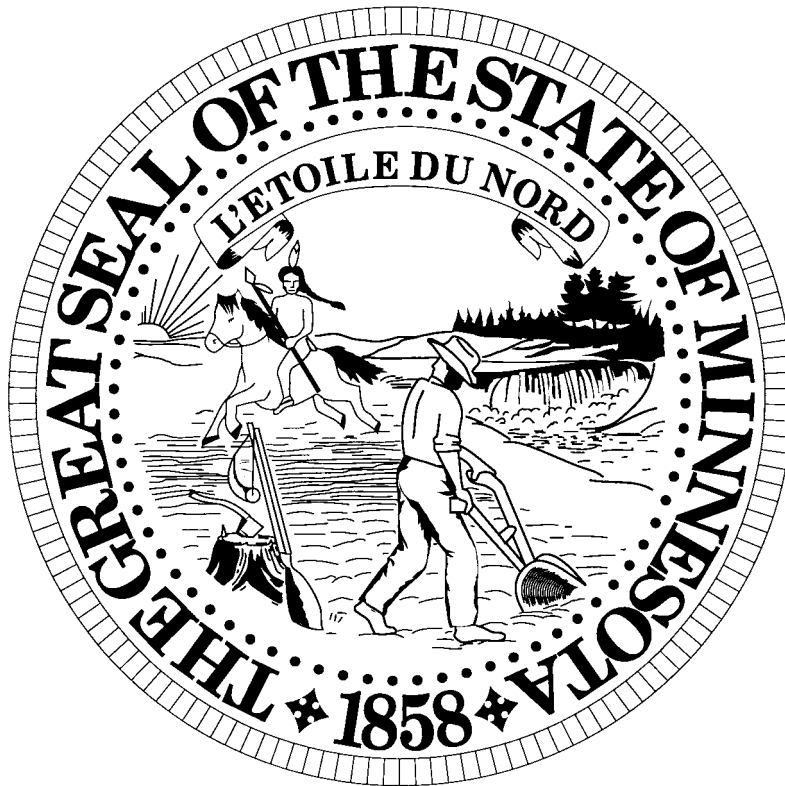


State of Minnesota

# State Register

Rules and Official Notices Edition



Published every Monday (Tuesday when Monday is a holiday) by the  
Department of Administration – Communications Media Division

**Monday 15 March 2004**  
**Volume 28, Number 37**  
**Pages 1109 - 1142**

# State Register

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

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- proposed, adopted, exempt, expedited emergency and withdrawn rules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
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

**PUBLISHING NOTICES IN THE *State Register*:** Submit TWO COPIES of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit TWO COPIES, with a letter on your letterhead stationery requesting publication and date to be published. FAXED submissions to (651) 297-8260 are received to meet deadline requirements, but must be followed by originals and applicable forms or letters to be accepted. The charge is \$14.40 per tenth of a page (columns are seven inches wide). About 2-1/2 pages typed double-spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

**SUBSCRIPTION SERVICES:** Copies are available at Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: (800) 627-3529. **NO REFUNDS.** Subscribers who do not receive a copy of an issue should notify the *State Register* Subscription Office immediately at (651) 297-8774. Copies of back issues may not be available more than two weeks after publication. Both editions are delivered postpaid to points in the United States, Periodicals Postage Paid for the *State Register* at St. Paul, MN, first class for the *Solicitation Announcements*.

**POSTMASTER:** Send address changes to Minnesota's Bookstore, 660 Olive Street, St. Paul, Minnesota 55155. See the *State Register* and *Solicitation Announcements* at **website:** <http://www.comm.media.state.mn.us> Click on "Minnesota's Bookstore."

- *State Register* -- Rules and Official Notices Edition (published every Monday, or Tuesday if Monday is a holiday) One year, hard copy, paper subscription: \$160.00. This subscription will end June 28, 2004. E-mail subscriptions will be all that is available.
- **On-line subscription** – \$180, includes links, index, sidebar table of contents and *State Register* SENT TO YOU via Email.
- *Solicitation Announcements* -- State Register Supplement (published every Tuesday and Friday) One year subscription: \$135.00 via first class mail, \$150.00 via fax or through our website. Users agree not to redistribute without authorization.
- **13-week trial subscription** which includes both the *State Register* and *Solicitation Announcements* \$65.00
- **Single issues** are available for a limited time: *State Register* \$5.00, *Solicitation Announcements* \$1.00. Shipping is \$3.00 per order.

"Affidavit of Publication" costs \$10.00 and includes a notarized "Affidavit" and a copy of the issue.

### Printing Schedule and Submission Deadlines

Vol. 28 Issue Number	PUBLISH DATE	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Both Adopted and Proposed RULES
#37	Monday 15 March	Noon Tuesday 9 March	Noon Wednesday 3 March
#38	Monday 22 March	Noon Tuesday 16 March	Noon Wednesday 10 March
#39	Monday 29 March	Noon Tuesday 23 March	Noon Wednesday 17 March
#40	Monday 5 April	Noon Tuesday 30 March	Noon Wednesday 24 March

Copyright © 2004 Communications Media Division, Department of Administration, State of Minnesota.

Publication Number: 326630 (ISSN 0146-7751)

**THE STATE REGISTER IS PUBLISHED** by Communications Media Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at the main branch of county libraries in Minnesota and all "State Depository Libraries": State University and Community College libraries; the University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; the Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and the Library Development Service at the State Department of Children, Families and Learning.

Tim Pawlenty, Governor (651) 296-3391	Mike Hatch, Attorney General (651) 297-4272	Mary Kiffmeyer, Secretary of State (651) 296-2079
Carol L. Molnau, Lt. Governor (651) 296-3391	Patricia Awada, State Auditor (651) 297-3670	
Department of Administration:	Communications Media Division:	Robin PanLener, Editor (651) 297-7963
Brian Lamb, Commissioner (651) 296-1424	Mary Mikes, Director (651) 297-3979	Jessie Rahmeyer, Subscriptions (651) 297-8774

### Legislative Information

Senate Public Information Office (651) 296-0504  
State Capitol, Room 231, St. Paul, MN 55155  
**Website:** [www.senate.leg.state.mn.us/departments/secretary/seninfo.htm](http://www.senate.leg.state.mn.us/departments/secretary/seninfo.htm)

House Information Office (651) 296-2146: State Office Building, Room 175,  
Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
**Website:** [www.house.leg.state.mn.us/hinfo/hinfo.htm](http://www.house.leg.state.mn.us/hinfo/hinfo.htm)

### Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498  
U.S. Government Printing Office – Fax: (202) 512-1262  
**Website:** [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

### Minnesota State Court System

Court Information Office (651) 296-6043  
Minnesota Judicial Center, Room 135, 25 Rev. Dr. Martin Luther King Jr Blvd.,  
St. Paul, MN 55155 **Website:** [www.courts.state.mn.us](http://www.courts.state.mn.us)

## Minnesota Rules: Amendments & Additions

Monday 15 March 2004, Volume 28, Issues #27-37 ..... 1112

### Proposed Rules

#### Accountancy Board

Licensing and regulation of accounts..... 1113

#### Animal Health Board

Distribution of biological products and antigens ..... 1125

### Adopted Rules

#### Natural Resources Department

Fish and aquatic wildlife ..... 1127

### Expedited Emergency Rules

#### Natural Resources Department

Adopted expedited emergency game and fish rules; youth wild turkey hunts ..... 1128

### Official Notices

#### Agriculture Department

Outside opinion sought on proposed plan for cleanup at the CMC Heartland Lite Yard site in Minneapolis ..... 1129

Public hearing on the issuance of agricultural development revenue bond on behalf of Mark and Dawn Tewes in Caledonia Township, Houston County..... 1130

#### Agricultural Society (Minnesota STATE FAIR)

Board of managers meeting Friday 19 March 2004 ..... 1130

#### Historical Society

State Review Board regular meeting Tuesday 30 March 2004..... 1130

#### Housing Finance Agency

Public hearing on 2005 housing tax credit allocation plan .... 1131

#### Human Services Department

Proposed changes to payment rates related to intermediate care facilities for persons with mental retardation (ICFs/MR) participating in the Medical Assistance program..... 1131

Proposed payment rate change for hospitals participating in the Medical Assistance program ..... 1132

Proposed changes to payment rates related to nursing facilities participating in the Medical Assistance program .. 1133

#### Teaching Board

Request for comments regarding proposed rules relating to implementing a non-renewable license to meet no child left behind requirements and proposed amendments to rules relating to educational speech language pathologist ..... 1133

### State Grants & Loans

#### Human Services Department

Request for proposals to secure a fiscal agent for a statewide program of parent leadership and support for parents of children with mental health needs ..... 1134

### State Contracts

#### Administration Department

State Architect's Office: Request for proposals for move coordination services for the Minnesota Department of Agriculture and Minnesota Department of Health Laboratory Building and the Orville L. Freeman Office Building and other locations..... 1135

State Register Correction and subscriptions ..... 1136

#### Colleges and Universities, Minnesota State (MnSCU)

Hibbing Community College: Request for bids for the college theatre's re-rigging of single purchase fly system .... 1136

Minneapolis Community and Technical College: Request for proposals to provide a 31 position (30 students plus one instructor) Digital Multimedia Language Lab ..... 1136

St. Cloud State University: Request for laser alignment equipment for the auto body program ..... 1137

#### Human Services Department

Request for proposals for child welfare/child protection trainers..... 1138

#### Investment Board

Request for private money management firms ..... 1138

#### Transportation Department

Request for letters of interest for TH 10 design-build contract ..... 1138

Request for proposals for the development of an airport land use compatibility manual ..... 1139

Potential availability of contracting opportunities for a variety of highway related technical activities..... 1140

Professional/technical contract opportunities..... 1140

### Non-State Contracts & Grants

#### Hennepin County Designer Selection Committee

Advertisement for design and construction consulting services ..... 1141

#### University of Minnesota

Bid Information Service (BIS) available for all potential vendors ..... 1141

Commodity, Service and Construction Contracts are published Tuesday and Friday in a bulletin, the *Solicitation Announcements*. Award results are available from the Materials Management Helpline (651) 296-2600.

**Website:** [www.mnd.admin.state.mn.us](http://www.mnd.admin.state.mn.us)

Individual copies and subscriptions to the *State Register* and *Solicitations Announcements* are available through Minnesota's Bookstore, (651) 297-3000, or (800) 657-3757.

# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

## Volume 28, Issues #27-37

### Accountancy Board

1105.0700; .1200; .1500; .1600; .1700; .1800; .2000; .2400; .2500;  
.2600; .2700; .3000; .3100; .3350; .3800; .4000; .4200; .4250;  
.4300; .4700; .5300; .5400; .5600; .6400; .6800; .7100; .7450;  
.7600; .7700; .7800; .7850; .7900 (proposed)..... 1113

1105.0800; .1600 s.5; .2000 s.1 (proposed repealer)..... 1113

### Agriculture Department

1502.0002; .0003; .0005; .0006; .0007; .0008; .0009; .0010; .0011;  
.0012; .0015; .0017; .0018; .0022; .0023; .0025 (proposed)..... 981

1502.0002 s.2 (proposed repealer)..... 981

1512.0200; .0600 (proposed)..... 1073

1512.1000, s. 4 (proposed repealer)..... 1073

### Animal Health Board

1720.0581; .0600; .0630 (proposed)..... 1125

1720.0580 (proposed repealer)..... 1125

### Chiropractic Examiners Board

2500.0800 (adopted)..... 907

### Commerce Department

2747.0065; 2748.0010; .0020; .0030; .0040; .0050 (adopted)..... 1039

### Environmental Quality Board

4410.7010; .7025; .7030; .7035; .7050; .7060; .7070 (adopted)..... 951

### Higher Education Services Office

4830.0100; .0600; .7100; .7200; .7300; .7400; .7500; .7710; .7720;  
.7800; .8030; 4840.0400 (adopted exempt)..... 889

4830.0600 s. 2 (repealed exempt)..... 889

### Natural Resources Department

6216.0250; .0260; 6254.0300; .0510; 6256.0500; .0600; .0900;  
6260.0500; .2000; 6262.0100; .0300; .0500; .0575; .0700; .0800;  
.3300; 6264.0050; .0300; 6266.0100; .0500; .0600; .0700  
(adopted)..... 1127

6212.2600, s.2; 6256.0500 s.3; 6262.3200 s.5; 6264.0300 s.1;  
.0400 s.1; 6266.0500 s.9; .0600 s.9; and 6264.0300 s.32;  
6266.0700 s.2 (repealed)..... 1127

6236.1060; .1070 (adopted expedited emergency)..... 1128

6240.0600 (adopted expedited emergency)..... 1018

6256.0500 (adopted expedited emergency)..... 987

6264.0300; .0400; 6266.0400; .0700 (adopted exempt)..... 1011

6264.0200; .0300 s. 2, 3, 38, 40; .0400 s. 10 (exempt repealer)..... 1011

6266.0300 (adopted expedited emergency)..... 954

### Pollution Control Agency

7035.0300; .0450; .2535; .2855; .2860 (adopted)..... 1086

### Public Safety Department

7406.0100; .0300; .0310; .0330; .0350; .0355; .0360; .0370; .0380;  
.0450; .0475; .0500; .0700; .0900; .1000; .2700 (proposed)..... 1074

7406.0100 s. 20; .0350 s. 5; .0500 s. 3 (proposed repealer)..... 1074

### Public Utilities Commission

7829.2550 (proposed)..... 984

### Minnesota Racing Commission

7870.0450; .0490; 7873.0185; .0193; .0194; .0199; 7875.0100;  
7876.0120; 7877.0130; .0165; .0170; 7878.0150; 7883.0100;  
7890.0100; .0130; 7895.0250; .0275; .0300; 7897.0100; .0110;  
.0130 (proposed)..... 923

# Proposed Rules

## Comments on Planned Rules or Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rules 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 rules. 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 is then 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 Rules 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*.

## Board of Accountancy

### Proposed Permanent Rule Amendments Relating to Licensing and Regulation of 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 April 15, 2004, 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, April 26, 2004. 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 April 15, 2004 and before April 26, 2004.

**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: Dennis J. Poppenhagen, Executive Secretary, 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 will be posted on the Board's website.

**Comments.** You have until 4:30 p.m. on Thursday, April 15, 2004, 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 Thursday, April 15, 2004. 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.

# 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.

**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, April 26, 2004, 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 April 15, 2004 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 Kathleen D. Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 341-7602, 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.

**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.

---

---

# Proposed Rules

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

February 27, 2004

Dennis J. Poppenhagen  
Executive Secretary

## 1105.0700 REFUNDING FEES.

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

## 1105.1200 COMMUNICATIONS.

An applicant, licensee, or registrant shall respond to communications from the board, committees of the board, or the attorney general on behalf of the board within 30 days of the mailing of communications, unless an earlier response is requested within the communications. An applicant, licensee, or registrant shall appear before the board, committees of the board, or the attorney general on behalf of the board when requested to do so and provide copies of all pertinent records, including handwriting samples, to assist the board in its deliberations. Communications must be addressed to "Executive Secretary, Board of Accountancy." An applicant, licensee, or registrant shall sign an authorization letter giving the board access to files or other information held by others, the subject matter of which pertains to conduct as described in Minnesota Statutes, section 326A.08, subdivision 5, paragraph (a), clause (10), when requested to do so by the board or by the attorney general on behalf of the board.

## 1105.1500 EDUCATION REQUIREMENTS.

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

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

A. an applicant shall be a graduate of an accredited high school or possess an equivalent education. At the discretion of the board, an applicant who has not graduated from high school may be required to take the prescribed high school equivalency test given by the University of Minnesota;

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

C. the following credits from a college or university fully accredited by ~~the North Central Association of Schools and Colleges or its equivalent regional~~ a recognized accrediting association agency listed with the United States Department of Education constitute the equivalent of an accounting major:

	Semester Hours	Quarter Hours
(1) Accounting and business law	24	36
(2) Business and economics (may include accounting and business law not listed in subitem (1))	24	36
(3) Nonbusiness	32	48
(4) Other	40	60
Total	120	180

Applicants shall have successfully completed the following types of courses: elementary financial accounting, elementary managerial accounting, intermediate accounting, cost and managerial accounting, and auditing. Credit is not permitted for duplicate courses.

The credits in ~~item A~~ subitem (1) must include a minimum of 18 semester or 27 quarter credits of accounting.

## 1105.1600 APPLICATIONS FOR EXAMINATION.

Subpart 1. **Forms; due date.** Applications to take the certified public accountant (CPA) examination (~~CPA~~) must be made on a form provided by the board and filed with the board ~~by a due date specified~~ or the examination administrator designated by the board. In the case of a nonresident, the application must be supported by a statement that the applicant is currently, or will have been within the 90 days preceding or following the date of the CPA examination applied for, a resident of Minnesota, attending a school in Minnesota in which the applicant is seeking education designed to qualify the applicant to sit for the CPA examination,

# Proposed Rules

---

---

or working in Minnesota for the purpose of obtaining qualifying experience.

Subp. 2. **Completion of filing.** An application is not considered filed until the application fee and examination fee required by this chapter and all required supporting documents have been received by the board or examination administrator, including proof of ~~identify~~ identity as determined by the board, official transcripts, and proof that the applicant has completed the education requirement. The term "examination administrator" as used in this chapter consists of the examination delivery vendor, NASBA, AICPA, the board's administrative services vendor for the examination, or any combination of one or more of these parties.

Subp. 3. **Forfeiture for failure to appear.** ~~Prior to the implementation of a computer-based examination, an applicant shall be present and prepared to engage in the work promptly at the hours appointed. An applicant who is unable to be present shall notify the board as soon as reasonably possible, but no later than 4:30 p.m. on the day before the first day of the complete examination. If the applicant fails to do so, the applicant shall be excluded from all remaining sections of the current examination, forfeit the entire fee charged for both the application and examination, and not be allowed to sit for reexamination for the next examination. The applicant may sit for subsequent examinations. An applicant who is unable to be present at the examination for which an application was approved by the board shall reapply for a later examination consistent with the examination application deadlines in subpart 4 and shall furnish current information on forms provided by the board. The applicant may apply the fee being held by the board to a subsequent examination with the next year or the fee shall be forfeited. First time applicants shall take all sections of the examination.~~

~~Upon the implementation of a computer-based examination,~~ An applicant who cancel[s] without rescheduling or fails to appear for the examination shall forfeit all fees charged for both the application and the examination. An applicant who reschedules an examination may be charged a fee as determined by the examination administrator. In addition, all fees charged shall be forfeited in the event the applicant becomes ineligible to sit for the examination.

Subp. 4. **Eligibility notification; deadlines.** The board, if necessary, shall forward notification of eligibility to the examination delivery vendor and an approved test site.

~~Prior to implementation of a computer-based examination, deadlines for application for the CPA examination or reexamination are March 1 for the May examination and September 1 for the November examination. For the purposes of this part, applications for the examination are not filed timely unless they are received at the board office by 4:30 p.m. on the date specified or postmarked by the United States Postal Service by that date. If the deadline falls on a Saturday, Sunday, or holiday, the application shall be received in the board office by 4:30 p.m. on the first working day thereafter or postmarked by the United States Postal Service by that date.~~

Subp. 5. [See repealer.]

## 1105.1700 TIME AND PLACE OF EXAMINATION.

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

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

## 1105.1800 EXAMINATION CONTENT.

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

Subp. 2. **Ethics.** A written or computer-based examination on professional ethics, as specified by the board, is required before issuance of a certificate. A grade of at least 75 percent correct is required to pass the ethics examination, and the examination must have been completed within two years preceding initial issuance of the certificate.

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

## 1105.2000 RETAKE AND CONDITIONING POLICIES.

Subpart 1. [See repealer.]

Subp. 2. ~~**After implementation of a Computer-based examination.**~~ Upon the implementation of a computer-based examination, An applicant may take the required examination sections individually and in any order. The applicant shall retain conditional credit for any section or sections passed for 18 months, without having to attain a minimum score on any failed section or sections and without regard to whether the applicant has taken other sections. In addition:

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

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



## 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 ~~and~~ B, P, and 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.

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

C. (1) Licensees granted an exception under part 1105.3300 shall have a certificate status of "inactive."

[For text of subitems (2) to (4), see M.R.]

(5) Licensees shall renew their certificates with a status of "active" if they:

- (a) are employees of a firm granted a permit under *Minnesota Statutes*, section 326A.05;
- (b) issue compilation reports other than through a CPA firm; ~~or~~
- (c) use the titles certified public accountant or CPA without "inactive" adjacent to the title; or
- (d) are employees in the Office of the Legislative Auditor or State Auditor.

Employees specified in unit (a) or (d) who perform no direct or indirect professional service for any client do not need an "active" certificate.

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

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

D. Applicants or licensees who have successfully passed the Uniform Certified Public Accountant Examination and have met the experience and education requirements of parts 1105.2600 or 1105.2700, and 1105.2900, and *Minnesota Statutes*, section 326A.04, must either:

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

(2) make an application and receive an "active" certificate; if the applicants or licensees are owners or are employed by or become employed by a firm which has been issued a permit under this chapter and *Minnesota Statutes*, section 326A.05, or are employees in the Office of the Legislative Auditor or State Auditor, and the employment results in the providing of professional services to a client. Applications must be accompanied by the applicable fee prescribed in this chapter and must be filed with the board within 60 days of meeting the criteria specified in this item.

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

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

A. Experience consists of providing any type of services or advice using accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills.

B. ~~The applicant shall have the~~ applicant's experience must be verified to the board by a licensee as defined in the act or from another state. Acceptable experience includes employment in industry, government, academia, or public practice. The board shall ~~look at~~ consider such factors as the complexity and diversity of the work.

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

E. A "licensee," as used in this part and part 1105.2800, is an individual who holds, at the date of verification, a "valid certificate" as defined in part 1105.6500, item A.

## 1105.2700 EXPERIENCE REQUIRED FOR CPA EXAMINATION AND INITIAL CERTIFICATE UNTIL JULY 1, 2006.

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

Subp. 4. **Qualifying self-employment.** The board shall ~~grant a license to~~ consider self-employment experience obtained by an applicant if an applicant ~~who~~ shows to the satisfaction of the board that the applicant's qualifying self-employment is consistent

# Proposed Rules

---

---

with the intent in subpart 1 and has included experience or education in:

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

## **1105.3000 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS FOR RENEWAL OF CERTIFICATE.**

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

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

E. A licensee granted an exception from the competency requirement by the board under part 1105.3300 may discontinue use of the word “inactive” in association with the licensee’s CPA title upon showing that:

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

~~(2) until June 30, 2003, the licensee has completed at least 50 hours of continuing professional education complying with this chapter during the one year period preceding the licensee’s request to discontinue use of the word “inactive.” If at the time of application for inactive status, the licensee had not yet reported continuing professional education for the years of the reporting cycle during which the licensee was previously actively licensed, the licensee shall be required to report continuing professional education on a pro rata basis (40 hours per year) for those years in addition to the 50 hours required in this subitem.~~

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

I. The eight hours of accounting or business ethics specified in item A are first effective for the three-year period ending June 30, 2006.

J. A licensee seeking renewal of a certificate with inactive status shall show the completion of at least 120 hours of continuing professional education complying with this chapter during the three-year period ended June 30 preceding renewal with a minimum of 20 hours in each year, if the licensee had a certificate with an active status at the time of making a timely filed renewal application requesting an inactive status.

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

## **1105.3100 PROGRAMS QUALIFYING FOR CONTINUING PROFESSIONAL EDUCATION CREDIT.**

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

Subp. 2. **Qualifications by request.** The board shall accept programs meeting the standards in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by NASBA and AICPA or standards deemed by the board to be comparable to them. A 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 do not meet the specific requirements of part 1105.3000, item A, but the licensee believes contribute to the licensee’s professional knowledge and professional competence. 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.]

## **1105.3350 CONTINUING PROFESSIONAL EDUCATION REQUIREMENTS FOR INITIAL ISSUANCE OF CERTIFICATE.**

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

B. The report required in item A need not be submitted if the application for initial issuance of a certificate is received by the board within three years of the applicant receiving notice that the examination required by *Minnesota Statutes*, section 326A.03, has been passed.

## **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 D, see M.R.]

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

---

---

# Proposed Rules

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

(1) until January 1, 2009, for those where initial sitting for the examination required by *Minnesota Statutes*, section 326A.03, was before July 1, 2006;

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

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

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

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

(b) upon completion of education required by part 1105.2900.

~~The provisions of item F, subitem (1), may not be used after December 31, 2008; and *Minnesota Statutes*, section 326A.03, subdivision 6, paragraph (a); and~~

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

## **1105.4000 APPLICATION FOR FIRM PERMIT.**

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

H. An “affiliated entity,” for the purpose of item E, subitem (2), and *Minnesota Statutes*, section 326A.05, subdivision 3, paragraph (c), clause (2), is an entity that is directly, or indirectly through one or more intermediaries, controlled by the firm. “Control” means the power to direct or cause the direction of the management and policies of the entity through ownership, by contract or otherwise, and includes entities that control, are controlled by, or are under common ownership with the firm. “Actively participates” and “full-time basis,” for the purpose of item E, subitem (2), means regular, continuous, and substantial involvement by an individual in management and professional activities of the firm or affiliated entities for more than 1,800 hours per year.

## **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:

~~A. (1) all individual employees of the firm who hold certificates 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~~

~~B. (2) all attest and compilation services rendered by the firm in this state are under the charge of a person holding an unexpired certificate issued under *Minnesota Statutes*, section 326A.04, with an active status or the corresponding provision of prior law.~~

B. An entity, including a sole proprietorship, is required to hold a valid permit if it:

(1) provides attest services and issues attest reports;

(2) assumes or uses the title “certified public accountants,” the abbreviation “CPAs,” or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the entity is a CPA firm; or

(3) issues compilation reports, except that if the entity’s form of business does not qualify it for a permit, then the CPA holding an active certificate and employed by the entity who performs the compilation services shall comply with *Minnesota Statutes*, section 326A.10, paragraph (k). Registered accounting practitioners shall comply with this chapter including part 1105.7500.

## **1105.4250 ATTEST SERVICES.**

In addition to the services specified in *Minnesota Statutes*, section 326A.01, subdivision 2, attest services include an audit or other engagement performed in accordance with auditing or related professional practice standards issued by the Public Company Accounting Oversight Board.

## **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 ~~that~~ 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 ~~(4)~~ (5).

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

(3) It must provide the board with an assessment of the effectiveness of the report acceptance bodies designated in part

# Proposed Rules

---

---

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 ~~have undergone and have had an accepted quality review as well as whether the licensees and firms are meeting the terms, conditions, and remedial actions, if any, required by the report acceptance body~~ the committee obtained in part 1105.5300, item D, subitems (1) and (2). The committee shall also report to the board the names of any licensees and firms it believes should be subject to discipline described in part 1105.5400, item B, and the names of any licensee or firm it believes are not meeting the terms, conditions, and remedial actions, if any, required by the report acceptance body.

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

(5) It must obtain the information required by part 1105.5300, item D, by December 15 of each year.

## **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, ~~2002~~ 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.]

## **1105.5300 ~~QUALIFICATIONS~~ QUALIFICATION OF REPORT ACCEPTANCE BODIES.**

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

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 15 of each year:

(1) the names of the licensees and firms that have undergone a quality review during the calendar year and had the letter specified in part 1105.5400, item A, subitem (2), issued by the report acceptance body;

(2) the names of all licensees and firms that have not met the terms, conditions, and remedial actions required by the report acceptance body as of December 15; and

(3) a statement that all quality reviews for which the report acceptance body has issued the letter specified in part 1105.5400, item A, subitem (2), have contained the verifications specified in part 1105.4700, item C, and have contained a review of the firm's audit documentation retention and destruction policy required by part 1105.7850, item F.

E. The report acceptance bodies specified in item B shall allow the Quality Review Oversight Committee established in part 1105.4300, item B, full access to the quality review process that is subject to oversight.

F. Report acceptance bodies may request exemption from the requirements of item D, subitems (1) and (2), or E, providing the exemption request is for the period ending prior to April 1, 2005.

## **1105.5400 REPORT TO BOARD.**

A. ~~By~~ 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.

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.

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

## **1105.5600 ~~GROUND FOR ENFORCEMENT ACTIONS~~ ACTION.**

The grounds for revocation and suspension of certificates, registrations, and permits, and other disciplinary action against

---

---

# Proposed Rules

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:

[For text of subitems (1) to (4), see M.R.]

(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), (6), and (7), 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.

## 1105.6400 FICTITIOUS FIRM NAMES.

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

A firm name is considered false or misleading if:

A. it is not the lawful and registered name of the firm;

B. the name contains or fairly implies a misrepresentation of facts;

C. the name indicates character or grade of service that is not based upon verifiable facts;

D. the name is likely to mislead or deceive because it omits relevant facts. The following are examples, but are not inclusive:

(1) the name indicates a geographic area of service which is not based on verifiable facts; or

(2) the firm name includes a nonowner firm employee or the name or initials of any other nonowners;

E. the name is intended or likely to create false or unjustified expectations of favorable results;

F. the name implies special expertise;

G. the name implies educational or professional attainment or licensing recognition of the firm or of its owners, partners, or shareholders that are not supported in fact;

H. the name of the firm that is incorporated does not include the words "corporation," "incorporated," "Ltd.," "professional corporation," or "company," or an abbreviation thereof as part of the firm name and the name of a firm organized under the limited liability partnership statute does not include the words "limited liability company" or "limited liability partnership," as appropriate, or an abbreviation thereof, as part of the firm name;

I. the name includes the designation "and company," "company," "group," "associates," or "and associates," or abbreviations thereof, or similar names implying more than one employed licensee in the firm, unless there are at least two licensees involved full time in the practice;

J. the name of a firm that is a partnership or professional corporation fails to contain the personal name or names of one or more individuals presently or previously a partner, officer, or shareholder thereof, except that an acronym may be used for a firm name if the acronym is composed exclusively of the first letters of the surnames of current or past partners or shareholders of the firm;

K. the name of a firm that is a sole proprietorship fails to contain the name of the sole proprietor;

L. the name contains other representations or implications that are likely to cause an ordinarily prudent person to misunderstand or to be deceived; or

M. the name includes the name of an individual whose certificate has been suspended or revoked by the board.

# Proposed Rules

---

---

## **1105.6800 EXAMINATION REQUIREMENT FOR REGISTERED ACCOUNTING PRACTITIONER.**

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

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

## **1105.7100 RAP FIRM APPLICATION.**

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

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

(1) indicates that person's agreement to comply with rules adopted by the board and to be subject to the board enforcement specified in *Minnesota Statutes*, section 326A.08;

(2) indicates that the person actively participates in the firm on a full-time basis as those terms are defined in part 1105.4000, item H; and

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

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

## **1105.7450 MISLEADING RAP FIRM NAMES AND FICTITIOUS RAP FIRM NAMES.**

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

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

A firm name is considered false or misleading if:

(1) it is not the lawful and registered name of the firm;

(2) the name contains or fairly implies a misrepresentation of facts;

(3) the name indicates character or grade of service that is not based upon verifiable facts;

(4) the name is likely to mislead or deceive because it omits relevant facts. The following are examples, but are not inclusive:

(a) the name indicates a geographic area of service which is not based on verifiable facts; or

(b) the firm name includes a nonowner firm employee or the name or initials of any other nonowner;

(5) the name is intended or likely to create false or unjustified expectations of favorable results;

(6) the name implies special expertise;

(7) the name implies educational or professional attainment or licensing recognition of the firm or of its owners, partners, or shareholders that are not supported in fact;

(8) the name of the firm that is incorporated does not include the words "corporation," "incorporated," "Ltd.," "professional corporation," or "company," or an abbreviation thereof as part of the firm name and the name of a firm organized under the limited liability partnership statute does not include the words "limited liability company" or "limited liability partnership," as appropriate, or an abbreviation thereof, as part of the firm name;

(9) the name includes the designation "and company," "company," "group," "associates," or "and associates," or abbreviations thereof or similar names implying more than one employed registrant in the firm, unless there are at least two registrants involved full time in the practice;

(10) the name of a firm that is a partnership or professional corporation fails to contain the personal name or names of one or more individuals presently or previously a partner, officer, or shareholder thereof, except that an acronym may be used for a firm name if the acronym is composed exclusively of the first letters of the surnames of current or past partners or shareholders of the firm;

---

---

# Proposed Rules

(11) the name of a firm that is a sole proprietorship fails to contain the name of the sole proprietor;

(12) the name contains other representations or implications that are likely to cause an ordinarily prudent person to misunderstand or to be deceived; or

(13) the name includes the name of an individual whose registration has been suspended or revoked by the board.

## 1105.7600 RAP GRANDPARENTING PROVISIONS.

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

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

E. paid the fee specified in part 1105.0600.

For individuals who are partners, members, managers, shareholders, directors, officers, or employees of a firm that has undergone the quality review specified in item C, the documentation submitted for item D must include a statement signed by the individual who is making the application and by the firm that the specific engagements reviewed in connection with the quality review included engagements for which the individual was the in-charge accountant or had supervisory or oversight responsibility.

## 1105.7700 RAP CODE OF PROFESSIONAL CONDUCT.

Registrants and RAP firms must comply with the board’s code of professional conduct and rules to the extent that the code and rules are applicable to the services provided by the registrants and RAP firms.

## 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 ~~September 2002~~ November 2003 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 and C, see M.R.]

D. Failure to file an application, registration, renewal, or other document or form required to be filed with the board pursuant to this chapter, the act, or any other statutes or rule is an act discreditable to the profession and is basis for disciplinary action specified in *Minnesota Statutes*, section 326A.08.

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

F. Persons and firms performing ~~audits~~ 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 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 ~~WORK PAPERS~~ 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, ~~2002~~ 2003), and ~~maintain~~ retain for a period of not less than six years from the report date ~~audit workpapers~~ 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, 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.

D. If audit documentation is required to be kept for longer than six years because of a pending board investigation or disciplinary action, audit documentation must not be destroyed until the licensee has been notified in writing by the board of the closure

# Proposed Rules

---

---

of a board investigation or disciplinary proceeding.

E. Any documents required to be retained by this part must be retained in accessible form.

F. Licensees shall maintain and comply with an audit documentation retention and destruction policy that provides for the preservation of audit documentation for the full-time period required by this part and provides for the authorized custody, security, access, retention, and destruction of the documentation. This policy must, at a minimum, include the following:

(1) procedures for the maintenance of back-up copies of electronic audit documentation at secure locations;

(2) procedures for maintaining audit documentation;

(3) procedures for approving any changes to audit documentation; and

(4) procedures for approving the destruction of documentation when no longer required to be maintained by this part.

G. The audit documentation referred to in item A must include:

(1) relevant workpapers containing documentation of auditing procedures applied, evidence obtained, and conclusions reached by the firm in the audit; and

(2) other relevant documents that form the basis of the audit which:

(a) are created, sent, or received in connection with the audit; and

(b) contain conclusions, opinions, analyses, or financial data related to the audit.

H. The following requirements apply to changes in audit documentation after delivery of the audit report to the client and such changes in documentation include any addition, removal, deletion, substitution, or editing of audit documentation, including, but not limited to, physical or electronic additions to any audit documentation file or preexisting audit documentation, occurring after the date of delivery of the audit report to the client which is supported by the audit documentation:

(1) except as provided in subitem (2), in addition to any other documentation required by professional standards, the documentation must provide the identity of the person or persons making the change and identity of any person or persons approving the change, the date of the change, and the reason for the change if the reason is other than the assembling of preexisting documents. The documentation that is changed must contain sufficient detail to enable a reviewer with relevant knowledge and experience, having no previous connection with the audit engagement, to understand the nature, timing, reason for, and extent of the change; and

(2) during a 60-day period after the date of delivery of the audit report to the client, documents may be added to the file for the assemblage and documentation of work previously performed. Nothing in this subitem authorizes the deferral of audit procedures required to be performed prior to the date of issuance of the report.

## **1105.7900 SUBSTANTIAL EQUIVALENCY.**

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

C. Individuals seeking practice privileges under *Minnesota Statutes*, section 326A.14, shall complete an application in the form provided by the board and pay the fee required by part 1105.0600. The practice privilege granted shall expire one year after it is effective or shall immediately expire if the certificate or license under which the privilege was granted is no longer “valid” as defined in part 1105.6550.

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

**REPEALER.** *Minnesota Rules*, parts 1105.0800; 1105.1600, subpart 5; and 1105.2000, subpart 1, are repealed.

**INCORPORATIONS BY REFERENCE:** Part 1105.4700: Standards for Performing and Reporting on Peer Review (Standards) and Statements on Quality Control Standards (Statements), AICPA Professional Standards, Volume 2 (June 1, 2003), published by the American Institute of Certified Public Accountants, Inc., is available at the state law library. Part 1105.7800: AICPA Code of Professional Conduct, published by the American Institute of Certified Public Accountants and revised as of November 2003, is available through the state law library. Part 1105.7850: AICPA Professional Standards, Volume 1, published by the American Institute of Certified Public Accountants (June 1, 2003), is available through the state law library.



## Board of Animal Health

### Proposed Permanent Rules Relating to Distribution of Biological Products and Antigens

#### 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 Rules Governing Sale and Distribution of Biological Products and Antigens, *Minnesota Rules*, 1720.0580 - 1720.1640

**Introduction.** The Board of Animal Health 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 April 14, 2004, a public hearing will be held in Americana Inn Conference Center and Hotel, 520 Highway 10 South, St Cloud, Minnesota 56304, starting at 10 AM on Wednesday, May 5, 2004. 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 April 14, 2004 and before May 5, 2004.

**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: Keith Friendshuh, DVM at MN Board of Animal Health, 90 West Plato Blvd, St Paul, MN 55107, **phone:** (651) 296-2942 ext 18, **e-mail:** [keith.friendshuh@bah.state.mn.us](mailto:keith.friendshuh@bah.state.mn.us). TTY users may call the Board of Animal Health at 1 (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules concern the sale of modified live vaccines. The statutory authority to adopt the rules is *Minnesota Statutes*, section 35.03. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on Wednesday, April 14, 2004, 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 Wednesday, April 14, 2004. 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.

**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 May 5, 2004, 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) 296-2942 ext 18 after April 14, 2004 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 George A. Beck is assigned to conduct the hearing. Judge Beck can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, **telephone** (612) 341-7601, and **FAX** (612) 349-2665.

# Proposed Rules

---

---

**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 commissioner of the MN Department of Agriculture was notified of this proposed rule change.**

**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: March 1, 2004

William L. Hartmann, DVM  
Executive Director

## **1720.0581 RESTRICTIONS ON BIOLOGICAL PRODUCTS.**

A. The following products may only be sold or distributed to veterinarians or to pharmacists or companies who may only sell them to veterinarians:

(1) rabies vaccine;

(2) Brucella abortus vaccine; and

(3) other biological products that are determined by the board to be too dangerous for lay use.

B. The following products require a written prescription from a veterinarian to be sold or distributed for lay use:

(1) anthrax vaccine;

(2) vaccines for any species of animal that is commonly maintained in the home of the owner whether or not the particular animal is so housed; and

(3) other biological products that are restricted by the board for use in a disease control program.

## **1720.0600 PRESCRIPTIONS.**

Prescriptions shall not be written by veterinarians for Brucella abortus vaccine, ~~modified-live~~ rabies vaccine, antigens, and all other biological products used in the detection and diagnosis of communicable, infectious diseases of livestock, or other biological products that ~~may be~~ are determined by the board to be too dangerous for lay use.

## 1720.0630 STORAGE OF BIOLOGICAL PRODUCTS OR ANTIGENS.

~~Such Biological products or antigens~~ shall at all times be maintained in storage in accordance with the recommendations of the manufacturer.

**REPEALER.** Minnesota Rules, part 1720.0580, is repealed.

## 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.

### Expedited and Emergency Rules

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

## Department of Natural Resources

### Adopted Permanent Rules Relating to Fish and Aquatic Wildlife

Those portions of the rules proposed and published at *State Register*, Volume 27, Number 49, pages 1760-1774, June 2, 2003 (27 SR 1760), but not adopted in the notice of adoption published at *State Register*, Volume 28, Number 20, pages 629-630, November 13, 2003 (28 SR 629), are adopted with the following modifications:

#### 6256.0500 TAKING TURTLES.

Subpart 1. [Adopted 28 SR 629]

Subp. 2. [Adopted 28 SR 629]

Subp. 2a. [Adopted 28 SR 629]

Subp. 2b. [Adopted 28 SR 629]

Subp. 3. [Adopted 28 SR 629]

Subp. 4. **Operation of turtle trap.** Each submerged trap must be checked and emptied at intervals not exceeding 48 hours and each floating trap must be checked and emptied at intervals not exceeding 120 hours. A turtle seller licensee or turtle seller's apprentice operating under a turtle seller's license may not operate more than 40 submerged turtle traps and 40 floating turtle traps. A turtle seller's apprentice is not entitled to any traps in addition to those of the turtle seller. A recreational turtle licensee may not operate more than three turtle traps.

Subp. 5. **Required marking of turtle traps.**

A. When in use, each turtle trap must have affixed on it a tag of permanent material visible from above, legibly bearing the name, address, and license number of the operator. This information must be recorded in an indelible manner on the tag. The tag must be of dimensions not less than 2-1/2 inches in length by five-eighths inch in width.

B. The commissioner shall issue 40 floating and 40 submerged turtle trap identification tags to a turtle seller licensee and three recreational turtle trap identification tags to a recreational turtle licensee. Tags must be attached to submerged and floating recreational traps at all times. Lost tags must be reported within 48 hours to the local conservation officer or the commercial fisheries program consultant. The commissioner may reissue tags upon request.

Subp. 6. [Adopted 28 SR 629]

Subp. 7. [Adopted 28 SR 629]

Subp. 8. [Adopted 28 SR 629]

Subp. 9. [Adopted 28 SR 629]

Subp. 10. [Adopted 28 SR 629]

# Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt emergency expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Emergency expedited rules are effective upon publication in the *State Register*, and may be effective up to seven days before publication under certain emergency conditions. Emergency expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statutes* citations accompanying these emergency expedited rules detail the agency's rulemaking authority.

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules: Youth Wild Turkey Hunts

**NOTICE IS HEREBY GIVEN** that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97A.435, 97B.112, 97B.711, and 97B.723.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that population and harvest data needed for setting quotas and areas are not available until August. To provide for quality and safe hunting opportunities that do not take away opportunity from other hunters, the department has looked for areas to conduct youth hunts that are not normally open to the general public for turkey hunting. Areas meeting those criteria that were determined to be available and logistically feasible for conducting youth wild turkey hunts were not identified until January, 2004.

Dated: February 25, 2004

Gene Merriam  
Commissioner of Natural Resources

#### **6236.1060 TURKEY HUNT QUOTAS.**

[For text of subs 1 and 2, see 28 SR 609]

Subp. 3. Permits for youth hunts. For wild turkey permit area 227, four additional permits per time period are available for April 17 and 18, April 24 and 25, May 1 and 2, May 8 and 9, and May 15 and 16 for youth participating in a special hunt on land owned by the Wildlife Science Center and adjoining private property in Anoka County. For wild turkey permit areas 337 and 338, 20 additional permits are available for April 17 and 18 for youth participating in a special hunt on the Minnesota Valley State Recreation Area in Scott and Carver Counties and the Minnesota Valley National Wildlife Refuge in Carver, Dakota, Hennepin, and Scott Counties.

#### **6236.1070 YOUTH WILD TURKEY SPECIAL HUNTS.**

Subpart 1. Requirements. Persons participating in youth wild turkey special hunts must be at least 12 years old and under 18 years old by the beginning hunt date. Participating youth hunters must be sponsored by a nonprofit organization and must be referred by an organization prior to being issued a permit. A valid wild turkey license and a firearms safety certificate must be obtained prior to the hunt date. All participating youth must be accompanied and directly supervised by at least one adult mentor who is at least 18 years of age. The accompanying adult may not hunt, but may assist during the hunt.

Subp. 2. Open areas. Youth hunt permittees may hunt in open areas and special seasons as designated by the commissioner. In 2004, the following areas are open for youth wild turkey hunters, by permit:

A. the Wildlife Science Center property and adjacent private property in Anoka County in turkey permit area 227 is open to the taking of wild turkeys by legal firearms April 17 and 18, April 24 and 25, May 1 and 2, May 8 and 9, and May 15 and 16. No more than 20 permits shall be issued to first-time turkey hunters age 12 to 17 selected by the Wildlife Science Center. No more than four permits shall be issued per open time period. The Wildlife Science Center and National Wild Turkey Federation are the sponsoring nonprofit organizations; and

B. Minnesota Valley State Recreation Area in Scott and Carver Counties, and the Minnesota Valley National Wildlife Refuge in Carver, Dakota, Hennepin, and Scott Counties in permit areas 337 and 338 are open April 17 and 18 for the taking of wild turkeys by legal firearms from one-half hour before sunrise until 11:00 a.m. each day. No more than 20 permits shall be issued to first-time turkey hunters age 12 to 17 selected by the National Wild Turkey Federation. The National Wild Turkey Federation and the Outdoor Heritage Education Center are the sponsoring nonprofit organizations.

**EFFECTIVE DATE.** *Minnesota Rules*, parts 6236.1060, subpart 3, and 6236.1070, expire December 31, 2004.

# 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

### Environmental Response and Enforcement Section

## Notice of Intent to Solicit Outside Opinion on Proposed Plan for Cleanup at the CMC Heartland Lite Yard Site

The Minnesota Department of Agriculture (MDA) is the lead agency for overseeing the environmental investigation and cleanup of the CMC Heartland Lite Yard Site in Minneapolis, Minnesota. The MDA will hold a Public Meeting to request public input for the Proposed Plan for cleanup of the CMC Heartland Lite Yard Site on April 15, 2004, at 6:30 at the Holy Rosary Church, 24th Street East and 18th Avenue South, Minneapolis, Minnesota, in order to solicit comments on the Proposed Plan for cleanup. The Remedial Investigation (RI), Feasibility Studies (FS), and Response Action Plan (RAP) reports can be consulted for in-depth details on the development and evaluation of the cleanup alternatives considered. These documents are available at the sites listed below. The entire case file, Case File No. 95-0100B (Site Documents), is available at the MDA.

The Proposed Plan identifies a preferred alternative for cleanup. MDA is seeking public comment on any and all of these documents, cleanup alternatives, and in particular the preferred alternative. The preferred alternative for cleanup recommends excavation of the most contaminated soil, treatment and removal of that soil from the site to an approved specially regulated landfill, treatment of moderately contaminated soil, placement of a minimum four foot layer of cover over moderately and slightly contaminated soil, ground water monitoring, and institutional controls to address the arsenic contamination at the CMC Heartland Lite Yard Site.

Although this is the preferred alternative at the present time, MDA welcomes the public's comments on this and other alternatives. The formal comment period begins on March 15, 2004 and ends on April 23, 2004. MDA will choose a final remedy after the comment period ends and may select any one of the options after taking public comments into account.

Copies of the RI, FS and RAP are available at:

The Green Resource Center at  
The Phillips Eco-Enterprise Center  
2801 21st Ave. S.  
Minneapolis, MN  
Contact Joyce Wisdom at (612) 278-7120 for appointment

And

Hi-Lake True Value  
2106 East Lake Street  
Minneapolis, MN 55407  
Contact any manager at (612) 722-6627 for appointment

All Site Documents (Case File No. 95-0100B) are available at:

Minnesota Department of Agriculture  
Agronomy and Plant Protection Division  
Incident Response Unit, Fourth Floor  
90 West Plato Blvd., St. Paul, MN 55108  
Call Teresa McDill at (651) 297-4981 for appointment

Public Meeting:

April 15, 2004 at 6:30 pm  
Holy Rosary Church  
24th Street East and 18th Avenue South  
Minneapolis, Minnesota

# Official Notices

---

---

For further information or to submit written comments, please contact:

Teresa McDill, Project Manager  
Minnesota Department of Agriculture  
90 West Plato Blvd.  
St. Paul, MN 55107  
[teresa.mcdill@state.mn.us](mailto:teresa.mcdill@state.mn.us)  
(651) 297-4981, FAX (651) 297-2271

For more information on the Site, please see our website at <http://www.mda.state.mn.us/incidentresponse/cmcheartland.htm>

## Department of Agriculture

### Minnesota Rural Finance Authority

#### Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under *Minnesota Statutes*, Chapter 41C on behalf of Mark and Dawn Tewes in Caledonia Township, Houston County

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on April 2, 2004, at 9 A.M. in Room 145 Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of approximately 140 acres of farmland with a building site located approximately four miles southwest of Caledonia, MN; Section's 22 and 27, Caledonia Township, Houston County, Minnesota on behalf of Mark and Dawn Tewes, (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$194,000.00.

The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof.

Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: March 3, 2004

Jim Boerboom  
RFA Director

## Minnesota State Agricultural Society (Minnesota STATE FAIR)

### Board of Managers Meeting

Minnesota State Fairgrounds - The board of managers of the Minnesota State Agricultural Society will meet at 9 a.m. Friday, March 19 at the Libby Conference Center on the State Fairgrounds. The Society is the governing body of the Minnesota State Fair. The session opens with a meeting of the board's sales committee, followed immediately by a general business meeting of the board. Agendas are available upon request; please phone the Minnesota State Fair at (651) 288-4400.

The Minnesota State Fair 2004 will run Aug. 26 through Labor Day, Sept. 6.

Dated: March 9, 2004

## Minnesota Historical Society

### State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Tuesday, March 30, 2004, in the Cargill Commons, MacMillan Education Wing, Minnesota Historical Society History Center, St. Paul, Minnesota. The State Review Board will meet at 7:00 p.m. for an informational presentation on program activities made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7:30 p.m. A sign language interpreter is available with one weeks notice, and auxiliary aids are available with two weeks notice. Call (651) 296-5434, or TTY 800-627-3529. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (651) 296-5434.

## **Minnesota Housing and Finance Agency**

### **Notice of Public Hearing on 2005 Housing Tax Credit Allocation Plan**

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

Tuesday April 6, 2004  
1:00 p.m. - 3:00 p.m. - Jelatis Conference Room, 3rd Floor  
Minnesota Housing Finance Agency  
400 Sibley Street, Suite 300  
St. Paul, MN

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

The above public hearing is for the 2005 Allocation Plan developed by MHFA, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of the MHFA. Other Tax Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Washington County and Dakota County.

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

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

Copies of summaries of the proposed changes to the Housing Tax Credit Procedural Manual and Qualified Allocation Plan are available at the address listed below, by written or phone request or by checking the MHFA web site.

Minnesota Housing Finance Agency  
Multifamily Underwriting  
Housing Tax Credit Program  
400 Sibley Street, Suite 300  
St. Paul, MN 55101  
(651) 296-4451  
[www.mhfa.state.mn.us](http://www.mhfa.state.mn.us)

## **Department of Human Services**

### **Continuing Care for People with Disabilities**

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

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

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

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

- **The budget proposes to reduce ICF/MR rates by 1.5%, effective July 1, 2004.**

The net effect of the proposed ICF/MR rate change would be a decrease in state Medical Assistance expenditures for ICF/MR services. The state general fund savings are projected to be \$863,000 in State Fiscal Year 2005, \$897,000 in State Fiscal Year 2006 and \$832,000 in State Fiscal Year 2007.

# Official Notices

---

---

The budget also proposes a related reduction in rates for day training & habilitation services by 1.5%, effective July 1, 2004. These rates are paid as pass through payments in accordance with *Minnesota Statutes*, §256B.5015. The net effect of the proposed change would also be a decrease in state Medical Assistance expenditures. The state general fund savings are projected to be \$178,000 in State Fiscal Year 2005, \$201,000 in State Fiscal Year 2006 and \$185,000 in State Fiscal Year 2007.

A copy of the relevant budget page and proposed rate changes is available from Dan McCarthy, Minnesota Department of Human Services, Continuing Care Administration, 444 Lafayette Road North, St. Paul, Minnesota, 55155-3872; **phone** (651) 582-1959 or **email**: [dan.mccarthy@state.mn.us](mailto:dan.mccarthy@state.mn.us).

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

Notice of final rate changes enacted by the 2004 legislature will be published in the *State Register* prior to the effective date of the changes.

## Department of Human Services

### Health Care Purchasing and Delivery Systems Division

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

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

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

The Department is notifying interested parties that the Governor's supplemental budget for State Fiscal Years 2004 and 2005 contains the following proposed change to inpatient hospital payment rates.

- **Effective for services provided on or after July 1, 2004, the budget proposes to decrease payments to hospitals by 5% for inpatient hospital services**, excluding: 1) inpatient mental health; and 2) inpatient hospital services provided by facilities of the Indian Health Service or facilities operated by a tribe or tribal organization under funding authorized by Title I of the Indian Self-Determination and Education Assistance Act (Public Law 93-638), as amended, or Title V of the Indian Self-Determination and Education Assistance Act (Public Law 106-260), operating as 638 facilities.

The net effect of the proposed payment rate change would be a decrease in state Medical Assistance inpatient expenditures of \$10,451,000 for State Fiscal Year 2005 and \$15,195,000 for State Fiscal Year 2006.

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

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

Notice of final rate changes enacted by the 2004 legislature will be published in the *State Register* prior to the effective date of the changes.



## Department of Human Services

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

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

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

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

- **The budget proposes to reduce nursing facility rates by 1.5%, effective July 1, 2004.**
- **The budget proposes elimination of the automatic Medical Assistance inflation adjustments for operating costs for nursing facilities under contract through the Alternative Payment System (APS) for State Fiscal Years 2006 and 2007.** Effective July 1, 2005, the automatic operating rate adjustment for APS facilities would be suspended. *Minnesota Statutes*, §256B.434, subdivision 4.
- **The budget proposes elimination of the per diem to nursing facilities for the scholarship program.** Effective July 1, 2004, the amount determined under *Minnesota Statutes*, §256B.431, subdivision 36 would be removed from each nursing facility's rate.
- **The budget proposes implementation of a new nursing facility reimbursement system.** Effective October 1, 2005, a new method would be implemented for determining nursing facility rates that will pay for services based on price, quality, and a facility's specific costs. The new system will be phased in over four years. Proposed new coding at *Minnesota Statutes*, §256B.440.

The net effect of the proposed nursing facility rate changes would be a decrease in state Medical Assistance expenditures for nursing facility services. The state general fund savings are projected to be \$6,995,000 in State Fiscal Year 2005, \$15,757,000 in State Fiscal Year 2006 and \$23,739,000 in State Fiscal Year 2007.

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

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

Notice of final rate changes enacted by the 2004 legislature will be published in the *State Register* prior to the effective date of the changes.

## Board of Teaching

### **Request for Comments Regarding Proposed Rules Relating to Implementing a Non-Renewable License to Meet No Child Left Behind Requirements and Proposed Amendments to Rules Relating to Minnesota Rules 8710.6000, Educational Speech Language Pathologist**

**Subject of Rules.** The Minnesota Board of Teaching requests comments on a proposed rule for a non-renewal license to meet the Federal requirements of No Child Left Behind and a proposed amendment to licensure for Educational Speech Language Pathologist.

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

# Official Notices

**Statutory Authority.** *Minnesota Statutes*, section 122A.09, subdivision 9, authorizes the Board to adopt rules for teacher licensure.

**Public Comment.** Interested persons or groups may submit comments or information on these proposed rules in writing until May 1, 2004.

**Rules Drafts.** Copies of the proposed rule and amendment are available and are attached to all copies of this Request transmitted by U.S. Mail. Copies of the preliminary draft may also be obtained by contacting the Agency Contact Person listed below.

**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: George J. Maurer, Executive Director, Minnesota Board of Teaching, 1500 Highway 36 West, Roseville, Minnesota 55113-4266. Dr. Maurer's telephone number is (651) 582-8833 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.*

## 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.

## Department of Human Services

### Partnerships for Child Development Division - Children's Mental Health

#### Notice of Request for Proposals to Secure a Fiscal Agent for a Statewide Program of Parent Leadership and Support for Parents of Children with Mental Health Needs Background

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services (DHS) requires the services of a 501©3 non-profit agency or entity that is part of the children's mental health system of care to serve as a fiscal agent and provide administrative support services to the Advisory Board of the Minnesota Parent Leadership Network (MPLN) under a grant contract. The Department has estimated that the cost of this contract should not exceed \$175,000 per year. The funding is renewable for up to a three year period. The MPLN is an *entirely parent-driven* statewide program that coordinates training and support for parent leaders of children with serious emotional and mental health disorders, and assists parent leaders to share information and provide support for one another on a local, regional and statewide basis. The intent of this grant award is to further support parents to function in leadership roles in their communities, and to serve as strong and effective advocates for children with serious mental health needs. A second focus of the grant is to provide professionals with training in how to increase the effectiveness of their relationships with parent leaders, and how to support and utilize parent leaders to effect systems change on behalf of children with mental health needs. The State has been involved in developing and refining the MPLN model for more than five years. The MPLN Advisory Board was established by the State following the Minnesota Parent Leadership Summit that was held in September of 2000 in St. Cloud, Minnesota. The MPLN Advisory Board assures that the MPLN develops as a parent-driven organization. The goal of this grant contract is to successfully *transition* the MPLN program model from the State to the existing MPLN Advisory Board. Because the MPLN model is still in the process of being transitioned, the fiscal agent must be willing to collaborate with both State staff and the MPLN Advisory Board to carry out the duties described in the RFP. Organizations whose missions are compatible with the goals and parent driven values and philosophy described in the RFP are encouraged to submit a proposal.

#### Instructions to Respondents

The full RFP can be downloaded from the DHS public **web site** at <http://www.dhs.state.mn.us>; or requested from John Marino at [john.marino@state.mn.us](mailto:john.marino@state.mn.us) or (651) 297-5242. All substantive questions concerning this RFP must be put in writing and received by Ms. Tippery at the address listed below by March 29, 2004. Written responses to all questions received in writing and/or at the Informational Meeting will be mailed to all known prospective responders no later than April 8, 2004. **All proposals must be deliv-**

---

---

## State Grants & Loans

ered in person or by US Mail to the Information Desk at DHS, 444 Lafayette Road in St. Paul, no later than 4:00 p.m. on May 7, 2004. Late proposals and/or faxed proposals or electronically submitted proposals will not be considered. Written questions about this RFP should be addressed to [marcia.tippery@state.mn.us](mailto:marcia.tippery@state.mn.us) or at the following address:

Marcia Tippery  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota 55155-3860

No other DHS employee is authorized to discuss or answer questions about this RFP. The State anticipates that selection and notification of the grant contract award will occur by May 28, 2004. This RFP does not obligate the State to accept a proposal or to complete the proposed project. The State reserves the right to cancel the solicitation if it is considered to be in its best interest.

### Informational Meeting

An informational meeting for Respondents about this RFP will be held on March 29, 2004 from 1:00 p.m. to 3:30 p.m. in Room 1B at DHS, 444 Lafayette Road, St. Paul. Those planning to respond to the RFP are encouraged but not obligated to attend. A written addendum with binding responses to all questions will be furnished to all interested parties eight (8) working days after the informational meeting. Additional questions relating to clarifications or interpretation of RFP requirements will **NOT** be accepted after the informational meeting. Public parking is available in the visitor's lot immediately to the south of the DHS building and west of the employee parking lot. Please register your car at the Information Desk in the DHS lobby.

## 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) website. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD website at [www.mmd.admin.state.mn.us](http://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 Architect's Office

#### Notice of Availability of Request for Proposals for Move Coordination Services for Minnesota Department of Agriculture and Minnesota Department of Health (MDA-MDH) Laboratory Building and Orville L. Freeman Office Building and Other MDA-MDH Office Locations (State Project No. 02279SPL and 02280SPX)

The State of Minnesota through its Department of Administration, State Architect's Office ("State") is soliciting proposals for Moving Coordination Services for the new Minnesota Department of Agriculture and Minnesota Department of Health Laboratory Building and Orville L. Freeman Office Building and other MDA-MDH Office Locations.

The full Request for Proposals is available at [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us), click on "Solicitation Announcements", click on "RFP for MDA-MDH Move Coordination Services for State Project No. 02279SPL and 02280SPX". A **mandatory** informational meeting is scheduled for Wednesday, March 24, 2004, with pre-registration required by Monday, March 22, 2004. Responses must be received no later than 2:00 p.m., Central Time, on Monday, April 5, 2004. RFP clarifications or changes, if any, will also be available on **Web site** [www.sao.admin.state.mn.us](http://www.sao.admin.state.mn.us), click on "Solicitation Announcements", click on "RFP for MDA-MDH Move Coordination Services for State Project No. 02279SPL and 02280SPX". Late responses will not be considered.

Questions may be **emailed** to Glenn Metz at [glenn.metz@state.mn.us](mailto:glenn.metz@state.mn.us). Questions must be received no later than 4:00 p.m. Central Time on Friday, March 26, 2004 and a response to questions will be available by Monday, March 29, 2004, on the above-referenced Web Site. This is the only person authorized to respond to question.

# State Contracts

---

---

## Administration Department

### Communications Media Division

#### CORRECTION and Subscriptions

A CORRECTION: Please note that due to an error, our Web site has mistakenly presented the *State Register* with LINKS and other access aids, including those for Contracts and Grants, and the Index. We are sorry for this error. These special features are meant only for subscribers to the E-mail *State Register*. They will no longer be available to viewers of the *State Register* on-line.

Printed (hard) copies to the *State Register* will NO LONGER be available after Vol. 28, #52. Only subscriptions via E-mail are available, beginning with Volume 29, #1 - July 6, 2004. Have the *State Register* E-MAILED to you the afternoon it is published, on Friday.

With an E-mail subscription, you will receive THREE EXTRAS free-of-charge:

#1 - CONTRACTS & GRANTS - contracts, grants and loans, and non-state contracts.

#2 - INDEX - growing with each issue of current volume for information you need.

#3 - LINKS are provided in the above for fast reference and to save you time and effort.

Subscriptions are \$180 for an entire year (less than \$3.50 per issue), \$80 LESS than the cover price. FAX your credit card information: (651) 297-8260; or send in your check or credit card information to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Or, order today by calling (651) 297-8774 and charge your credit card. E-mail: [jessie.rahmeyer@state.mn.us](mailto:jessie.rahmeyer@state.mn.us) for more information.

## Minnesota State Colleges and Universities

### Hibbing Community College

#### Request for Bids for Hibbing Community College Theatre's Re-Rigging of Single Purchase Fly System

**NOTICE IS HEREBY GIVEN** that Hibbing Community College is seeking bids to replace existing Single Purchase 25 Lineset Fly System. Job to include:

A. Selective demolition.

1) Removal and disposal of existing counterweight sets.

2) Owner will strike stage area of fixtures, draperies, and scenery.

3) Removal and reinstallation of existing drapery tracks and lighting distribution strips.

B. Replacement of 25 existing counterweight Linesets.

C. Tee wall repair.

D. New cable cradles and rigging for existing electric distribution.

E. Provide two new sag bars to prevent cables from fouling loftblocks.

F. Work must begin after June 1, 2004, and be completed by June 30, 2004.

G. Training of Owner's Staff of the proper operation and maintenance of furnished equipment.

Specification Sheets can be obtained from Hibbing Community College by contacting Ron Hoechst at (218) 262-6705. Sealed bids must be received by Ron Blakesley, Hibbing Community College, 1515 East 25th Street, Hibbing, MN 55746 by 1:00 p.m. local time, on Thursday, April 1, 2004. Bid opening will be in room C-102. Late bids will not be accepted. Hibbing Community College reserves the right to reject any bid.

## Minnesota State Colleges and Universities

### Minneapolis Community & Technical College

#### NOTICE OF INTENT to Request Proposals to Provide a 31 Position (30 Students Plus One Instructor) Digital Multimedia Language Lab

**Project Scope:** This project will include new equipment, software and training/support required to make the new lab operational. The project may also include new furniture.

**Contact for Proposal Copies:**

Michael Noble-Olson  
Minneapolis Community & Technical College  
1501 Hennepin Avenue  
Minneapolis, MN 55403  
**Tel:** (612) 659-6866  
**Email:** *Michael.Noble-Olson@minneapolis.edu*

**Sealed Proposals** to be submitted to:

Attn: Michael Noble-Olson  
Minneapolis Community & Technical College  
Academic Affairs Reception, Room T 2470  
T Building Second Floor  
1501 Hennepin Avenue South  
Minneapolis, MN 55403

**Due Date & Time:**

**2:00 pm Wednesday March 31, 2004** all proposals will be opened and publicly read aloud.

**Pre-bid Meeting:**

**Mandatory pre-bid conference** will be held **Monday March 22, 2004 at 2:00 p.m.** in Room L209 on the Second Floor of the Wheelock Whitney Hall Library at 1501 Hennepin Avenue, Minneapolis, MN 55403.

## Minnesota State Colleges and Universities

### St Cloud Technical College

#### Request for Proposal for Laser Alignment Equipment for the Auto Body Program

**NOTICE IS HEREBY GIVEN** that Offers will be received by the Director of Purchasing, St. Cloud Technical College, until 2:00 P.M. on March 30, 2004 for the purpose of purchase and installation of Laser Alignment Equipment for the Auto Body Program, according to the specifications on file at:

St. Cloud Technical College  
Business Office  
1540 Northway Drive  
St. Cloud, Minnesota 56303  
Attention: Jeff John  
**Phone:** (320) 308-5512  
**Fax:** (320) 308-5027  
**Email:** *jaj@sctc.edu*

Specifications and Request for Proposal forms may be obtained from Jeff John the Director of Purchasing at the address shown above. The request for proposal may also be downloaded from the St Cloud Technical College's **web site** by visiting *www.sctc.edu/rfp* beginning March 15, 2004 until March 30, 2004.

Offers are to be submitted in a sealed envelope addressed to the Director of Purchasing at the above address and clearly marked  
**“RESPONSE TO ST. CLOUD TECHNICAL COLLEGE LASER ALIGNMENT EQUIPMENT RFP”**

All applicants must provide one original and (2) copies of the proposal. **The final date for submitting a proposal is March 30, 2004 by 2:00 P.M. Central Daylight Time. Late proposals will not be considered. Faxed or e-mailed proposals will not be considered.**

St. Cloud Technical College reserves the right to reject any and all Offers and to waive any informalities contained in such Offers. This request does not obligate the St Cloud Technical College to complete this project. The St Cloud Technical College reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

# State Contracts

---

---

## Department of Human Services

### Request for Proposals for Child Welfare/Child Protection Trainers

The Family & Children's Services Division of the Minnesota Department of Human Services is soliciting proposals from child welfare trainers for delivering competency-based training to county and tribal child protection and child welfare social workers and supervisors under a master contract. Services include:

- 1) Development of curriculum(s) to meet training needs.
- 2) Delivery of training.
- 3) Modification of curriculum(s) based on feed back from training sessions.

The master contract will run from July 1, 2004 through June 30, 2006, with the option of extending the contract through June 30, 2009.

This request for proposals does not obligate the STATE to complete the contract, and the STATE reserves the right to cancel the solicitation it is considered to be in its best interests.

Proposals in response to this RFP must be completed according to the RFP instructions. A copy of the complete RFP material is available by contacting:

Richard Dean, Program Consultant  
Family and Children's Services Division  
Minnesota Department of Human Services  
444 Lafayette Road, St. Paul, Minnesota 55155-3830  
**Phone:** (651) 297-1648      **Fax:** (651) 297-1949  
**E-Mail:** [richard.f.dean@state.mn.us](mailto:richard.f.dean@state.mn.us)

Upon request, this information will be made available in an alternate format, such as Braille, large print, or audiotape.

All applicants must provide three (3) copies of their completed proposal to Richard Dean at the above address beginning March 15, 2004. It is anticipated that proposals will be accepted and evaluated by DHS until February 28, 2009. DHS anticipates publishing written addendums periodically to ensure it is able to meet training needs throughout the duration of this RFP. All proposals will become the property of the Department and will not be returned to the proposers. The Department will not be responsible for any costs incurred by proposers in submitting their proposals.

## State Board of Investment

### Request for 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  
St. Paul, MN 55103-3555  
**Tel:** (651) 296-3328  
**Fax:** (651) 296-9572  
**e mail:** [minn.sbi@state.mn.us](mailto:minn.sbi@state.mn.us)

Please refer to this notice in your written notice.

## Department of Transportation

### District Operations Division, District 4 - Detroit Lakes/Morris

### Request for Letters of Interest for TH 10 Design-Build Contract

The Minnesota Department of Transportation - District 4 (Detroit Lakes Headquarters) is soliciting Letters of Interest (LOI) from companies that are interested in providing design-build services for the design and construction of an interchange on TH 10. The project is located in Clay County at the intersection of TH 32 near the city of Hawley.

One design-build team will be selected for the entire project. The selection process has two steps, a Request for Qualifications (RFQ) and a Request for Proposals (RFP). The RFQ will be issued by early May 2004. Responses will be evaluated to establish a

list of design-build firms invited to submit proposals. The RFP will then be issued in July 2004 with proposals due in September and a design-build team selected in October.

The "Best-Value" selection process will be used to evaluate the ability of the design-build team to manage, design, construct and oversee this project to provide a quality product, on or ahead of schedule, for a reasonable lump sum price within the Department's project budget.

The Department is seeking design-build teams that are committed to quality, have proven experience in design and construction, will bring innovative design-build approaches to ensure timely completion, and are willing to partner with the Department for the mutual success of the project.

Companies interested in receiving an RFQ should send a LOI in writing by April 16, 2004 to:

Trudy Kordosky, P.E.  
TH 10/32 Design-Build Project Manager  
1000 Highway 10 West  
Detroit Lakes, MN 56501  
(218) 847-1569 Office  
(218) 847-1583 Fax  
**e-mail:** [trudy.kordosky@dot.state.mn.us](mailto:trudy.kordosky@dot.state.mn.us)

The LOI must state the name, phone number, fax number, and e-mail address of the contact person at your company.

The Department is offering an informational workshop for firms interested in learning more about the design-build process, how it differs from traditional design-bid-build contracting, and how they can get involved with this, and other, design-build projects.

Interested parties are encouraged to send a representative(s) to the workshop at the District 4 Headquarters Building, 1000 Highway 10 West, Detroit Lakes, on Monday, March 29 beginning at 10:00 AM. To register, please contact Debbie Oines at (218) 847-1539 or toll free at 1 (800) 657-3984.

While submission of an LOI and attendance at the workshop are not prerequisites for participating in the procurement process, it is strongly encouraged.

The Department reserves the sole right, without incurring any liability, to change any aspect of the proposed procurement described above, including the right not to proceed with the procurement and/or the right to proceed in a different manner or on a different timeline.

## Minnesota Department of Transportation

### Program Management Division, Office of Aeronautics

#### Request for Proposals for the Development of an Airport Land Use Compatibility Manual

The Minnesota Department of Transportation (Mn/DOT) is soliciting proposals from consulting firms with expertise in developing guidelines for land use compatibility around airports. This project will be funded with State Airport Funds.

##### Project Overview

The Minnesota Department of Transportation's Office of Aeronautics is hereby soliciting proposals from consultants for the development of an Airport Land Use Compatibility Manual to be used as a guide by airport owners and local zoning authorities. The manual will include a Compatible Land Use Table for Safety Zones A, B and C. The manual will revise existing documents: 1) Procedural Steps Toward Airport Zoning Enactment of Publicly - Owned Airports and 2) Model Zoning Ordinance for Minnesota Airports.

The project, with input from a zoning advisory task force and interested parties, will begin with research and recommendations for third party (those on the ground who could be affected by aircraft accidents) risk analysis techniques for potential use in the modification of Zone A and B standards based on the number and type of aircraft operations.

##### Consultant Selection

Firms will be ranked by a selection committee. Proposals will be evaluated on a best value as [80] percent work plan, qualifications, project understanding and [20] percent on cost considerations. The cost proposal will not be opened by the review committee until after the qualifications points are awarded.

##### Special Conditions

1. Planning will be in full accordance with the specifications of the State of Minnesota.
2. The Minnesota Department of Transportation assumes no obligation for any expenses incurred by a respondent to this solicitation.

# State Contracts

---

---

Seven (7) copies of the proposal should be submitted to the Minnesota Department of Transportation, Office of Aeronautics, 222 East Plato Boulevard, St. Paul, Mn 55107, ATTN Debra L. Sorenson.

The RFP is posted on Mn/DOT's Office of Aeronautics **Web Page** at [www.dot.state.mn.us/aero](http://www.dot.state.mn.us/aero) and on Mn/DOT's Consultant Services **Web Page** at [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult) under the Professional/Technical Notices Section. All prospective responders will be responsible for checking the web page for any addendums to this RFP and any questions that have been answered. Proposals will be accepted until 4:00 PM Central Time on April 16, 2004.

## Department of Transportation

### Engineering Services Division

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

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

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

Mn/DOT is currently requesting 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 a particular category of services, applications will be accepted on a continual basis.

All expenses incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

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

Send completed application material to:

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

**Note: DUE DATE:**

**APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

## Department of Transportation

### Engineering Services Division

#### Notice Concerning Professional/Technical Contract Opportunities

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://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 project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

## Hennepin County Designer Selection Committee (DSC)

### Advertisement for Design and Construction Consulting Services

The Hennepin County Designer Selection Committee (DSC) will be selecting the following mix of firms to provide medical facility consulting services on an as needed basis for the two-year period of January 1, 2005 to December 31, 2006:

- Five (5) architectural engineering firms
- Three (3) mechanical / electrical engineering firms
- One (1) elevator engineering firm

-AND-

The Hennepin County Designer Selection Committee (DSC) will be selecting an architectural/engineering firm for design and construction administration services for the following project:

- North Point Health and Wellness Center Space Remodeling

To receive a Request for Qualifications for a two-year Medical Center consulting services contract or a Request for Proposal for the North Point Health and Wellness Center Space Remodeling project, please access the Hennepin County **internet site** at [www.hennepin.us](http://www.hennepin.us). From the County home page, search for "DSC RFP" in the search box in the upper right corner. From the search results page, you may launch and print/download the documents for your use.

Letters of interest are not required for either the RFQ or RFP noted above. All qualification and proposal sets received by the deadline noted in the RFQ and RFP will be reviewed by the Designer Selection Committee. If you experience difficulty locating or downloading the RFQ or RFP, you may call Allen Rezac, Hennepin County Property Services, at (612) 348-7718.

## University of Minnesota

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

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

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

