enhancement Teams are available from the Minnesota Department of Agriculture, as authorized by the *Laws of Minnesota 2003*, Chapter 128, for regional or statewide organizations to administer one-on-one educational delivery teams to provide appropriate new technologies, including rotational grazing and other sustainable agriculture methods, applicable to small and medium sized dairy farms to enhance the financial success and long-term sustainability of dairy farms in the state.

Dairy development and profitability enhancement teams are encouraged to engage in activities including, but not limited to, improving milk quality, comprehensive financial analysis, risk management education, enhanced milk marketing tools and technologies, five-year business plans, and design and engineering costs. Activities must be spread throughout the dairy producing regions of the state. Applicants are strongly encouraged to coordinate risk management education and use of milk marketing tools and technologies through Minnesota Department of Agriculture's risk management program and certified risk management instructors.

These teams must consist of farm business management instructors, dairy extension specialists, and dairy industry partners to deliver the informational and technological services. Teams must report semiannually to the program director on the aggregate changes in producer financial stability, productivity, product quality, animal health, environmental protection, and other performance measures attributable to the program. Information reported must be sufficient to establish regional and statewide performance benchmarks for the dairy industry a format that maintains the confidentiality of business information related to any single dairy producer. Grants to individual producers must not be used for capital improvements or for the start up of a new dairy enterprise.

Grants will be awarded from July 19, 2005 to June 30, 2006. There is approximately \$700,000 in grant funds available.

To receive an application for grant funds contact:

David Weinand
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107-2094
Phone: (651) 215-3946
E-mail: David.Weinand@state.mn.us

Questions concerning the grant application should be directed to Mr. Weinand. Two copies of the application must be received by Mr. Weinand by 4:00 pm C. D. T. on July 12, 2005. At the Department's discretion, applicants may be asked to meet with the Department or submit clarification.

Grant funds will be withheld from grantees that fail to submit reports. Applicants must include participants from the areas of extension and farm business management on the diagnostic teams. Preference will be given to those applicants whose proposals are aimed at small and medium sized farms, show low administrative cost versus services delivered to dairy producers and also for innovative ideas for delivering information and technology to dairy producers.

State Contracts

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Department of Administration

State Designer Selection Board

Notice of Amendment of Request for Proposals for Designer Selection for Department of Human Services, for Design New Secure Facilities Sex Offender Program, St. Peter Regional Treatment Center (Project 05-09)

The above-entitled project is hereby amended to include a revised time for the Project Information Meeting and/or Site Visit. The Project Information Meeting and/or Site Visit will be at 1:30 p.m., Tuesday, June 28, 2005.

Department of Administration

State Designer Selection Board

Request for Proposals for Designer Selection for Expansion of C.I.P. Barracks and Activities Facilities at MCF Willow River (Project 05-10)

To Minnesota Registered Design Professionals:

The State of Minnesota (State) through its State Designer Selection Board has been requested to select a design team for the above project. Proposals from interested firms must be received by, **1:00 p.m. Monday, July 11, 2005** to:

Mary Golike, Executive Secretary
State Designer Selection Board
Department of Administration
State Architect's Office
301 Centennial Office Building
658 Cedar Street
St. Paul, Minnesota 55155
(651) 296-4656

PROPOSALS RECEIVED AFTER THE SUBMISSION DEADLINE WILL NOT BE CONSIDERED.

Questions concerning procedures, or schedule are to be referred to the Executive Secretary at (651) 297-1545. Questions relating to the project are to be referred to the project contact(s) in Item 1.j.

1. PROJECT 05-10

a. Based on a Pre-design completed August 1999 and updated program information supplied by the facility April 2005, the project will include design and construction of a new combined activities, barracks, health services building and remodeling of existing barracks and foodservice facilities to accommodate population and program expansion at Minnesota Correctional Facility (MCF) Willow River / Challenge Incarceration Program (CIP).

PROJECT SCOPE: to include the following:

- New barracks building to house 180 offenders (approx. 9,000 s.f.).
- New activities building (approx. 10,450 s.f.) to replace existing activities building that will be demolished.
- New health services facility (1,625 s.f.) to replace existing health services facilities.
- Remodeling of existing kitchen/food services/dining area to serve expanded population.
- Remodeling of existing barracks into new treatment/program/classroom space.
- Associated site and utility improvements to accommodate expanded population and sewer/water services.

State Contracts

b. REQUIRED CONSULTANT SERVICES:

Services shall be delivered in accordance with the Basic Services Agreement and Consultant Designers Procedures Manual (available at the SAO web site: www.sao.admin.state.mn.us). Provide the following services:

1. Schematic Design
2. Design Development
3. Construction Documents
4. Construction Administration
5. Post Construction/Warranty Period

c. SERVICES PROVIDED BY OTHERS:

The Owner may contract directly for, or arrange to provide:

1. Site survey, geo-technical, environmental and materials testing programs.
2. Construction Documents quality control review consultation.
3. Exterior envelope inspection services.
4. Owner's Representative Services.

d. SPECIAL CONSIDERATIONS: Design Team Requirement:

1. Prior experience with Corrections facilities design and construction preferred.
2. Prior experience with security design in corrections facilities preferred.
3. Prior experience with projects implemented at accelerated schedules preferred.
4. Design teams are to include qualified specialists or sub-consultants for the following specialties:
 - Construction cost estimating and scheduling
 - Utility/Site work
 - Structural Engineering
 - Mechanical & Electrical engineering
 - Health Services/Medical design
 - Food Services design
 - Historic Preservation
 - Fire Protection Systems
 - Security Systems design
 - Sustainable Design (*Buildings, Benchmarks and Beyond* requirements)

e. PROJECT BUDGET/FEES:

The estimated Construction Cost budget is \$2,800,000.00 and the design fees are estimated to be 6% - 8% of estimated construction cost budget

f. PROJECT SCHEDULE:

Schematic Design Phase:	Sept. 2005 – Oct. 2005
Design Development Phase:	Nov. 2005 – Jan. 2006
Construction Documentation Phase:	Feb. 2006 – Apr. 2006
Bidding period:	May 2006
Construction Phase:	Jun. 2006 – Jan. 2007

g. PROJECT PRE-DESIGN INFORMATION:

Complete Pre-design information and data will be made available to the selected Designer. Program verification and update will be required as part of basic services for the project.

h. PROJECT INFORMATIONAL MEETING / SITE VISIT:

An informational meeting is scheduled for **Wednesday, July 6, 2005** at 10:00 a.m. at MCF – Willow River, 86032 County Highway 61, Willow River, Minnesota 55795, **Phone:** (218) 372-3101, **Fax:** (218) 372-3090. The meeting will include a tour of the proposed project areas and review of the scope of work. After the meeting, questions can be submitted via e-mail or fax to the SAO Project Manager, Bill Montgomery, bill.montgomery@state.mn.us, **Fax:** (651) 296-7650, **by July 7, 2005 and will be answered by July 8, 2005.**

Contact Terry Carlson, Warden, **Phone:** (218) 485-5125 to confirm your intent to attend the meeting by Thursday, June 30. You will need to provide the following information for each attendee: first name, middle name, last name; date of birth; drivers license number; company or organization; and phone number. Bring a driver's license for identification. **Participants will be required to walk through**

a metal detector; no cell phones, knives, firearms, lighters, tobacco products will be allowed.

i. STATE DESIGNER SELECTION BOARD SCHEDULE:

Project Information Meeting and/or Site Visit:	Wed., Jul 6, 2005, 10:00 a.m.
Project Proposals Due:	Monday, July 11, 2005, by 1:00 p.m.
Project Shortlist:	Tuesday, July 26, 2005
Project Interviews and Award:	Tuesday, Aug 16, 2005

j. PROJECT CONTACT (S)

Questions concerning the project should be referred to the Project Manager:

William C. Montgomery, AIA, State Architect's Office
301 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155-1625
Phone: (651) 296-8808
Fax: (651) 296-7650
E-mail: *bill.montgomery@state.mn.us*

k. SAMPLE CONTRACT:

The successful responder will be required to execute the State's Basic Services Agreement which contains the State's standard contract terms and conditions, include insurance requirements and compliance with Designer Procedures Manual, Design Guidelines and Computer Aided Drafting (CAD) Guidelines. Copies are available on Web Site *www.sao.admin.state.mn.us*.

2. PROPOSAL REQUIREMENTS

- a. **Ten (10)** copies
- b. 8 ½ X 11, portrait format, **stapled** (not bound).
- c. Maximum 20 faces (excluding front and back covers, blank dividers, affidavit of non-collusion, and affirmative action data page)
- d. All pages numbered

3. PROPOSAL CONTENTS

a. COVER

- Project name and number
- Prime firm name, address, telephone number, fax number
- Contact person, telephone number, fax number, and email address

b. COVER LETTER

Single face letter with original signature in ink (on at least one copy) of principal of prime firm, including:

- Brief overview of proposal
- Statement that proposal contents are accurate to the best knowledge of signatory

c. INFORMATION ON FIRM (S)

For prime firm and each consultant firm provide brief description including:

- Name and location
- Year established
- Legal status
- Ownership
- Staffing by discipline and total number of employees
- For firms with multiple offices briefly summarize for each office, and total number of Minnesota employees

d. PROJECT TEAM

- Brief statement of team's past or present working relationships

For each team member provide:

- Name and position in firm, include name of firm
- Home base (if in multi-office firm)
- Responsibility on this project
- Years of experience
- Relevant recent experience (if in another firm, so note)
- Registration (including specialty if engineer)

State Contracts

e. TEAM ORGANIZATION

If planning or design consultants are a part of the team explain how they will be utilized (e.g. major role during design, absent during construction, etc). Matrix or chart *may* be used.

f. PROJECT EXPERIENCE

For architectural, planning, and/or landscape architecture firms, provide examples of relevant projects recently completed or in progress including:

- Photographs, sketches and/or plans
- Name and location
- Brief description (e.g. size, cost, relevance)
- Firm of record
- Involvement of proposed project team members (*may* be separate matrix; if in another firm so note)
- Completion date or current status

For engineering or technical firms provide examples of relevant projects recently completed or in progress including the above except that photographs, sketches and/or plans are to be for only that portion of the work for which firm was responsible.

g. APPROACH/METHODOLOGY

Describe your understanding of the project, significant issues to be addressed and your *specific* approach to the planning, design and construction process for *this* project.

h. UNIQUE QUALIFICATIONS

Briefly summarize your team’s unique qualifications for this project.

i. OTHER REQUIREMENTS

- A statement of commitment to enter into the work promptly, if selected, by engaging the consultants and assigning the persons named in the proposal along with adequate staff to meet requirements of the work.
- A statement indicating that consultants listed have been contacted and have agreed to be a part of the team.
- A complete Affidavit of Non-collusion. (Not counted as part of the 20 faces)
- If appropriate, provide a list of all entities that create a conflict of interest (see 5.b.)
- A completed Affirmative Action Data Page regarding compliance with Minnesota Human Rights Requirements. A copy of the form is available on Web Site <http://www.sao.admin.state.mn.us>, click on forms. (Not counted as part of the 20 faces)
- A list of all State and Minnesota State Colleges and Universities and University of Minnesota current and past projects and studies awarded to the prime firm(s) responding to this request for proposal during the four years immediately preceding the date of this request for proposal.

Projects and studies shall mean those projects and studies (1) funded by the state legislature, by state/user agencies, MnSCU or University of Minnesota operating funds, or by funding raised from the private sector or individuals by state/user agencies, MnSCU or the University of Minnesota; (2) awarded as a result of the State Designer Selection Board process or awarded directly by state/user agencies, MnSCU or the University of Minnesota without employing the State Designer Selection Board process; or (3) related to design-bid-build or design/build project delivery systems.

The prime firm(s) shall list and total all gross fees associated with the above projects and studies, whether the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid, or are anticipated to be paid, to engineering or other specialty consultants employed, or anticipated to be employed, on the projects and studies listed pursuant to the above. The prime firm(s) shall subtract consultant fees from gross fees to determine total net fees using the format below.

PROJECT	(A) GROSS FEES	(B) SUBDESIGNERS PORTION	(C) NET TOTAL PROJECT FEE
TOTAL			

(The total shown in column (A) shall equal the sum of those shown in columns (B) and (C).

4. SELECTION CRITERIA

In making its selection of designers the Board considers the criteria stated in Section 1, project description and the following, which are derived from *Minnesota Statutes* 16B.33 Subd. 4(f) and *Minnesota Rules* Chapter 3200.0700. The order of the criteria does not imply priority, nor are they necessarily weighted equally.

a. Qualifications and technical competence in the required field of design. This is demonstrated by experience of the proposed team on similar projects. (maximum 35 points)

b. Ability to deal with aesthetic factors. This is demonstrated by experience of proposed team on similar projects. (maximum 20 points)

c. Availability of appropriate personnel and capacity to accomplish the work within the required constraints. This is demonstrated by the organization and work plan of the project team and commitment to assign and support the team members proposed. (maximum 30 points)

d. Past performance of the team on projects for the state or others. Unsatisfactory performance must be documented in writing from the Commissioner of Administration, the University of Minnesota or Minnesota State Colleges and Universities based on criteria set forth in *Minnesota Statutes* 16B.33 Subd 4(f). (maximum 5 points)

The following 'fairness' factors are also considered in accordance with *Minnesota Rules* Chapter 3200.0700:

e. Geographic relationship of the designer's base to the project site. This is demonstrated by the location of the prime firm and/or its consultants with respect to the project site. (maximum 5 points)

f. Awards previously made to a designer by the state. This is in the interest of equitable distribution of commissions. Consideration is given to all state work awarded (by executed contract) to the prime firm during the past four years prorated based on the number of employees in the Minnesota office(s) of the prime firm. (maximum 5 points)

5. CONTRACT REQUIREMENTS

a. AFFIDAVIT OF NONCOLLUSION

Each responder must attach a completed Affidavit of Noncollusion. A copy of the form is available on Web Site:

<http://www.sao.admin.state.mn.us>, click on forms.

b. CONFLICTS OF INTEREST

Responder must provide a list of all entities with which it has relationships that create, or appear to create, a conflict of interest with the work that is contemplated in this request for proposals. The list should indicate the name of the entity, the relationship, and a discussion of the conflict.

c. DISPOSITION OF RESPONSES

All materials in response to this RFP will become the property of the State and will become public record in accordance with *Minnesota Statutes* 13.591 after the evaluation process is complete. If the responder submits information in response to this RFP that it believes to be trade secret materials, as defined by the Minnesota Government Data Practices Act, *Minnesota Statutes* § 13.37, the responder must:

- clearly mark all trade secret materials in its response at the time the response is submitted,
- include a statement with its response justifying the trade secret designation for each item, and
- defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the State, its agents and employees, from any judgments or damages awarded against the State in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the State's award of a contract. In submitting a response to this RFP, the responder agrees that this indemnification survives as long as the trade secret materials are in possession of the State.

The State will not consider the prices submitted by the responder to be proprietary or trade secret materials.

d. CONTINGENCY FEES PROHIBITED

Pursuant to *Minnesota Statutes* Section 10A.06, no person may act as or employ a lobbyist for compensation that is dependent upon the result or outcome of any legislation or administrative action.

e. ORGANIZATIONAL CONFLICTS OF INTEREST

The responder warrants that, to the best of its knowledge and belief, and except as otherwise disclosed, there are no relevant facts or circumstances that could give rise to organizational conflicts of interest. An organizational conflict of interest exists when, because of existing or planned activities or because of relationships with other persons, the responder is unable or potentially unable to render impartial assistance or advice to the State, or the responder's objectivity in performing the contract work is or might be otherwise impaired, or the responder has an unfair competitive advantage. The responder agrees that, if after award, an organizational conflict of interest is discovered, an immediate and full disclosure in writing must be made to the Assistant Director of the Department of Administration's Materials Management Division, 112 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, which must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. If an organization conflict of interest is determined to exist, the State may, at its discretion, cancel the contract. In the event the responder was aware of an organizational conflict of interest prior to the award of the contract and did not disclose the conflict to the contracting officer, the State may terminate the contract for default. The provisions of this clause must be included in all subcontracts for work to be performed similar to the service provided by the prime contractor (consultant), and the terms "contract," "contractor (consultant)," and "contracting officer" modified appropriately to preserve the State's rights.

State Contracts

f. STATE EMPLOYEES

In compliance with *Minnesota Statutes* § 16C.08 Subd. 2. (b) (1), the availability of this work is being offered to State employees. The State will evaluate the responses of any State employee, along with other responses to this Request for Proposals.

g. HUMAN RIGHTS REQUIREMENTS

For all contracts estimated to be in excess of \$100,000, responders are required to complete the attached Affirmative Action Data page and return it with the response. As required by *Minnesota Rules* 5000.3600, "It is hereby agreed between the parties that *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are incorporated into any contract between these parties based upon this specification or any modification of it". A copy of *Minnesota Statutes* § 363.073 and *Minnesota Rules* 5000.3400 - 5000.3600 are available on Web Site <http://www.sao.admin.state.mn.us>.

h. Any changes in team members for the project requires approval by the State.

i. All costs incurred in responding to this RFP will be borne by the responder. This RFP does not obligate the State to award a contract or complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Colleges and Universities, Minnesota State Request for Proposal for Banking Consultant

NOTICE IS HEREBY GIVEN that proposals are being solicited to select a banking consultant to assist the Minnesota State Colleges and Universities located in the Twin Cities area. The Metro Alliance is a collaborative effort by the 11 metropolitan area schools to improve their internal operating efficiencies and productivity. Members of the Alliance are: Anoka Technical College, Anoka-Ramsey Community College, Century College, Dakota County Technical College, Hennepin Technical College, Inver Hills Community College, Metropolitan State University, Minneapolis Community and Technical College, Normandale Community College, North Hennepin Technical College and St. Paul College.

The Metro Alliance seeks the services of a professional banking consultant to assist the schools in: 1) identifying their required and optional services; 2) drafting an RFP; and 3) identifying a bank that will meet the various banking requirements for each school. Candidates must have evidence of successful experience in working with non-profit organizations and/or educational institutions. For further information or to request a copy of the entire Request for Proposal, please contact:

Kevin Marsh, Director of Financial Planning
Minnesota State Colleges and Universities
500 Wells Fargo Place, 30 East 7th Street
St. Paul, MN
Telephone: (651) 296-7506
Fax: (651) 296-8488
E-mail: Kevin.Marsh@so.mnscu.edu

Proposals are due by 5:00 p.m. CT on Monday, July 11, 2005.

This notice and the Request for Proposal does not obligate the State of Minnesota, Minnesota State Colleges and Universities or the Metro Alliance to complete the proposed project and each reserves the right to cancel the solicitation if it is considered to be in its best interest.

Colleges and Universities, Minnesota State Fond du Lac Tribal and Community College, Cloquet, MN Notice of Availability of Request for Proposal (RFP) for Designer Selection for Library Addition and the Jack Briggs Cultural Center Addition (State Project No. 05-14)

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Fond du Lac Tribal and Community College, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website: www.facilities.mnscu.edu, click on "Solicitation Announcements."

An informational meeting is tentatively scheduled for **1:30 PM**, June 30, 2005 in the **Large Conference Room** at Fond du Lac Tribal

and Community College, 2101 14th Street, Cloquet, MN 55720-2964 All firms interested in this meeting should contact Mark Bernhardson, at (218) 879-0706 or mberhar@fdtcc.edu to sign up for the meeting.

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, in the State Architect's Office, not later than 1:00 P.M., Monday, July 11, 2005. Late responses will not be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Colleges and Universities, Minnesota State

St. Cloud Technical College

Advertisement for Bids for a Two Story Addition and Renovation of Existing Space

ST. CLOUD TECHNICAL COLLEGE & WORK FORCE CENTER

1540 Northway Drive, St. Cloud, MN 55303

Bids will be received until **1:00 PM, Tuesday, July 12, 2005** at St. Cloud Technical College by Natalie Ennis in Room 1-102 at which time the bids will be opened and publicly read aloud in Room #1-107.

Project Scope: This Project consists of a 46,763 SF two story addition and a 39,725 SF renovation of existing space. The work will be completed in two phases under one contract. The existing building will be occupied by SCTC during Phase I (addition) construction. In Phase II, SCTC will vacate the space to be renovated, and move into Phase 1. **Work includes:** Building Demolition, Site Clearing, Site Paving, Utility Installation, Construction of Steel and Concrete Superstructure, Exterior Shell, Interior Fit-out, Mechanical and Electrical Construction, and Landscaping.

A pre-bid meeting will be held at **10:00 a.m., Tuesday, June 28, 2005** in Room 1-244 at St. Cloud Technical College.

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Architect Perkins + Will, are on file at:

- 1.) Perkins + Will – 84 Tenth Street South, Minneapolis, MN
- 2.) Following Builders Exchanges: Minneapolis, St. Cloud, St. Paul
- 3.) Reed Construction Data Plan Room
- 4.) McGraw Hill Construction.
- 5.) National Association of Minority Contractors of Upper Midwest

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in submitting a bid may be obtained at the following addresses:

Engineering Repr Systems
3005 Ranchview Lane North
Plymouth, MN 55447
763-694-5900

Engineering Repr Systems
1139 Franklin Ave. Ste 4
Sauk Rapids, MN 56379
320-251-3670

A deposit of \$350.00 is required for each set, to be presented at the time you pick up drawings at Engineering Repr. Deposit checks are to be made out to the order of **St. Cloud Technical College**.

Minnesota Department of Commerce

CORRECTION to Notice of Contract for Complete Insurance Licensing and Regulation Solution

CORRECTION to the Notice of Availability of Contract published in 29 SR 1578 on Monday 20 June 2005. The original Notice contained several incorrect dates. The corrected dates appear in **bold underlined** type below:

The Minnesota Department of Commerce is requesting proposals for the purpose of purchasing a complete, proven insurance licensing and regulation solution that will integrate with Minnesota's future enterprise licensing solution, and will integrate with systems of the National Association of Insurance Commissioners.

Work is proposed to start after August 1, 2005.

A Request for Proposals will be available by mail from this office through **July 7, 2005**. A written request (by direct mail or e-mail) is required to receive the Request for Proposal. After **July 7, 2005**, the Request for Proposal must be picked up in person.

State Contracts

The Request for Proposal can be obtained from:

Judy Schmidt
Minnesota Department of Commerce
85 7th Place East Suite 500
St Paul, MN 55101
E-Mail: judy.schmidt@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **July 14, 2005**. Late proposals will not be considered. Proposals submitted by fax or e-mail will not be considered.

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

Minnesota Department of Employment and Economic Development (DEED)

Analysis and Evaluation Office

Request for Interest in Business Record Database Systems Having Link on DEED's Website

The Department of Employment and Economic Development is soliciting interest from qualified vendors about business record database systems to which the department could provide a link in conjunction with the department's Enterprise Network System.

The Enterprise Network System (ENS) is a tool that will help users better understand a region's industrial structure and possible growth opportunities. ENS output will include lists of industry growth opportunities categorized by NAICS (North American Industrial Classification System) codes. Business record databases will help users identify businesses operating in the specified industries.

The department will provide a link from DEED's website to those internet-based business record database systems submitting information that meet eligibility requirements as described in this RFI. ENS users will have the opportunity to link to one or more of the business record databases to search for businesses within specified NAICS industrial codes.

Eligibility

To be eligible for a link on DEED's web site connecting users to the vendor's site, the business record database system must be internet-based and searchable by up to six digit-NAICS codes. The user must be able to generally download for each business record:

- 1) company name,
- 2) company parent, if applicable,
- 3) mailing address (e.g., streets address, city, state and zip code),
- 4) NAICS codes associated with the business,
- 5) sales and employment levels,
- 6) organization type (e.g., headquarters, subsidiary, single establishment, etc.),
- 7) company ownership (e.g., private or public), and
- 8) contact information for select individuals employed by company (e.g., name and phone)

In addition, users must be able to link directly to the business record database system. Users must also be able to easily arrange for the use and payment of the system.

DEED is in no way responsible for payment of services provided to users accessing the business database. Users will independently contract with the business database company of their choice for access to business records in the database. However, DEED will monitor vendor database systems and reserves the right to remove the link if the system ceases to meet eligibility requirements. In such cases, DEED will specify problems to vendor in an e-mail to the vendor contact. Vendors must agree that there will be no legal recourse against DEED or the State of Minnesota for DEED's removal of links or vendor's failure to meet eligibility requirements. DEED also reserves the right to remove the list of vendors if the list is no longer required to meet project needs.

Proposal Evaluation

All vendors that responses to this RFI displaying evidence of current ability to meet the business record requirements listed above will be shown on DEED's web site. RFI submission must include the site's URL address to which they wish to direct users and a contact (name, e-mail and street address) for future communication with DEED.

DEED will accept vendor interest and information until further notice. Respondents are responsible for all costs associated with the preparation and submission of responses to this RFI. All responses to this Request for Information are public, according to Minnesota Statutes section 13.03, unless the data provided qualifies for a specific classification under chapter 13.

All submissions and any questions regarding this RFI should be addressed to:

Bob Isaacson
Minnesota Department of Employment and Economic Development
Analysis and Evaluation
332 Minnesota Street, Suite E200
St. Paul, Minnesota 55101-1351
Phone: (651) 297-3615
Fax: (651) 215-3841
E-mail: *bob.isaacson@state.mn.us*

Minnesota Department of Employment and Economic Development (DEED) Analysis and Evaluation Office Request for Proposals from Vendors Interested in Providing Industry Analysis

Project Overview

The Minnesota Department of Employment and Economic Development (DEED) is seeking proposals from vendors interested in assisting users of the department's Enterprise Network System (ENS) regional industry analysis tool.

Goal

Vendors submitting proposals that meet RFP qualifications will be noted on a list posted on the department's web site with the ENS tool. Users may refer to this list of vendors when seeking additional assistance in using the tool or tool results. Users are not required to use a vendor from the list and will independently contract with the vendor of their choice for actual service delivery.

Sample Tasks

The Enterprise Network System tool will help users better understand a region's industrial structure, possible industry growth opportunities and business linkages within the region. Tasks for which a user may contract with a vendor may include:

- Use ENS to assess the region's current industrial composition by analyzing production and service processes via the North American Industrial Classification System, or NAICS, codes.
- Create list of industrial production and service processes available in the region despite a high percentage of intermediate inputs produced in the area.
- Work with user to create economic rationale needed to manually adjust the percent of input available in the region to increase or reduce the number of industries provided in the ENS output.
- Complete preliminary analysis on promising ENS output industries to determine industry performance and preliminary suitability for the region. This analysis should lead to a smaller final list of industries. Recent industrial performance as shown by value of shipments, employment and capital investment should be considered as well as the number of input sources (i.e., businesses) in the region for each industry. The analysis may include other production factors and feedback from business stakeholders.
- Complete detailed market feasibility analysis of the final industries identified. Such analysis should include, among other factors, the following for each industry:
 - general description,
 - local competitiveness,
 - market potential,
 - locational fit with region, including labor availability, public and private infrastructure, tax and regulatory structure, among other factors,
 - financial analysis, and
 - other characteristics key to industry performance, especially relative to study region.

The ENS tool can be used in a variety of ways and the actual work contracted may not be identical to steps noted above.

State Contracts

Proposal Content

The following will be considered minimum contents to be included in the proposal:

1. A statement of the tasks to demonstrate the responder's view and understanding of the nature of the proposed work.
2. An outline of the responder's background and experience with examples of similar work done by the responder including references.
3. The location of Service Disclosure Form.

Proposal Evaluation

To be listed as vendor by DEED for ENS purposes, proposals must include evidence of ability to conduct industry analyses (as described above in the Sample Tasks section) and examples of similar work completed for past clients.

All responses received by the deadline will be evaluated by representatives of the Department of Employment and Economic Development. In some instances, an interview may be part of the evaluation process. A 100-point scale will be used to create the final evaluation recommendation. The factors and weighting on which proposals will be judged are:

- | | |
|---|-----|
| 1. Expressed understanding of project objectives | 25% |
| 2. Qualifications/experience of vendor working on the project | 65% |
| 3. Extent to which services will be performed within the U.S. | 10% |

Proposals that receive at least 70 points will be included on the list.

DEED is in no way responsible for payment of services provided to users who contract with vendors. Although users will independently contract with the vendor, DEED will monitor vendor performance and reserves the right to remove the vendor from the list if vendors if there is evidence that the vendor can no longer complete the necessary work. In such cases, DEED will specify problems to vendor in an e-mail to the vendor contact. Vendors must agree that there will be no legal recourse against DEED or the State of Minnesota for DEED's removal of links or vendor's failure to meet eligibility requirements. DEED also reserves the right to remove the list of vendors if the list is no longer required to meet project needs.

DEED will accept vendor proposals until further notice. Respondents are responsible for all costs associated with the preparation and submission of responses to this RFP. All responses to this Request for Proposal are public, according to Minnesota Statutes section 13.03, unless the data provided qualifies for a specific classification under chapter 13. DEED reserves the right to remove the list from the web site if it no longer is required to meet project needs.

All proposal submissions and any questions regarding this RFP should be addressed to:

Bob Isaacson
Minnesota Department of Employment and Economic Development
Analysis and Evaluation
332 Minnesota Street, Suite E200
St. Paul, Minnesota 55101-1351
Phone: (651) 297-3615
Fax: (651) 215-3841
Email: bob.isaacson@state.mn.us

Minnesota Historical Society

Notice of Request for Proposals for Printing Six Issues of the Society's *History Matters* Newsletter

The Minnesota Historical Society is seeking proposals from qualified and experienced vendors to provide all labor, material, and equipment to print six issues of the Society's *History Matters* (formerly called *Member News*) newsletter within a one-year period.

The Request for Proposals is available by calling or writing Mary Green Toussaint, Contracting & Purchasing Assistant, Minnesota Historical Society, 345 Kellogg Blvd. West, St. Paul, MN 55102. Telephone: 651-297-7007; e-mail: mary.green-toussaint@mnhs.org.

Bids must be received no later than 2:00 p.m. Local Time, Wednesday, July 20, 2005. No late bids will be accepted.

Please note that a state government shutdown may affect the timing of this project and/or the Society's ability to carry out this project as currently envisioned.

Dated: June 27, 2005

Department of Human Services**Management Services Division****Notice of Request for Proposals for Consulting and Programming Services in the Design, Development, Implementation and Integration of a Centralized Electronic Documents and Forms Applications Infrastructure**

The Minnesota Department of Human Services, through its Management Services Division (DHS), is seeking Proposals from qualified Responders to provide consulting and programming services to DHS and/or its business partners in the design, development, implementation and integration of a centralized electronic documents and forms applications infrastructure. This will include:

- Strategic consultative services regarding electronic forms technologies as well as related database, data/web applications, document imaging, data security and other systems/technologies that must be integrated with the electronic forms solution.
- Support in the evaluation, testing, implementation, integration of electronic forms technologies.
- Support in the analysis of specific applications of electronic forms, consultative support in the redesign of business processes, custom programming in the development of electronic documents and forms.
- Support in the development of policies and procedures relating to electronic forms.
- Support in training and educating users in the capabilities and utilization of electronic documents and forms.

Responders will be required to have documented knowledge of and experience with:

- Verity's Liquid Office software, including at least two-years experience with the implementation, integration and customization of Liquid Office software for a large (over 2,000 employees) organization.
- Systems and network issues related to maintaining secure business transactions, including experience with implementing web-based transaction environments to meet HIPAA, and Minnesota and federal data privacy laws; as well as experience with light-weight directory authentication protocol (LDAP) and secure socket layer (SSL) technologies.
- FileNet document imaging systems.
- Developing electronic forms for the Liquid Office software environment utilizing custom JavaScript both on the desktop-side as well as the server-side (at least two-years of experience).
- SQL database administration and SQL database integration with other data systems.
- Backup and restoration technologies and knowledge of recovery systems for real-time applications, clustering technologies, and monitoring technologies.
- TomCat applet server application.
- Project management.

The term of any resulting master contract is anticipated to be for two years, from September 1, 2005 until August 31 2007. The value of any master contract(s) resulting from this RFP shall be determined by the value of work orders that are subsequently executed under the master contract(s). The State has estimated that the cost of this master contract(s) should not exceed \$950,000. Proposals must be submitted by **4:00 p.m. Central Time on July 18, 2005**. To receive a full copy of the Request for Proposals contact the Minnesota Department of Human Services at:

Attention: **Mark Faxvog, Finance and Operations Manager**
Management Services Division
Department of Human Services
444 Lafayette Road
Saint Paul, MN 55155-3807
Phone: (651) 296-7950
Fax: (651) 297-4728
E-mail: *mark.faxvog@state.mn.us*

State Board of Investment**Notice of Request to Retain Private Money Management Firms**

The Minnesota State Board of Investment (MSBI) retains private money management firms to manage a portion of the pension assets and other accounts under its control. Firms interested in managing domestic stock, international stock, domestic bond or global bond portfolios for the MSBI are asked to write to the following address for additional information:

External Manager Program
Minnesota State Board of Investment
60 Empire Drive, Suite 355

State Contracts

St. Paul, MN 55103-3555
Telephone: (651) 296-3328
Fax: (651) 296-9572
E-mail: minn.sbi@state.mn.us

Please refer to this notice in your written notice.

Department of Transportation (MnDOT) 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 applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of 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 North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation (MnDOT) 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 as 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 commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

Metropolitan Airports Commission

Notice of Request for Environmental Consulting Services

The Metropolitan Airports Commission invites a Submittal of Qualifications for environmental consulting services for the Metropolitan Airport Commission's system of airports including Minneapolis-St. Paul International Airport. Support services are required but not limited to: air quality, hydrogeology, storm water management, containment, collection and management of spent aircraft deicing fluid, soil and groundwater contamination, hazardous materials handling, solid waste cleanup, audits and investigation of releases by others.

Deadlines for receipt of statements of qualifications submittals is July 22, 2005.

A copy of the invitation is available from:

Mr. Roy R. Fuhmann, Director of Environment
Metropolitan Airports Commission
6040 - 28th Avenue South
Minneapolis, MN 55450
Phone: (612) 726-8134

Metropolitan Council

Notice of Invitation for Bids (IFB) for 2005 Gravity Sewer and Maintenance Structure Cleaning

Reference Number 04P107

The Metropolitan Council is requesting bids for Gravity Sewer Cleaning Services for M.C.E.S.

Issue Invitation for Bids

June 24, 2005

Bids Due

July 21, 2005 at 2:00 P.M.

Award Contract

August 2005

Firms interested in submitting bids for this contract may obtain an IFB package at a non-refundable cost of \$40.00 per set from:

Amanda Houston
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1083
E-mail: amanda.houston@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals (RFP) for a Comprehensive Facility Plan for a Travel Instructor

Contract Number 05P026

The Metropolitan Council is requesting proposals for a comprehensive Facility Plan for a Travel Instructor to provide regular route travel training persons with disabilities, focusing on ADA certified riders.

Issue Request for Proposals

July 14, 2005

Receive Proposals

August 11, 2005

Contract negotiated, executed, NTP

September, 2005

Non-State Contracts & Grants

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1068
Fax: (651) 602-1138
E-mail: harriet.simmons@metc.state.mn.us

Metropolitan Council

Notice of Request for Proposals (RFP) for Temporary Employee Services

Reference Number 05P046

The Metropolitan Council is soliciting proposals to provide Temporary Employee Services. This successful proposer will provide Temporary Employee Services to Council locations within the seven county metro area.

<i>Issue Request for Proposals</i>	June 20, 2005
<i>Questions Due</i>	July 7, 2005
<i>Proposals Due</i>	July 19, 2005
<i>Award Contract</i>	September 2005

All firms interested in submitting proposals for this contract and desiring to receive an RFP package are invited to make a written request either by e-mail, fax or mail to:

Amanda Houston
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1083
E-mail: amanda.houston@metc.state.mn.us

University of Minnesota

Subscribe to Bid Information Service (BIS)

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

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

STATE REGISTER

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