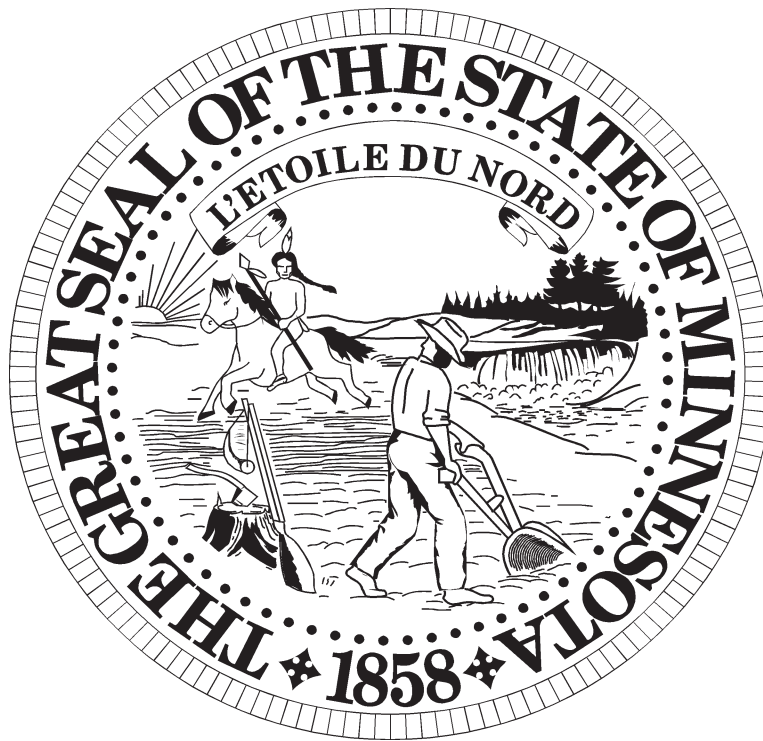


State of Minnesota

# State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;  
Commissioners' Orders; Revenue Notices; Official Notices;  
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**  
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(Monday 2 July 2012 - Monday 25 March 2013)**

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

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- Withdrawn Rules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

### Printing Schedule and Submission Deadlines

Vol. 37 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 40	Monday 1 April	Noon Tuesday 26 March	Noon Wednesday 20 March
# 41	Monday 8 April	Noon Tuesday 2 April	Noon Wednesday 27 March
# 42	Monday 15 April	Noon Tuesday 9 April	Noon Wednesday 3 April
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<b>Governor:</b> Mark Dayton (651) 296-3391	<b>Administration Commissioner:</b> Spencer R. Cronk (651) 201-2555	<b>Editor:</b> Robin PanLener (651) 297-7963, <a href="mailto:robin.panlener@state.mn.us">robin.panlener@state.mn.us</a>
<b>Lieutenant Governor:</b> Yvonne Prettner Solon (651) 296-3391	<b>Plant Management Division:</b> Christopher A. Guevin (651) 201-2350	<b>Assistant editor:</b> John Mikes (651) 297-4616, <a href="mailto:john.mikes@state.mn.us">john.mikes@state.mn.us</a>
<b>Attorney General:</b> Lori Swanson (651)296-6196	<b>Minnesota's Bookstore:</b> Mary Mikes (651) 297-3979	<b>Subscriptions Manager:</b> Loretta J. Diaz (651) 297-8777, <a href="mailto:loretta.diaz@state.mn.us">loretta.diaz@state.mn.us</a>
<b>Auditor:</b> Rebecca Otto (651) 296-2551		
<b>Secretary of State:</b> Mark Ritchie (651) 296-2803		

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# Minnesota Rules: Amendments and Additions

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

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

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

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

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

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.3700; .3800; .3900; .4000; .4100; .4200; .4300; .4400; .4500; .4900; .5000; .5100; .5200; .5300; **1705.0010**; .0020; .0030; .0040; .0045; .0050; .0060 s. 1, 1a, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190; .0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0310; .0320; .0330; .0340; .0350; .0360; .0370; .0380; .0390; .0410; .0420; .0440; .0450; .0480; .0490; .0500; .0520; .0530; .0540; .0640 s. 1, 2, 4, 8a, 9; .0720; .0725; .0726; .0727; .0732; .1090; .1100; .1110; .1120; .1130; .1131; .1145; .1146; .1147; .1151; .1152; .1170; .1175; .1180; .1190; .1200; .1210; .1220; .1230; .1240; .1250; .1550; .1560; .1570; .1580; .1590; .1600; .1610; .1620; .1630; .1640; .1650; .1660; .1670; .1680; .1690; .1700; .1710; .1720; .1730; .1740; .1750; .1760; .1770; .1780; .1790; .1800; .1810; .1820; .1830; .1840; .1850; .1860; .1870; .1880; .1890; .1900; .1910; .1920; .1930; .1940; .1950; .1960; .1970; .1980; .1990; .2000; .2010; .2020; .2030; .2040; .2050; .2260; .2270; .2280; .2290; .2300; .2310; .2320; .2400 s. 1, 1a, 1b, 1c, 1d, 2, 3, 3a, 3b, 3c, 3d, 3e, 4, 5, 5a, 5c, 5d, 6, 6a, 6b, 6c, 6d, 7a, 7b, 7c, 8, 9, 10, 11, 12; .2410; .2420; .2430; .2434 s. 1, 2, 4, 5; .2440; .2450 s. 1, 2, 4; .2460 s. 1, 2, 3, 4, 5, 6, 7, 8, 8a, 8b; .2470 s. 1a, 1b, 1c, 1d, 3, 4, 5, 6, 7; .2472 s. 1; .2474 s. 1, 2, 3; .2476 s. 1, 2, 4, 5, 6, 7, 8; .2480; .2500; .2520; .2530; .2700; .2710; .2720; .2730; .2740; .2750; **1710.1300**; .1310; .1320; .1330; .1340; .1350; .1360; .1370; .1380; .1385; .1390; .1400; .1410; .1420; .1430; .1435; .1440; .1445; .1450; .1455; .1460; .1470; .1480; .1490; .1500; .1510; .1520; .1530; **1715.0005** s. 1, 2, 2a, 2b, 2c, 2d, 3, 3a, 3b, 4, 5, 7; .0010; .0020; .0030; .0040; .0050; .0060; .0072; .0090; .0105; .0110; .0125; .0130; .0140; .0150; .0160; .0162; .0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280; .0290; .0300; .0305; .0310; .0320; .0330; .0340; .0350; .0360; .0370; .0380; .0385; .0390; .0410; .0420; .0430; .0440; .0450; .0460; .0470; .0480; .0490; .0500; .0510; .0520; .0550; .0560; .0570; .0580; .0590; .0610; .0620; .0630; .0640; .0650; .0660; .0670; .0680; .0690; .0705; .0710; .0720; .0730; .0740; .0750; .0760 s. 1, 2, 4a, 4b, 4c, 4d, 5; .0770 s. 1, 2, 3, 4, 6, 7; .0780 s. 1, 2, 3, 4, 5, 6, 6a, 7, 9, 10, 11, 12; .0790; .0800; .0810; .0820; .0830; .0840; .0850; .0860; .0870; .0890; .0900; .0910; .0920; .0940; .0950; .0960; .0970; .1000; .1010; .1020; .1030; .1040; .1050; .1060; .1070; .1080; .1100; .1110; .1120; .1130; .1140; .1150; .1160; .1190; .1200; .1210; .1220; .1230; .1240; .1250; .1260; .1270; .1280; .1290; .1300; .1310; .1315; .1320; .1330; .1340; .1350; .1360; .1370; .1380; .1390; .1400; .1420; .1440; .1450; .1480; **1719.0100** s. 1, 2, 3, 4, 5, 6, 6a, 6b, 7, 7a, 9a, 10, 11, 12, 12a, 13; .0200 s. 1; .0300 s. 1; .0310; .0400; .0500 s. 1; .0600; .0700; .0750; .0800; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700; .1800; .1900; .2000 s. 1; .2100; .2200 s. 1; .2300; .2400 s. 2; .2500 s. 1; .2600; .2700; .2800 s. 1; .2900 s. 1; .3000; .3100; .3200; .4000; .4100; .4200; .4250; **1720.0320**; .0330; .0581; .0590; .0600; .0610; .0620; .0630; .0640; .0650; .0660; .0670; .0680; .0690; .0700; .0710; .0720; .0730; .0740; .0750; .0760; .0770; .0780; .0790; .0800; .0810; .0860; .0870; .0880; .0890; .0900; .0910; .0920; .0930; .0940; .0950; .0960; .0970; .1000; .1010; .1030; .1040; .1050; .1055; .1060; .1065; .1070; .1080; .1330 s. 1, 2, 2a, 4, 4a, 5, 5a, 6, 7; .1390; .1400; .1410; .1420; .1430; .1440; .1450; .1460; .1480; .1490; .1500; .1510; .1520; .1530; .1535; .1537; .1538; .1540; .1542; .1545; .1546; .1550; .1555; .1560; .1570; .1575; .1576; .1578; .1680; .1690; .1700; .1710; .1720; .1730; .1740  
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# Proposed Rules

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

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

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

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

## Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design

### Proposed Permanent Rules Relating to Examination Procedures and Housekeeping Changes

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More  
Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are  
Received; Revisor's ID Number R-0432**

**Proposed Amendment to Rules Governing Engineering, Land Surveying, Geology and Soil Science  
Licensure; and Housekeeping Updates, *Minnesota Rules*, 1800.0200, 1800.0300, 1800.0400, 1800.0500,  
1800.0800, 1800.0900, 1800.1000, 1800.1500, 1800.2100, 1800.2500, 1800.2700, 1800.2800, 1800.2805,  
1800.2900, 1800.3505, 1800.3600, 1800.3700, 1800.3750, 1800.3850, 1800.3905, 1800.3910, 1800.3915,  
1800.3920, 1800.3930, 1800.4200, 1800.4300, 1800.4600, 1805.1600**

**Introduction.** The Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design ("Board") intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Wednesday, April 24, 2013 the Board will hold a public hearing in Suite 295, Golden Rule Building, 85 East 7<sup>th</sup> Place, St. Paul, Minnesota, 55101, starting at 9:00 A.M. on Tuesday, May 21, 2013. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after April 24, 2013 and before May 21, 2013.

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Andrea Barker at Board of AELSLAGID, 85 East 7<sup>th</sup> Place, Suite 160, St. Paul, Minnesota, 55101; **phone:** (651) 757-1511; **fax:** (651) 297-5310; **e-mail:** [andrea.barker@state.mn.us](mailto:andrea.barker@state.mn.us). **TTY** users may call the Board of AELSLAGID at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about updating the education and experience requirements for licensure as a professional engineer, professional geologist, or professional soil scientist, updating the examination procedures for engineering and land surveying, and housekeeping updates. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326.06 (2012). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

# Proposed Rules

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**Comments.** You have until 4:30 p.m. on Wednesday, April 24, 2013 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, April 24, 2013. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to 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 information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

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

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for May 21, 2013 if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 757-1511 after April 24, 2013 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Manuel Cervantes is assigned to conduct the hearing. Judge Cervantes can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7945, and **fax:** (651) 361-7936.

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

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



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**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR is also available on the Board's website at [www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us).

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

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

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

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

Dated: 13 March 2013

Doreen Frost, Executive Director  
Minnesota Board of Architecture,  
Engineering, Land Surveying, Landscape  
Architecture, Geoscience and Interior Design

## 1800.0200 CLASSES OF LICENSEES.

There shall be three classes of licensees as follows:

A. Class 1: those who were licensed without examination:

(1) prior to July 1, 1933; or

(2) by exemptions after 1933; or

(3) pursuant to *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (b), as it applies to geoscientists who seek licensure within one year after August 4, 1997.

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

## 1800.0300 IN-TRAINING CLASSIFICATIONS.

There shall be a classification of engineer-in-training, a classification of land surveyor-in-training, a classification of geologist-in-training, and a classification of soil scientist-in-training. For examination of engineer-in-training see parts 1800.2500 to 1800.2900, for examination of land surveyor-in-training see parts 1800.3505 to 1800.3850, for examination of geologist-in-training see parts 1800.3900 to 1800.3930, and for examination of soil scientist-in-training see parts 1800.3900 to 1800.3930.

## 1800.0400 APPLICATION FOR EXAMINATION, LICENSURE, AND CERTIFICATION.

Subpart 1. **Forms and filing.** Applications for examination, licensure, or certification shall be under oath and made on forms prescribed and furnished by the board and shall be filed with the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design and accompanied by payment of the examination application fee as specified in ~~part 1800.0500, subpart 1~~ *Minnesota Statutes*, section 326.105. Applications for certification as a certified interior designers designer shall be filed following passage of the applicant's National Council for Interior Design Qualification (NCIDQ) examination or meeting the requirements outlined in part 1800.0800 or 1800.2100, subpart 5. Applications for licensure as a landscape architect shall be filed following the applicant's successful passage of the Council of Landscape Architectural Registration Board (CLARB) professional examination or meeting the requirements in part 1800.0800.

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Subp. 1a. **Information required.** The applicant shall submit to the board, on a form prescribed by the board, the following information relative to:

A. place and date of birth;

B. time and place of schools attended and studies completed;

C. status relative to graduation from such schools or completion of studies;

D. final official transcript showing the ~~date of award of the degree or degrees received~~ awarded and date of graduation;

E. for engineer, land surveyor, geologist, and soil scientist applicants, whether the Fundamentals of Engineering (FE), Fundamentals of Land Surveying (FLS) (FS), geologist-in-training, or soil scientist-in-training examination has been successfully completed;

F. for landscape architect applicants, whether the Landscape Architect Registration Examination (LARE) has been successfully completed;

G. for certified interior designer applicants, whether the written examination administered by the National Council for Interior Design Qualification (NCIDQ) has been successfully completed; ~~and~~

H. a record of personal employment, with all dates and with complete information relative to duties and type of work performed, and particularly outlining the applicant's responsibilities in charge of the whole or any part thereof; and

I. a signed copy of a statement that the applicant has read the Board Rules of Professional Conduct.

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

## Subp. 3. **In-training application.**

A. Applications for examination as engineer-in-training or land surveyor-in-training shall be made under oath ~~and~~, on forms prescribed and furnished by the board, ~~and shall be filed with the executive secretary of the board at least 75 days before the date set for the fundamentals examination~~ accompanied by the application ~~and examination fees~~ fee as specified in part 1800.0500, subpart 1.

B. Applications for examination as geologist-in-training or soil scientist-in-training shall be made under oath ~~and~~, on forms prescribed and furnished by the board, ~~and shall be filed with the executive secretary of the board at least 60 days before the date set for the fundamentals examination~~ accompanied by the application ~~and examination fees~~ fee as specified in part 1800.0500, subpart 1.

## **1800.0500 FEES.**

Subpart 1. **Requirements.** Application for examination as an architect, professional engineer, land surveyor, professional geologist, or professional soil scientist shall be accompanied by ~~a fee in the amount established by the applicable national testing agency, and an application fee and examination monitoring fee as provided by Minnesota Statutes, section 326.105. The actual fee for examination as an architect shall be paid to the national testing agency in a manner it prescribes. The board shall charge, or provide for a third party to charge,~~ each applicant a fee for examination and an examination monitoring fee as provided by Minnesota Statutes, section 326.105.

Following an applicant's completion of the requirements for licensure, the board shall supply the applicant with an application for licensure as an architect, professional engineer, land surveyor, landscape architect, professional geologist, or professional soil scientist, which the applicant shall include complete and return with the initial fee for licensure as provided by Minnesota Statutes, section 326.105. Following an applicant's completion of the requirements for certification, the board shall supply the applicant with an application for certification as a certified interior designer, which the applicant shall include complete and return with the initial fee for certification as provided by Minnesota Statutes, section 326.105. Comity Applicants applying for licensure by comity under part 1800.0800, item F, G, H, or I, or J, shall pay an application fee under subpart 7, item A. Upon approval by the board, an applicant for licensure as a land surveyor by comity under part 1800.0800, item H, G, shall submit an examination fee in the amount established by the local testing agency and an examination monitoring fee as provided in Minnesota Statutes, section 326.105.

~~As provided in Minnesota Statutes, section 326.105; An application for renewal of licensure as an architect, professional engineer, land surveyor, landscape architect, professional geologist, professional soil scientist, or for certification as a certified interior designer shall be~~

accompanied by a renewal fee as provided in *Minnesota Statutes*, section 326.105.

~~As provided in *Minnesota Statutes*, section 326.105, An applicant application for examination as an engineer-in-training, land surveyor-in-training, geologist-in-training, or soil scientist-in-training shall be accompanied by an examination fee in the amount established by the applicable national testing agency, an application fee, and an examination monitoring fee as provided in *Minnesota Statutes*, section 326.105. Upon approval by the board, an applicant for an examination administered by the board shall pay to the board a fee in the amount established by the applicable national testing agency and an examination monitoring fee as provided by *Minnesota Statutes*, section 326.105. For examinations administered by a third-party vendor, the actual fee for examination shall be paid to the national testing agency in a manner it prescribes. Information concerning the current examination fee charged by the applicable national testing agency may be obtained by contacting the board offices.~~

~~For applicants who are found to be ineligible for admission to the examination or fail the examination, a new application for examination; in such instances, may be filed at any time after the lapse of six months next succeeding the date of the previous rejection. A reexamination application shall be submitted each time the applicant applies to take the examination except as provided in subpart 2.~~

Subp. 2. **Refunds; validity of application.** ~~Application fees are not refundable. Examination, licensure, or certification fees shall not be refunded except for those circumstances when an applicant does not meet required qualifications. In those circumstances, the board shall retain a \$20 administrative fee. An applicant who fails to appear for examination, cancels, or fails to cooperate with requests for submission of written correspondence or documentation to the board relevant to the application within three years shall submit a new application with a new the appropriate fee for application, examination, licensure, or certification fee.~~

Subp. 3. [Repealed, L 1999 c 213 s 5]

Subp. 4. **Delayed renewal fee.** A renewal fee is a delayed renewal fee within the meaning of *Minnesota Statutes*, section 326.10, subdivision 5 2, if it is not postmarked on or before June 30 of the year specified in *Minnesota Statutes*, section 326.105. The delayed renewal fee is \$30 for the first three months of the lapsed period and \$60 for months four to 24. ~~A licensee who was originally licensed by examination by the board and who permits the license to lapse for more than two years must retake the appropriate professional licensing examination unless exempted by the board.~~ The delayed renewal fee is computed from July 1 of any even-numbered year and is in addition to the renewal fee provided in *Minnesota Statutes*, section 326.105.

Subp. 5. [Repealed, 22 SR 90]

Subp. 6. [Repealed, 22 SR 90]

Subp. 7. **Additional fees.** In addition to all other fees for examination, licensure, or certification, as provided in this part or *Minnesota Statutes*, section 326.10, subdivision 1, the following schedule of fees is applicable:

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

B. for reissuance of a revoked, lost, destroyed, duplicated, or mutilated certificate of licensure or certificate as ~~an engineer-in-training, land surveyor-in-training, geologist-in-training, soil scientist-in-training, or a certified interior designer~~, \$25;

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

E. an applicant for examination in more than one branch of engineering shall submit a separate examination fee for each additional branch of engineering for which the applicant has applied for examination; and

~~F. for each application for licensure within a geoscience discipline by submission of records under *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (b), a fee of \$100; and~~

~~G. for retaking all or any part of any examination for certification or licensure, the fee shall be established by the national testing agency.~~

## 1800.0800 PROOF OF QUALIFICATION TO PRACTICE.

An applicant shall submit evidence to the board indicating that the applicant is qualified to practice in the profession or field of major practice in which the applicant seeks licensure or certification. The burden of proof is upon the applicant who should make every effort to present qualifications fully and clearly. Qualifications shall be established by one or more of the following methods:

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

F. for licensure by comity as an architect, engineer, or landscape architect ~~under, by submitting documentation of completion of the requirements in Minnesota Statutes, section 326.10, subdivision 1, paragraph (a), clause (2); and experience as the board may require together with evidence of current licensure and proof of good standing;~~

G. for licensure by comity as a land surveyor, ~~an applicant is subject to, by submitting documentation of completion of the requirements in Minnesota Statutes, section 326.10, subdivision 1, paragraph (a), clause (2). In addition, the applicant is required to take examinations that the board deems necessary to determine qualifications, but in any event the applicant is required to take an examination successfully complete the local professional practice examination;~~

H. for certification by comity as a certified interior designer ~~under, by submitting documentation of completion of the requirements in Minnesota Statutes, section 326.10, subdivision 1, paragraph (a), clause (2). The applicant shall meet the certification requirements that were in effect in Minnesota at the time of the applicant's original licensure or certification in the other state, territory, or the District of Columbia. Applicants who were certified in other states prior to August 1, 1992, shall meet the requirements of part 1800.2100; or~~

I. for licensure within a professional geoscience discipline by comity ~~or submission of records, an applicant shall be subject to, by submitting documentation of completion of the requirements in Minnesota Statutes, sections 326.10, subdivision 1, paragraph (a), clause (2); and 326.10, subdivision 1, paragraph (b).~~

## 1800.0900 QUALIFICATION PROCEDURES.

Subpart 1. **Exhibits.** Exhibits in connection with oral interview or written examination shall be submitted when requested by the board.

Subp. 2. [Repealed, 21 SR 1427]

Subp. 3. **Examination required.** An applicant for certification as an engineer-in-training, a land surveyor-in-training, a geologist-in-training, or a soil scientist-in-training must take all parts of the applicable fundamentals examination at one time. An applicant for licensure as a professional engineer, land surveyor, professional geologist, or professional soil scientist must pass the applicable fundamentals examination prior to taking the professional examination, except for ~~the professional engineering an applicant that who~~ meets the requirements ~~outlined in part 1800.2800 for waiver of the fundamentals examination.~~

An applicant for licensure as a professional engineer, professional geologist, or professional soil scientist must take all parts of the professional examination at one time.

Subp. 4. **Reexamination.** An applicant who does not receive a passing grade in an examination may ~~make submit a new application to retake that for~~ examination. The application shall be accompanied by a ~~reexamination fee an application fee~~ as required under part 1800.0500, subpart 7~~1~~. The board may require an applicant failing an examination ~~four three or more times to submit evidence of improved qualifications before an additional retake examination is permitted a new application for examination is approved.~~

[For text of subp 5, see M.R.]

Subp. 6. **Registration in another state.** An applicant duly registered in another state and whose registration is current, upon notification from the Minnesota board that the application has been received and is in order may practice the applicant's profession while his or her application is pending pursuant to *Minnesota Statutes*, section 326.13. An application which has not been acted upon by the board within six months from the date of submission of the application, because of failure of the applicant to furnish the board with qualifying information pertaining to the registration, shall be denied.

The plans and specifications which are prepared by the applicant during the period in which the application is pending must bear the certification stamp of the state in which the applicant is registered along with a statement that she or he has applied for registration in Minnesota and that the application is pending. This stamp must be placed on each sheet of the set of drawings prepared for the project, and on the title sheet of the specifications.

The Minnesota board does not require the use of a seal. If the state in which the ~~architect or engineer applicant~~ is registered has a seal or provisions for signing and dating plans, specifications, and reports, this will be acceptable. If the seal does not provide for signing and dating the plans, the ~~architect or engineer applicant~~ shall sign and date the plans under the seal imprint on each plan certified.

## **1800.1000 EDUCATION AND EXPERIENCE.**

Subpart 1. **Examination requirement.** An applicant for licensure as an architect shall pass an examination as provided in part 1800.1200. Examinations are required of all applicants except those licensed under part 1800.0800, items ~~D~~C and ~~G~~F, that apply to those architects licensed in one or more states other than Minnesota. An applicant for licensure under part 1800.0800, items ~~D~~C and ~~G~~F, must satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original approved application in the other state.

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

Subp. 2. [Repealed, 14 SR 2988]

Subp. 3. [Repealed, 14 SR 2988]

Subp. 4. [Repealed, 14 SR 2988]

[For text of subps 5 to 7, see M.R.]

Subp. 8. [Repealed, 21 SR 1427]

## **1800.1500 EDUCATION AND EXPERIENCE.**

Subpart 1. **Examination requirement.** An applicant for licensure as a landscape architect shall pass the examination referred to in part 1800.1700 and satisfy the education and experience requirements in subparts 3 to 5. Successful passage of the examination referred to in part 1800.1700 is required of an applicant in order to be licensed under part 1800.0800, item ~~G~~F. An applicant for licensure under part 1800.0800, item ~~G~~F, must satisfy the Minnesota licensing requirements in effect at the time of the applicant's original licensure in the other state.

[For text of subps 2 to 4, see M.R.]

Subp. 5. [Repealed, 35 SR 2011]

[For text of subp 6, see M.R.]

## **1800.2100 EDUCATION AND EXPERIENCE.**

Subpart 1. **Written examination requirement.** An applicant for certification as a certified interior designer shall pass a written examination administered by the National Council for Interior Design Qualification (NCIDQ) except that a written examination is not required of an applicant certified under subpart 5 or part 1800.0800, item ~~I~~H.

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

Subp. 3. [Repealed, 35 SR 2011]

Subp. 4. [Repealed, 35 SR 2011]

[For text of subp 5, see M.R.]

## **1800.2500 EDUCATION AND EXPERIENCE.**

Subpart 1. **Written examination requirement.** An applicant for licensure as a professional engineer shall pass written examinations as provided in this subpart. ~~Written examinations are required of all applicants except those licensed under part 1800.0800, items E and G, that apply to those professional engineers licensed in one or more states other than Minnesota.~~ An applicant for licensure under part 1800.0800, ~~items E and G~~ item F, shall satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state. The written Fundamentals of Engineering (FE) examination shall be waived by the board if the applicant meets the requirements in part 1800.2800.

Subp. 2. **Admission to written Fundamentals of Engineering (FE) examination.** To qualify for admission to the written ~~FE~~ examination, the applicant shall present evidence of one of the following:

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

B. graduation from an engineering curriculum that receives ~~EAC~~-ABET accreditation within five years of the applicant's graduation;

C. graduation from a non-~~EAC~~-ABET-accredited or nonengineering degree curriculum with the minimum number of engineering



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science and engineering design credits as required in an EAC-ABET-accredited degree (32 semester or 48 quarter credit hours of engineering science and 16 semester or 24 quarter credits of engineering design) (48 semester or 72 quarter credit hours); or

D. has a graduate degree from an engineering program where the bachelor's degree is EAC-ABET-accredited, even though the applicant's bachelor's degree was earned in a nonengineering program, or is currently enrolled in a graduate program in engineering where the bachelor's degree is EAC-ABET-accredited working toward a graduate degree and has completed a minimum of 36 quarter or 24 semester credit hours.

Subp. 2a. **Admission to written professional engineering Principles and Practice of Engineering (PE) examination.** To qualify for admission to the written PE examination, the applicant shall present evidence of meeting the educational and qualifying experience requirements in items A and B.

A. Education:

(1) graduation from an EAC-ABET-accredited bachelor's engineering curriculum;

(2) graduation from ~~an~~ a bachelor's engineering curriculum that receives EAC-ABET accreditation within five years of the applicant's graduation;

(3) has a non-EAC-ABET-accredited or nonengineering bachelor's degree with the minimum number of engineering science and design credits as required in an EAC-ABET-accredited degree (32 semester or 48 quarter credit hours of engineering science and 16 semester or 24 quarter credits of engineering design) (48 semester or 72 quarter credit hours);

(4) has a graduate degree from an engineering program where the bachelor's degree in that discipline of engineering or related discipline of engineering in the opinion of the board is EAC-ABET-accredited, even though the applicant's bachelor's degree was earned in a non-EAC-ABET-accredited or nonengineering program; or

(5) graduation from ~~an~~ a bachelor's engineering curriculum that has EAC-ABET accreditation and a graduate degree in engineering from an institution with an EAC-ABET-accredited bachelor's curriculum in that discipline of engineering; or related discipline of engineering in the opinion of the board;

(6) graduation from an EAC-ABET-accredited graduate engineering curriculum even though the applicant's bachelor's degree was earned in a non-EAC-ABET-accredited or nonengineering program; or

(7) graduation from an EAC-ABET-accredited bachelor's engineering curriculum and graduation from an EAC-ABET-accredited graduate engineering curriculum.

B. Qualifying experience:

(1) completion of a minimum of four years of qualifying engineering experience, if the applicant meets the educational requirements of item A, ~~subitems subitem (1) and or~~ (2);

(2) completion of a minimum of six years of qualifying engineering experience, if the applicant meets the educational requirements of item A, subitem (3);

(3) completion of a minimum of five years of qualifying engineering experience, if the applicant meets the educational requirements of item A, subitem (4) or (6); or

(4) completion of a minimum of three years of qualifying engineering experience if the applicant meets the educational requirements of item A, subitem (5) or (7).

Not more than two years credit shall be allowed for qualifying engineering experience, gained before graduation from an accredited engineering curriculum. The two years experience before graduation must have been gained after completion of the second year of approved engineering education. The experience shall be credited at the rate of 50 percent up to the maximum allowable credit of two years. One-half (50 percent) of the qualifying engineering experience gained prior to graduation but after completion of two full years of one of the engineering curricula specified in item A shall be credited to satisfy part of the requirements for the qualifying engineering experience required under this item. This credit shall not exceed the lesser of two years or 50 percent of the required number of years of qualifying

engineering experience listed in this subpart.

Subp. 3. [Repealed, 21 SR 1427]

## 1800.2700 WRITTEN EXAMINATION.

Subpart 1. **Two-part examination.** The written examination consists shall be prepared and furnished by the National Council of Examiners for Engineering and Surveying (NCEES) and shall consist of the two parts described in subparts 1a and 2.

Subp. 1a. **Fundamentals of Engineering (FE) examination.** Part I is the fundamentals of engineering FE examination that may be taken upon graduation from an engineering curriculum meeting the requirements of part 1800.2500, subpart 2. The applicant shall submit an official transcript from the college or university the applicant is attending. An applicant taking the Fundamentals of Engineering (FE) examination shall be notified of the score in writing, provided the applicant has met the criteria in this subpart. An applicant failing this the FE examination and electing to take the examination again shall retake take the entire examination. A final official transcript showing the degree and the date awarded shall be submitted to the board before the Engineer-in-Training certificate is released to the applicant. The passing of this examination and providing proof of the degree awarded and the award date of graduation gives the applicant the status of engineer-in-training as defined in *Minnesota Statutes*, section 326.10, subdivision 7. The applicant shall not again be required to take this examination. A final official transcript showing the degree awarded and date of graduation shall be submitted to the board before the Engineer-in-Training number is released to the applicant. The applicant shall take and pass the Fundamentals of Engineering (FE) examination before being permitted to take the professional examination unless exempted under part 1800.2800.

Subp. 2. **Professional Principles and Practice of Engineering (PE) examination.** Part II is the PE examination. The applicant shall take and pass may take the PE examination upon meeting the requirements of part 1800.2500, subpart 2a, and after taking and passing the Fundamentals of Engineering (FE) examination before being permitted to take the professional examination, unless the FE examination is waived under part 1800.2800. The professional PE examination, covering the principles and practice of engineering in the field of major practice, is required as outlined in this subpart consistent with the examinations prepared and furnished by NCEES. Examinations are presently offered in the following fields of major practice in engineering: aeronautical/aerospace, agricultural, chemical, civil, controls systems, electrical, environmental, fire protection, geological, industrial, manufacturing, mechanical, metallurgical, mining/minerals, nuclear, petroleum, and structural I and II. A person failing the professional PE examination and electing to take the examination again shall retake take the entire examination.

Subp. 3. **Scope of examinations.** The scope of the Fundamentals of Engineering (FE) examination and the Principles and Practice of Engineering (PE) examination is as follows:

A. **Fundamentals of Engineering (FE)** The FE examination consists of multiple-choice questions in mathematics, basic sciences, and the basic and engineering sciences as presented in accredited college or university academic engineering curriculum curricula. Allotted time: eight hours.

B. **Principles and Practice of Engineering** The PE examination consists of problems embracing knowledge of professional practice and applied economics as acquired in connection with the planning, design, and construction of engineering work during the required period of qualifying engineering experience. Allotted time: eight hours.

Subp. 4. [Repealed, 21 SR 1427]

Subp. 5. **Equipment during examination.** Handbooks, reference books, bound tabular material and notes, and silent, hand-held, electronic calculators are permitted for use during examinations when authorized by the board. Applicants shall only use the reference handbook supplied by the National Council of Examiners for Engineering and Surveying (NCEES) during the Fundamentals of Engineering (FE) examination. The board shall advise the applicant at the time of approval for admission to the FE or PE examination what equipment and materials will be permitted for use during the examination.

## 1800.2800 ENGINEERS QUALIFIED BY GRADUATION, LONG EXPERIENCE, AND EXAMINATION.

The Fundamentals of Engineering (FE) examination must be waived in those cases where the applicant furnishes evidence of:

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

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C. having a doctorate degree in engineering from an educational institution whose baccalaureate curriculum is accredited by ~~ABET-EAC~~ EAC-ABET or whose education is equivalent thereto.

An applicant qualifying under item A, B, or C shall pass ~~a written professional practice examination of at least eight hours duration the Principles and Practice of Engineering (PE) examination.~~ To qualify for waiver of the ~~Fundamentals of Engineering FE~~ examination under item A, the applicant's engineering experience shall show responsible charge of engineering projects for at least ten years and advancement in the character of the work performed. ~~The Experience gained before reaching the age of 20 years shall not be credited as a part of the required engineering experience, except that graduation from an accredited baccalaureate engineering curriculum shall be considered equivalent to four years of engineering experience. Credit shall not be given for more than a total of four years experience because of undergraduate educational qualifications.~~

## **1800.2805 QUALIFYING EXPERIENCE DEFINED.**

As used in this part and parts ~~1800.2600, 1800.2700,~~ 1800.2500 and 1800.2800, qualifying experience consists of varied, progressive, nonrepetitive, practical experience at engineering work, developing the ability to apply the theoretical knowledge gained during academic training in making sound judgments in solving engineering problems. The varied experience must include increments of design, planning, technical specification, codes and standards research and analysis, engineering economics, safety, observation, and inspection of construction of products. Experience shall be written in detail, verified by the applicant's supervisor, and submitted with the application for evaluation and approval by the board.

## **1800.2900 PROCEDURES.**

Subpart 1. ~~**Application deadline Request for admission to the Fundamentals of Engineering (FE) examination.**~~ An applicant shall submit an application for admission to the ~~Fundamentals of Engineering FE~~ examination ~~explained in under part 1800.2700, subpart 1a, postmarked not later than 75 days prior to the first day of the date set for the fundamentals of engineering examination and~~ accompanied by payment of the application fee specified in ~~part 1800.0500, subpart 5, item B, subitem (1)~~ Minnesota Statutes, section 326.105. ~~For applicants who have not yet graduated, an unofficial transcript of grades from all institutions attended showing the applicant's name, the name of the college or university, and the number of credits completed shall accompany the application. A final official transcript of grades showing the date of award of the degree earned degree awarded and date of graduation shall be submitted before the applicant may be certified as an Engineer-in-Training. For applicants who have graduated, a final official transcript of grades showing the degree awarded and date of graduation shall accompany the application.~~

Subp. 2. ~~**Request for professional examination admission to the Principles and Practice (PE) examination.**~~ An applicant shall submit an application for admission to the ~~Principles and Practice of Engineering PE~~ examination ~~explained in under part 1800.2700, subpart 2, postmarked not later than 75 days prior to the first day of the date set for the professional examination and~~ accompanied by payment of the application fee specified in ~~part 1800.0500, subpart 1~~ Minnesota Statutes, section 326.105. The application shall be made on a form provided by the board and shall include a detailed listing of engineering experience gained. The experience listing shall include the name and mailing address of the applicant's supervisor for each period of employment. The board shall provide the applicant an employment reference form which shall be signed and certified. This form shall be submitted to the board by the employer. A final official transcript of grades showing the date of award of the degree earned degree awarded and date of graduation shall accompany the completed form, unless previously submitted. Upon approval of the application by the board, the applicant will be so notified in writing. The applicant shall submit one signed copy of a statement that the applicant has read the Board Rules of Professional Conduct prior to receipt of the certificate and license.

Subp. 3. [Repealed, 21 SR 1427]

Subp. 4. **Obtaining application material.** Application materials may be obtained ~~by calling or writing the board office from the board's Web site.~~

Subp. 5. **Examination administration and application deadline.** ~~An applicant may not sit for an examination until an application has been submitted, the board has determined that the applicant has met the qualifications to take the examination, and the applicant has been notified of the applicant's eligibility.~~

The FE and PE examinations shall be administered at least twice annually at a time and place determined by the board or examination delivery vendor to those applicants determined by the board to meet the requirements for admission to the examinations.

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The deadline for application for an examination that is administered on a specific date and time shall be 75 days prior to the date set for the examination. Applications must be postmarked on or before the deadline to be considered on time.

For an examination that is administered on multiple dates and times within an examination window, an application may be submitted at any time.

The board, if necessary, shall forward notification of the applicant's eligibility to the examination delivery vendor. Following the board's determination that an applicant is eligible to sit for an examination, the applicant shall independently contact the examination delivery vendor to schedule the time and place for the examination at an approved test site.

The board or examination delivery vendor shall report to the applicant the results of each examination. In order to pass the examination, the applicant shall attain the uniform passing grade established by the board through a psychometrically acceptable standard-setting procedure.

Subp. 6. **Examination windows.** The examination windows are determined by the applicable national testing agency. An application for examination is for one examination attempt. An applicant who has been approved by the board for examination and does not take the examination within one year shall submit a new application for examination. Upon notification of failure of an examination, an applicant may submit a new application for examination. An applicant may not retake a failed examination within the same examination window and may not attempt the same examination more than three times in a rolling 12-month period.

## **1800.3505 EDUCATION AND EXPERIENCE.**

Subpart 1. **Examination requirements.** An applicant for licensure as a land surveyor is required to pass written examinations as provided in this part and parts 1800.3600 to 1800.3800. An applicant for licensure under part 1800.0800, item H.G, shall satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state.

Subp. 2. **Admission to the Fundamentals of Land Surveying (FS) examination.** To qualify for admission to the Fundamentals of Land Surveying FS examination, applicants shall present satisfactory evidence of one of the following:

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

Subp. 3. **Admission to professional land surveying the Principles and Practice of Surveying (PS) examination.** To qualify for admission to the professional land surveying PS examination, the applicant shall present evidence of meeting the educational and qualifying experience requirements in item A or B.

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

## **1800.3600 REQUIREMENTS FOR ADMISSION TO EXAMINATION.**

Subpart 1. **Authority to order examination.** The board may subject an applicant to such examinations as may be deemed necessary to establish the qualifications of the applicant. ~~Written~~ Examinations shall be held at such times and places as the board may direct.

Subp. 2. ~~Land surveyor-in-training Fundamentals of Surveying (FS) examination.~~ **Fundamentals of Surveying (FLS) examination.** The Fundamentals of Land Surveying (FLS) FS examination may be taken upon meeting the requirements of part 1800.3505, subpart 2. ~~The applicant shall submit an official transcript from the college or university the applicant is attending.~~ An applicant taking the FLS FS examination must be notified of the applicant's score in writing. An applicant failing this examination ~~and electing to take the examination again shall retake~~ take the entire examination. ~~A final official transcript showing the degree and the date awarded must be submitted to the board before the land surveyor-in-training certificate is released to the applicant. The passage of this examination and providing proof of the degree and the award date awarded and date of graduation gives the applicant the status of land surveyor-in-training as defined in Minnesota Statutes, section 326.10, subdivision 7. A final official transcript showing the degree awarded and date of graduation shall be submitted to the board before the Land Surveyor-in-Training number is released to the applicant.~~ The applicant shall take and pass the FLS FS examination before being permitted to take the professional examination.

Subp. 3. **Professional practice examinations.** ~~The applicant must have successfully completed~~ The applicant may take the Principles and Practice of Surveying (PS) examination and the Minnesota Land Surveying Examination (MNLS) upon successful completion of the Fundamentals of Land Surveying (FLS FS) examination and have met meeting the education and experience requirements in part 1800.3505, subpart 3. An applicant failing either the PS or the MNLS examination and electing to take the examination again shall take the entire failed examination.

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## **1800.3700 EXAMINATIONS.**

Subpart 1. **Fundamentals of Land Surveying (FS) examination.** ~~Fundamentals of land surveying~~ The FS examination consists of an eight-hour examination. Failure of either the morning or afternoon portion of the examination will require the applicant to retake the entire eight-hour examination multiple-choice questions in mathematics, physical and applied sciences, and basic land surveying principles as presented in academic land surveying curricula.

Subp. 2. **Professional practice examinations.** ~~The examination for professional practice consists of a national examination and a local examination~~ the Principles and Practice of Surveying (PS) examination and the Minnesota Land Surveying (MNLS) examination. Failure of one or both of the examinations will necessitate retaking the entire failed examination. Successful completion of both the national professional practice examination PS and the local professional practice examination MNLS examinations qualifies the applicant for licensure as a land surveyor in Minnesota upon payment of the license fee.

Subp. 3. **Reference materials.** ~~Reference materials may be used when permitted by the board.~~ The board shall advise the applicant, at the time of approval for admission to an examination, what equipment and materials will be permitted for use during the examination.

## **1800.3750 PROCEDURES.**

Subpart 1. **Request for admission to the Fundamentals of Surveying (FS) examination.** An applicant shall submit an application for admission to the FS examination explained in part 1800.3600, subpart 2, accompanied by payment of the application fee specified in *Minnesota Statutes*, section 326.105. For applicants who have not yet graduated, an unofficial transcript of grades from all institutions attended showing the applicant's name, the name of the college or university, and the number of credits completed shall accompany the application. A final official transcript of grades showing the degree awarded and date of graduation shall be submitted before the applicant may be certified as a Land Surveyor-in-Training (LSIT). For applicants who have graduated, a final official transcript of grades showing the degree awarded and date of graduation shall accompany the application.

Subp. 2. **Request for admission to the Principles and Practice of Surveying (PS) examination.** An applicant shall submit an application for admission to the PS examination explained in part 1800.3600, subpart 3, accompanied by payment of the application fee specified in *Minnesota Statutes*, section 326.105. The application shall be made on a form provided by the board and shall include a detailed listing of surveying experience gained. The experience listing shall include the name and mailing address of the applicant's supervisor for each period of employment. The board shall provide the applicant with an employment reference form which shall be signed and certified. This form shall be submitted to the board by the employer. A final official transcript of grades showing the degree awarded and date of graduation shall accompany the completed form, unless previously submitted. Upon approval of the application by the board, the applicant will be so notified in writing. The applicant shall submit one signed copy of a statement that the applicant has read the Board Rules of Professional Conduct prior to receipt of the license.

Subp. 3. **Request for admission to the Minnesota Land Surveying (MNLS) examination.** Upon approval of an application for licensure as a land surveyor by comity under part 1800.0800, item G, or an application for examination under subpart 2, the applicant will be notified by the board in writing of the examination registration procedures and applicable fees for the MNLS examination. Applicants failing the MNLS examination shall submit a new application under subpart 2 accompanied by the application fee to retake the examination.

Subp. 4. **Examination administration and application deadline.** An applicant may not sit for an examination until an application has been submitted, the board has determined that the applicant has met the qualifications to take the examination, and the applicant has been notified of the applicant's eligibility.

The FS, PS, and MNLS examinations shall be administered at least twice annually at a time and place determined by the board or examination delivery vendor to those applicants determined by the board to meet the requirements for admission to the examination.

The deadline for application for an examination that is administered on a specific date and time shall be 75 days prior to the date set for the examination. Applications must be postmarked on or before the deadline to be considered on time.

For an examination that is administered on multiple dates and times within an examination window, an application may be submitted at any time.

The board, if necessary, shall forward notification of the applicant's eligibility to the examination delivery vendor. Following the board's



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determination that an applicant is eligible to sit for an examination, the applicant shall independently contact the examination delivery vendor to schedule the time and place for the examination at an approved test site.

The board or examination delivery vendor shall report to the applicant the results of each examination. In order to pass the examination, the applicant shall attain the uniform passing grade established by the board through a psychometrically acceptable standard-setting procedure.

Subp. 5. **Examination windows.** The examination windows are determined by the applicable national testing agency. An application for examination is for one examination attempt. An applicant who has been approved by the board for examination and does not take the examination within one year shall submit a new application for examination. Upon notification of failure of an examination, an applicant may submit a new application for examination. An applicant may not retake a failed examination within the same examination window and may not attempt the same examination more than three times in a rolling 12-month period.

## **1800.3850 TRANSITIONAL PERIOD.**

Until December 31, 2012, an individual who has taken the Fundamentals of Land Surveying examination before November 1, 2002, may choose to pursue licensure as a land surveyor under chapter 1800 as it existed on the date the person first took the examination.

## **1800.3910 EDUCATION AND EXPERIENCE.**

Subpart 1. **Written examination requirement.** An applicant for licensure within a geoscience discipline shall pass written examinations as provided in part 1800.3920. ~~Written examinations are not required of applicants licensed under part 1800.0800, item J, provided that these applicants are licensed in a geoscience discipline recognized by the board and are licensed in one or more states other than Minnesota as defined in *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (a), clause (2), or those geoscientists who are qualified for licensing by submission of records as defined in *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (b), by applying for licensure within one year after August 4, 1997, and meet the requirements in this part:~~

An applicant for licensure under part 1800.0800, item ~~J~~**I**, shall satisfy the Minnesota licensing requirements that were in effect at the time of the applicant's original licensure in the other state, if the original license of the applicant was received after August 4, 1997. An applicant for licensure under part 1800.0800, item ~~J~~**I**, shall satisfy the Minnesota licensing requirements that were in effect on August 4, 1997, if the applicant's original licensure in the other state was received prior to August 4, 1997.

The written Fundamentals of Geology (**FG**) examination or Fundamentals of Soil Science (**FSS**) examination shall be waived by the board if:

A. the applicant has a doctorate degree in the geoscience discipline in which the applicant is seeking licensure ~~in~~ or equivalent doctorate degree as approved by the board; and

B. the applicant meets the educational requirements in subpart 5.

Subp. 2. **Admission to written fundamentals examination.** To qualify for admission to the written fundamentals examination for a geoscience discipline, the applicant shall present evidence of the following:

A. graduation or being within 30 semester or 45 quarter credits of graduation from a geoscience curriculum approved by the board for the geoscience discipline the applicant is seeking licensure in, as specified in subpart 5; ~~and~~

B. ~~having met the educational requirements as defined in subpart 5; graduation with a bachelor's degree from a non-board-approved curriculum with a minimum number of equivalent geoscience credits as specified in subpart 5; or~~

C. graduation with a master's or doctorate degree in a non-board-approved curriculum with a minimum number of equivalent geoscience credits as specified in subpart 5.

Subp. 3. **Admission to written professional examination.** To qualify for admission to the written professional examination for a geoscience discipline, the applicant shall present evidence of meeting the educational and qualifying experience requirements in items A and B.

A. ~~The education requirement is graduation from a geoscience curriculum approved by the board for the geoscience discipline the applicant is seeking licensure in as defined in subpart 5: Education:~~

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(1) graduation from a geoscience curriculum approved by the board in the geoscience discipline in which the applicant is seeking licensure with the minimum number of geoscience credits as specified in subpart 5;

(2) graduation with a bachelor's degree from a non-board-approved curriculum with a minimum number of equivalent geoscience credits as specified in subpart 5; or

(3) graduation with a master's or doctorate degree in a non-board-approved curriculum with a minimum number of equivalent geoscience credits as specified in subpart 5.

**B. The Qualifying Experience requirement is:**

(1) completion of a minimum of five years of qualifying geoscience experience in the discipline in which the applicant is seeking licensure in if the applicant has graduated with a baccalaureate degree from a school or college approved by the board for the discipline in which the applicant is seeking licensure; geoscience curriculum meeting the requirements of item A, subitem (1);

~~Not more than two years credit shall be allowed for qualifying geoscience experience, gained before graduation from an approved geoscience curriculum. The two years experience before graduation must have been gained after completion of the second year of approved geoscience education. The experience shall be credited at the rate of 50 percent of the time gaining this experience up to the maximum allowable credit of two years. One year of experience is the equivalent of 2,080 hours.~~

(2) completion of a minimum of four years of qualifying geoscience experience in the discipline in which the applicant is seeking licensure if the applicant has graduated with a master's degree or higher from geoscience curriculum meeting the requirements of item A, subitem (1);

(3) completion of a minimum of six years of qualifying geoscience experience in the discipline in which the applicant is seeking licensure if the applicant meets the educational requirements of item A, subitem (2); or

(4) completion of a minimum of five years of qualifying geoscience experience in the discipline in which the applicant is seeking licensure if the applicant meets the educational requirements of item A, subitem (3).

One-half (50 percent) of the qualifying geoscience experience gained prior to graduation but after completion of two full years of one of the geoscience curricula specified in item A shall be credited to satisfy part of the requirements for the qualifying geoscience experience required under this item. This credit shall not exceed two years of qualifying geoscience experience listed in this subpart.

Subp. 4. [See repealer.]

**Subp. 5. Approved geoscience education.**

A. For an applicant seeking licensure as a professional geologist, the applicant shall present evidence of:

(1) a baccalaureate or higher degree in geology approved by the board, from an accredited institution of higher learning or an institution of higher learning approved by the board; and

(2) a minimum of 30 semester or 45 quarter hours in geology. A description of the core geology subjects as well as a list of geology courses shall be maintained by the board. Geology courses must include with a minimum of 24 semester hours or 36 quarter hours from divided among at least three of the following core geology subjects:

(a) physical geology;

(b) historical geology;

(c) stratigraphy;

(d) sedimentology or sedimentary petrology;

(e) mineralogy;

(f) igneous and/or metamorphic petrology;

(g) structural geology;

(h) hydrogeology;

(i) geochemistry;

(j) geophysics;

(k) glacial geology;

(l) geomorphology; and

(m) field geology or geologic field methods. A description of the core geology subjects as well as a list of geology courses shall be maintained by the board.

B. For applicants seeking licensure as a professional soil scientist, the applicant shall present evidence of:

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

(3) a minimum of 14 semester or 21 quarter hours in closely related geoscience courses as recognized by the board. Soil science courses must include a minimum of two semester or three quarter hours in each of the following basic soil science areas:

(a) soil physical properties, soil biophysical environment, or soil water relations;

(b) soil chemical properties, soil chemical processes, or soil fertility;

(c) soil biological properties, soil biochemical process, environmental ecology, or soil microbial ecology; and

(d) soil genesis, soil classification, pedology, or soil morphology. ~~A maximum of three semester or five quarter hours of masters or doctorate degree thesis credits can be applied to the total number of credit hours.~~ A list of courses included in each soil science study area and those which are recognized by the board as closely related geoscience courses shall be maintained by the board.

C. A maximum of three semester or five quarter hours of masters or doctorate degree thesis credits can be applied to the total number of credit hours.

Subp. 6. **Qualifying experience defined.** Qualifying geology experience must be obtained under the direct supervision of a licensed geologist. Qualifying soil science experience must be obtained under the direct supervision of a licensed geologist, licensed soil scientist, or licensed professional engineer who has qualified education and experience in the soil science discipline. As used in this part, “qualifying experience” consists of varied, progressive, nonrepetitive, practical experience in the discipline of geoscience in which the applicant is seeking licensure ~~in~~, developing the ability to apply the theoretical knowledge gained during academic training in making sound judgments in completing geoscientific work. The experience shall include elements of research, planning, technical specifications, codes and standards, research and analysis, economics, safety, observation of ongoing work, and the inspection of the completed project. Experience shall be written in detail, verified by the applicant’s supervisor, and submitted with the application for evaluation and approval by the board. Qualifying experience must be acquired after graduation from a baccalaureate or higher degree curriculum in a discipline of geoscience approved by the board ~~for in~~ the discipline which the applicant is seeking licensure ~~in~~, except that continuous experience in periods of ten or more weeks gained before graduation shall be counted if gained as specified in subpart 3, item B.

Subp. 7. [See repealer.]

## 1800.3920 WRITTEN EXAMINATION.

Subpart 1. **Two-part examination.** The written examination consists of the two parts as described in subparts 2 and 3. The written examinations for geologists shall be the examinations as provided by the National Association of State Boards of Geologists (ASBOG) as described in subpart 4, item A. The written examinations for soil scientists shall be the examinations provided by the Council of Soil Science Examiners (CSSE) as described in subpart 4, item B. ~~The geoscience examinations are administered by the board using the procedures prescribed by ASBOG for CSSE.~~

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Subp. 2. **Fundamentals examination.** An applicant shall be admitted to the fundamentals examination for a geoscience discipline, if, by the date of the examination, the applicant has completed the education requirements in part 1800.3910, subpart 2. The applicant shall submit an official transcript from the college or university the applicant is attending or has attended. An applicant taking the fundamentals examination in ~~the a~~ geoscience discipline ~~the applicant is seeking licensure in~~ shall be notified of the score in writing, ~~provided the applicant has met the criteria in this subpart.~~ An applicant failing this examination ~~and electing to take the examination again~~ shall ~~retake~~ take the entire examination. A description of the scope of the fundamentals examinations for each geoscience discipline is provided in subpart 4.

A final official transcript showing the degree ~~awarded and the date awarded of graduation~~ shall be submitted to the board before the in-training certificate ~~in the geoscience discipline the applicant is seeking licensure in~~ number is released to the applicant. The passing of this examination and providing proof of the degree ~~and the award date awarded and date of graduation~~ gives the applicant the in-training status ~~in the geoscience discipline the applicant is seeking licensure in~~ as defined in *Minnesota Statutes*, section 326.10, subdivision 7, paragraph (4.3). ~~The applicant shall not again be required to take this examination.~~ The applicant shall take and pass the fundamentals examination in the geoscience discipline for which the applicant is seeking licensure ~~in~~ before being permitted to take the professional examination.

Subp. 3. **Professional examination.** An applicant shall be admitted to the professional examination in the geoscience discipline in which the applicant is seeking licensure, if, by the date of the examination, the applicant has ~~passed~~ received confirmation of passing the fundamentals examination in the geoscience discipline in which the applicant is seeking licensure ~~in~~ and meets the education and experience requirements in part 1800.3910, subpart 3. The applicant shall submit verification of completion of the experience requirements in part 1800.3910, subpart 3, to the board before the applicant is qualified for admission to the professional examination. The professional examination covering the principles and practice of geoscience in the geoscience discipline in which the applicant is seeking licensure ~~in~~ is required as described in subpart 4. A person failing the professional examination ~~and electing to take the examination again~~ shall ~~retake~~ take the entire professional examination. A description of the scope of the professional ~~examinations~~ examination for each geoscience discipline is provided in subpart 4.

## Subp. 4. Scope and description of examinations.

A. The scope and description of the geology examinations are as described in subitems (1) and (2).

(1) The Fundamentals of Geology (FG) examination shall be administered at a time and place designated by the board to those applicants determined by the board to meet the requirements of part 1800.3910, ~~subparts subpart 2 and 4~~, for admission to the examination. ~~The passing of this examination gives the applicant the status of geologist-in-training. An official transcript of grades showing the date of award of the degree earned shall be submitted to the board before the applicant may be certified as geologist-in-training.~~

The FG examination consists of multiple-choice questions which emphasize knowledge and skills that are typically acquired in an academic setting and lead to a baccalaureate degree in geology.

(2) The ~~professional geologist~~ Practice of Geology (PG) examination shall be administered at a time and place designated by the board to those applicants determined by the board to meet the requirements of part 1800.3910, ~~subparts subpart 3 and 4~~, for admission to the examination. ~~The passing of the examination gives the applicant the status of registered professional geologist.~~

The ~~professional geologist~~ PG examination covers the principles and practice of geology. The examination shall include questions embracing the knowledge of professional practice and applied geology as acquired in connection with research, planning, and completion of geological work during the required period of geological experience. The ~~professional~~ PG examination is given to determine the degree of proficiency of the applicant in professional practice. This examination shall include questions designed to test whether the applicant has learned to apply the knowledge and understanding of the basic and geoscientific sciences gained through education, training, and experience to the solutions of geological problems.

B. The scope and description of the soil science examinations are as described in subitems (1) and (2).

(1) The Fundamentals of Soil Science (FSS) examination shall be administered at a time and place designated by the board to those applicants determined by the board to meet the requirements of part 1800.3910, subpart 2, for admission to the examination. ~~The passing of this examination gives the applicant the status of soil scientist-in-training. An official transcript of grades showing the date of award of the degree earned shall be submitted to the board before the applicant may be certified as soil scientist-in-training.~~

The FSS examination consists of multiple-choice questions which emphasize knowledge and skills that are typically acquired in an

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~~academic setting and lead to a baccalaureate degree in soil science.~~

(2) The ~~professional soil scientist~~ Professional Practices in Soil Science (PSS) examination shall be administered at a time and place designated by the board to those applicants determined by the board to meet the requirements of part 1800.3910, subpart 3, for admission to the examination. ~~The passing of the examination gives the applicant the status of registered professional soil scientist.~~

The ~~professional soil scientist~~ PSS examination covers the principles and practice of soil science. The examination shall include questions embracing the knowledge of professional practice and applied soil science as acquired in connection with research, planning, and completion of soil science work during the required period of soil science experience. The ~~professional~~ PSS examination is given to determine the degree of proficiency of the applicant in professional practice. This examination shall include questions designed to test whether the applicant has learned to apply the knowledge and understanding of the basic and geoscientific sciences gained through education, training, and experience to the solutions of soil science problems.

[For text of subp 5, see M.R.]

## 1800.3930 PROCEDURES.

Subpart 1. ~~Application deadline~~ **Request for admission to the fundamentals examination.** An applicant shall submit an application for admission to the fundamentals examination in the geoscience discipline in which the applicant is seeking licensure ~~in~~ as described in part 1800.3920, subpart 2. The application must be postmarked not later than 60 days prior to the ~~first day of the~~ date set for the fundamentals examination and accompanied by payment of the fee in part 1800.0500, subpart 1.

Subp. 2. **Request for admission to the professional examination.** An applicant shall submit an application for admission to the ~~principles and practice of professional~~ geoscience examination in the geoscience discipline in which the applicant is seeking licensure ~~in~~ as explained in part 1800.3920, subpart 3. The application must be postmarked not later than 60 days prior to the date set for the professional examination and accompanied by payment of the fee in part 1800.0500, subpart 1. The application shall be made on a form provided by the board and shall include a detailed listing of geoscience experience gained. The experience listing shall include the name and current mailing address of the applicant's direct supervisor for each period of employment. The board shall provide the applicant an employment reference verification form which shall be signed, certified, and submitted to the board by ~~the each~~ employer for each period of employment during which qualifying geoscience experience was gained. The board shall provide the applicant a reference form which shall be signed, certified, and submitted to the board by three references who are supervisors, coworkers, clients, or contractors knowledgeable in the applicant's geoscience work. At least one reference shall be from a licensed professional geologist or licensed professional soil scientist. A final official transcript of grades showing ~~the date of award of the degree earned~~ the degree awarded and date of graduation shall be submitted directly to the board by the educational institution, unless previously submitted. Upon approval of the application by the board, the applicant will be so notified in writing. The applicant shall submit one signed copy of a statement that the applicant has read the Board Rules of Professional Conduct prior to obtaining the ~~certificate and~~ license.

## 1800.4200 CERTIFICATION AND SIGNATURE ON PLANS.

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

Subp. 4. **Language.** The following wording shall be incorporated in the certification:

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_  
Date \_\_\_\_\_ Reg. Lic. No. \_\_\_\_\_

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_  
Date \_\_\_\_\_ Reg. Lic. No. \_\_\_\_\_



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I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_  
Date \_\_\_\_\_ Reg. Lic. No. \_\_\_\_\_

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Certified Interior Designer under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_  
Date \_\_\_\_\_ Reg. Cert. No. \_\_\_\_\_

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_  
Date \_\_\_\_\_ Reg. Lic. No. \_\_\_\_\_

I hereby certify that this plan, document, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Geologist under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_  
Date \_\_\_\_\_ Reg. Lic. No. \_\_\_\_\_

I hereby certify that this plan, document, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Soil Scientist under the laws of the state of Minnesota.

Signature: \_\_\_\_\_ Typed or Printed Name: \_\_\_\_\_  
Date \_\_\_\_\_ Reg. Lic. No. \_\_\_\_\_

Subp. 5. **Permanence of document certification.** When a document has been certified with the signature of the design professional as specified in subparts 1 to 4, that signature becomes a permanent part of that document and ~~cannot~~ **must not** be removed at a later date for any reason.

## **1800.4300 SEAL.**

Each person may, upon licensure or certification, also obtain a seal of a design approved by the board bearing the licensee's or certificate holder's name and the legend, licensed architect, licensed professional engineer, licensed land surveyor, licensed ~~professional~~ landscape architect, licensed professional geologist, ~~or~~ licensed professional soil scientist, or certified interior designer. Plans, specifications, plats, reports, and other documents prepared by a licensee or certificate holder may be stamped with the seal during the life of a licensee's license or certificate holder's certificate if ~~the certificate~~ it remains unrevoked, has not expired, or has not been suspended. The stamped seal may be used on documents in addition to the signed and dated certificate certification required under part 1800.4200.

## **1800.4600 PROFESSIONAL CORPORATIONS FIRMS.**

Professional ~~corporations~~ firms and foreign professional ~~corporations~~ firms are required to file periodic reports with the board in accordance with *Minnesota Statutes*, ~~section 319A.21~~ chapter 319B.

## **1805.1600 RESPONSIBLE CHARGE AND DIRECT SUPERVISION.**

Subpart 1. **Responsible charge; defined.** A person in responsible charge of architectural, engineering, land surveying, ~~or~~ landscape architectural, geoscience, or certified interior design work as used in *Minnesota Statutes*, section 326.14 means the person who determines design policy, including technical ~~questions~~ aspects, advises with the client, superintends subordinates during the course of the work and,

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## Proposed Rules

in general, the person whose professional skill and judgment are embodied in the plans, designs, and advice involved in the work. Plans and specifications for buildings, structures, or projects of standard design which have been designed outside the state shall bear the certification of the design professional licensed in another United States licensing jurisdiction. In addition, a Minnesota licensed architect, professional engineer, ~~or land surveyor~~, landscape architect, professional geologist, professional soil scientist, or certified interior designer shall review the design and certify that it is appropriate to the site on which construction is proposed and is in compliance with the State Building Code adopted by the Department of Administration where the building code is in effect.

Subp. 2. **Direct supervision; defined.** A person in direct supervision of work as referred to in *Minnesota Statutes*, section 326.12, subdivision 3, means that person who is the employer, an employee of the same firm, or who is under contract to or from another firm and who is in responsible charge of the technical aspects of the architectural, engineering, land surveying, ~~or landscape architectural~~, geo-science, or certified interior design work in progress, and whose professional skill and judgment are embodied in the plans, specifications, reports, plats, or other documents required to be certified pursuant to that subdivision. A person in direct supervision of work directs the work of other licensees, interns, draftspersons, technicians, ~~or and~~ clerical persons assigned to that work and is in responsible charge of the project comprising the work being supervised.

**REPEALER.** Minnesota Rules, parts 1800.3905; 1800.3910, subparts 4 and 7; and 1800.3915, are 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.

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

## Office of Administrative Hearings (OAH) Adopted Permanent Rules Relating to Municipal Boundary Adjustments

The rules proposed and published at State Register, Volume 37, Number 26, pages 967-973, December 24, 2012 (37 SR 967), are adopted as proposed.

# Adopted Rules

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## Board of Animal Health

### Adopted Permanent Rules Relating to Animal Health

The rules proposed and published at *State Register*, Volume 37, Number 4, pages 97-138, July 23, 2012 (37 SR 97), are adopted with the following modifications:

#### 1721.0020 CONTROL OF ANIMAL DISEASES.

Subpart 1. **Animal identification.** ~~The board may shall require official identification of livestock for the purpose of disease control or recording the movement of animals when it is necessary to control or eradicate disease, follow the movement of livestock between locations, or determine which animals have been exposed to disease.~~

Subp. 2. **Quarantine and isolation.** ~~When so ordered by the board, livestock affected with, exposed to, or showing clinical signs of an infectious, contagious, or communicable disease must be quarantined and isolated from all other unexposed livestock until the board releases the quarantine. The board shall quarantine and require isolation of any domestic animal infected with, exposed to, or which shows clinical signs of a contagious or infectious dangerous disease if it is necessary to protect the health of the domestic animals of the state. No person except the owner, attendants, or agent of the board shall enter any enclosures where quarantined and isolated livestock are being kept without prior approval of the board.~~

Subp. 3. **Vaccination.** ~~In addition to the requirements in this chapter or *Minnesota Statutes*, chapter 35, the board may shall require vaccination of animals for purposes of disease prevention, control, and eradication if it is necessary to protect the health of the domestic animals of the state. This action shall be taken only on the affirmative vote of all five board members at a regularly scheduled meeting of the board.~~ Vaccination of animals is to be performed at the owner's expense unless state or federal funds are available for this purpose.

Subp. 4. **Cleaning and disinfection.** The board may shall require the cleaning and disinfecting of premises or vehicles in a manner approved by the board when necessary to control the dissemination and transmission of diseases.

Subp. 5. **Testing.** ~~In addition to the requirements in this chapter or *Minnesota Statutes*, chapter 35, the board may shall require testing of animals to determine if the animals are infected with a disease agent if it is necessary to protect the health of the domestic animals of the state. This action shall be taken only on the affirmative vote of all five board members at a regularly scheduled meeting of the board.~~ The board may shall require tests to be performed by or under the direct supervision of an accredited veterinarian. All required tests must be completed by a date determined by the board. The owner is responsible for assembling, handling, and restraining the animals so they can be tested. Required tests must be performed at the owner's expense unless state or federal funds are available for this purpose.

Subp. 6. **Disease control zones.** ~~In addition to the requirements in this chapter or *Minnesota Statutes*, chapter 35, the board may shall designate disease control zones and determine their size and location if it is necessary to protect the health of the domestic animals of the state. This action shall be taken only on the affirmative vote of all five board members at a regularly scheduled meeting of the board.~~ Within a disease control zone, the board may require owners of livestock to:

Subp. 7. **Disease reporting.** A person who knows or reasonably suspects that an animal is infected with a disease listed on the board's reportable animal diseases list must immediately report that knowledge or suspicion to the board. ~~The board's reportable animal diseases list is available through the Internet at <http://mn.gov/bah> or by calling the board office at (651) 296-2942. Reports shall be made by calling the board office at (651) 296-2942, the district veterinarian whose phone number is available through the Internet at <http://mn.gov/bah>, or the Minnesota duty officer at 1-800-422-0798.~~

Subp. 8. **Reporting test results.** A person or entity that performs a test to determine if an animal is infected with a disease agent listed on the board's reportable animal diseases list must report the test results to the board within ten days from the date the test results are known:

#### 1721.0034 OFFICIAL BACK TAGS.

Subp. 3. **Records.** A person who applies official back tags must maintain records ~~as required by the board~~ on each animal identified, including:

A. the characters on the back tag;

B. date of application; and

C. name and address of the premises where the animals originated.

## **1721.0060 INFORMATION ON LIVESTOCK LOCATIONS.**

The board may visit any farm in the state to identify premises where animals are kept and register the premises in the board's database. Registration information may include:

A. names, addresses, and telephone numbers of the owners or managers;

B. the geographical location of premises where animals are kept;

C. the number and type of animals kept on the premises; and

D. any other information determined by the board to be necessary for the law enforcement process or the protection of public or animal health or safety.

## **1721.0090 COMMUNITY SALES.**

### Subpart 1. **Permits.**

D. The board may refuse to grant or may revoke an annual or single sale permit when the applicant or permit holder has violated the laws or the rules of the board. Violations of Minnesota Statutes, chapter 35, or board rules by an applicant or permit holder shall constitute grounds for the board to deny an application for an annual or single sale permit or to revoke such a permit. The board shall notify the applicant or permit holder of the right to appeal the board's initial determination under the Administrative Procedure Act, *Minnesota Statutes*, chapter 14.

E. Prior to issuance of a permit, the sales premises may be inspected shall be subject to inspection by a representative of the board to determine compliance with subparts 3 and 4.

Subp. 6. **Responsibilities of the official veterinarian.** As a representative of the board, the official veterinarian shall perform the following duties for each community sale:

H. if allowed by the sales management, remove official slaughter back tags when requested and ensure animals are identified as required and eligible for nonslaughter sale in accordance with subpart 9, item B;

Subp. 8. **Affidavits required for breeding cattle sold for slaughter.** A slaughter affidavit must be signed by the buyer of breeding cattle sold for slaughter. In the affidavit a buyer must designate the name of the slaughter establishment, state-federal approved livestock auction market, or slaughter-only handling facility to which the cattle will be moved and certify that the cattle will be moved directly from the community sale to the designated slaughter establishment, state-federal approved livestock auction market, or slaughter-only handling facility with no diversion to farm or ranch.

Subp. 9. **Removal of official slaughter back tags from slaughter cattle.** Removal of official back tags from slaughter cattle is prohibited unless the official veterinarian examines the cattle, completes a slaughter tag removal form, and ensures that:

A. each animal is officially identified by an official ear tag;

## **1721.0100 PUBLIC EXHIBITION.**

Subp. 3. **Responsibilities of exhibition managers.** The exhibition manager shall:

B. comply with all reasonable orders of the board or the official veterinarian pertaining to the sanitation of the premises and the health status of all livestock exhibited;

## **1721.0130 IMPORTATION OF CATTLE.**

Subpart 1. **Requirement for official identification.** Breeding cattle, rodeo cattle, and all cattle for exhibition entering the state must

# Adopted Rules

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be officially identified, except:

A. cattle originating from a farm of origin ~~in an adjacent state~~ that are consigned to a state-federal approved livestock auction market;

Subp. 2. **Requirement for certificate of veterinary inspection.** Cattle imported into the state must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian, except as provided in items A to E:

A. cattle originating from a farm of origin ~~in an adjacent state~~; that are consigned to a state-federal approved livestock market;

Subp. 6. **Requirement for an import permit.** A permit must be obtained from the board prior to the importation of all breeding cattle, all cattle for exhibition, and all cattle requiring a tuberculosis test under subpart 5, with the following exceptions:

A. cattle originating from a farm of origin ~~in an adjacent state~~ that are consigned to a state-federal approved livestock market; or

## 1721.0140 INTRASTATE MOVEMENT.

Subp. 2. **Requirement to maintain records.** A person or entity that purchases, acquires, trades, deals in, sells, or disposes of cattle must maintain records on the acquisition and disposition of the cattle as required by this part. Records must be retained for five years.

Subp. 3. **Contents of records.** Records required by subpart 2 must include:

D. ~~name names and address addresses~~ of the ~~person persons~~ or ~~entity entities~~ from whom the animals were acquired and to whom the animals were sent to;

E. the official identification number of each ~~animal required to be identified head of breeding cattle, rodeo cattle, and all cattle for exhibition~~ correlated with the ~~name names and address addresses~~ of the ~~person persons~~ or ~~entity entities~~ from whom the animals were acquired and to whom ~~they the animals~~ were sent;

## 1721.0160 COMMUNITY SALES.

Subp. 2. **Requirement for affidavits of slaughter.** A buyer of breeding cattle for slaughter at a community sale must sign an affidavit of slaughter that ~~designates the location where the animals will be slaughtered and~~ certifies that the cattle will be moved directly from the community sale to a state-federal approved livestock auction market, a slaughter-only handling facility, or to a designated slaughter establishment with no diversion to farm or ranch.

## 1721.0190 IMPORTATION OF SWINE.

Subp. 2. **Requirement for official identification and certificate of veterinary inspection.** Swine imported into the state must be officially identified and accompanied by a certificate of veterinary inspection issued by an accredited veterinarian except for:

B. swine consigned to a state-federal approved livestock market which move directly from a farm of origin ~~in an adjacent state~~; or

## 1721.0230 DEFINITIONS.

Subp. 7. **Official EIA test.** "Official EIA test" means the Coggins test or other test for EIA approved by the ~~USDA conducted at a USDA-approved laboratory board.~~

## 1721.0240 IMPORTATION OF HORSES.

Subp. 3. ~~Horses imported with pending EIA test results.~~ If a blood sample has been drawn but there is insufficient time to obtain the laboratory results of the EIA test prior to the importation, a permit for the importation of horses without final laboratory results may be obtained from the board if the veterinarian requesting the permit agrees to promptly submit the laboratory results to the board.

Subp. 4. ~~3.~~ **Horses imported without the required test for EIA.** Horses imported without the required negative test for EIA must be quarantined, isolated, and tested for EIA within ten days following notification from the board. Tests must be conducted at the owner's



expense.

## 1721.0260 EQUINE INFECTIOUS ANEMIA (EIA).

Subp. 2. **EIA quarantine procedures.** The board shall immediately quarantine all horses infected with or exposed to EIA in accordance with this subpart.

C. Quarantines on exposed horses may shall be released when all exposed horses on a premises are tested and found negative for EIA at least 45 days following the last known exposure.

## 1721.0280 IMPORTATION OF HATCHING EGGS, POULTRY, AND RATITES.

Subp. 2. **Import permit.** An import permit must be obtained from the board prior to importation of hatching eggs, poultry, or ratites into the state. The application for the permit must be endorsed by the official state animal health agency of the state or country of origin and indicate that the requirements of this part have been met.

Subp. 8. **Shipping containers.** Only new or cleaned and disinfected poultry boxes or containers may shall be used to ship baby poultry into the state.

## 1721.0290 POULTRY DEALERS.

Subp. 2. **Certificates.** All hatching eggs, poultry, and ratites acquired by poultry dealers in the state must be accompanied by a certificate as required in part 1721.0280, subpart 3, or test chart approved by the board to show compliance with the requirements in this part.

## 1721.0370 DEFINITIONS.

Subp. 5. **CWD certified herd.** “CWD certified herd” means a farmed cervidae herd that is enrolled in a CWD herd certification program approved by the board and has reached level 6 herd status as specified in part 1721.0420, subpart 1, item F.

Subp. 6. **CWD contaminated premises.** “CWD contaminated premises” means a premises on which a CWD positive animal has been identified. A CWD contaminated premises is further categorized depending on the degree of contamination as follows:

A. A premises may shall be categorized as having minimal environmental contamination if there is no evidence that there has been transmission of CWD on the premises and there is no evidence of long-standing infection of the herd. The number of positive animals identified on a premises of this type must be three or fewer. This category may shall be used in cases where history and records indicate that the positive animal likely contracted the disease on another premises. Positive animals on a premises in this category must be preclinical at the time of CWD diagnosis or very early in the clinical course of the disease.

B. A premises may shall be categorized as having moderate to severe environmental contamination if there is evidence that transmission of CWD has occurred or where a positive animal dies of CWD or is euthanized late in the clinical course of the disease.

Subp. 10. **Official CWD test.** “Official CWD test” means any test for the diagnosis of CWD approved by APHIS ~~and conducted in a laboratory approved by APHIS in accordance with Code of Federal Regulations, title 9, part 55.8~~ the board. A list of CWD tests approved by the board is available through the Internet at <http://mn.gov/bah> or by calling the board office at (651) 296-2942.

## 1721.0380 GENERAL REQUIREMENTS.

Subp. 2. **Registration.** To be registered with the board, the owner of farmed cervidae must have the owner’s herd inspected by a representative of the board and demonstrate that the owner has fulfilled all the requirements for farmed cervidae in parts 1721.0370 to 1721.0420. The owner must also sign and submit to the board a registration agreement in which the owner agrees to maintain the owner’s herd in compliance with this part. ~~The registered status of a farmed cervidae herd may be canceled at any time if the owner fails to comply with this part or fails to pay a civil penalty assessed by the board pursuant to Minnesota Statutes, section 35.95, for failure to comply with the requirements in this part. The failure of the owner to comply with this part or to pay a civil penalty assessed by the board pursuant~~

# Adopted Rules

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to Minnesota Statutes, section 35.95, for failure to comply with the requirements of this part shall constitute grounds for the board to cancel the registered status of a farmed cervidae herd. In accordance with Minnesota Statutes, section 35.155, subdivision 9, the board shall notify the herd owner of the right to request a contested case hearing regarding the board's determination under the Administrative Procedure Act, Minnesota Statutes, chapter 14.

Subp. 3. **Inspections.** ~~The board may~~ A representative of the board shall be permitted to inspect farmed cervidae, farmed cervidae facilities, and farmed cervidae records. Each herd and all premises where the herd is located must be inspected by a representative of the board at least once every 12 months to document compliance with this part. For new farmed cervidae facilities where no farmed cervidae have ever been kept, a representative of the board ~~may~~ shall be permitted to conduct a prestocking inspection to document compliance with this part and verify an initial null inventory for the herd.

## Subp. 7. **Removal of wild cervidae.**

B. An owner of an existing facility or an employee or agent under the direction of the owner must destroy wild cervidae found within the owner's farmed cervidae facility. The owner, employee, or agent must report wild cervidae that are destroyed to the board and a conservation officer or an employee of the Department of Natural Resources Division of Wildlife within 24 hours. Testing of wild cervidae destroyed within the farmed cervidae facility shall be conducted by or under the supervision of the board. The wild cervidae must be disposed of as prescribed by the commissioner of natural resources.

## 1721.0400 IMPORTATION OF FARMED CERVIDAE.

Subp. 4. ~~**Brucellosis.** Except for movement directly to a slaughtering establishment having state or federal inspection, live sexually intact cervidae six months of age and over imported into the state must originate from a certified brucellosis-free herd or area or be negative to a brucellosis test within 30 days prior to movement.~~

Subp. 5. ~~**Tuberculosis.** Except for movement directly to a slaughtering establishment having state or federal inspection, live cervidae imported into the state must originate from an accredited tuberculosis-free herd or area, or meet the following requirements:~~

A. ~~live cervidae must originate from a herd that is negative to a whole herd tuberculosis test conducted within 365 days prior to the date of movement; and~~

B. ~~live cervidae that are two months of age and over must be negative to an official tuberculosis test conducted within 90 days prior to the date of movement.~~

## 1721.0410 INTRASTATE MOVEMENT OF FARMED CERVIDAE.

Subpart 1. **Movement reports.** Movement of farmed cervidae for any reason from any state premises herd to another location must be reported to the board within 14 days of the movement on forms approved by the board.

Subp. 2. **Movement requirements.** Farmed cervidae moving from any premises herd to another location in the state must:

C. originate from a herd that is registered with the board and has achieved at least level 4 of the CWD herd certification program as specified in part 1721.0420, subpart 1, item F, or move directly to a slaughtering establishment having state or federal inspection.

Subp. 4. **Restriction on herd additions.** Farmed cervidae may not be moved into a farmed cervidae herd unless the herd is registered with the board and has achieved at least level 4 of the CWD herd certification program as specified in part 1721.0420, subpart 1, item F.

Subp. 5. **Movement into, within, and out of CWD endemic areas.**

C. ~~Farmed cervidae carcasses may not be moved from a CWD endemic area to other locations in the state, except for cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue; farmed cervidae carcasses may not be moved from a CWD endemic area to other locations in the state unless they move directly to a slaughtering establishment having state or federal inspection.~~

## 1721.0420 CHRONIC WASTING DISEASE (CWD).

### Subpart 1. CWD herd certification program.

C. ~~If~~ When farmed cervidae that are ~~required to have official identification~~ officially identified die or are slaughtered, the owner must report the age, sex, and official identification numbers of the ~~animal~~ animals to the board within 14 days ~~on forms approved by the board.~~

D. Animals from farmed cervidae herds that are 12 months of age and over that die or are slaughtered must be tested for CWD with an official CWD test. ~~This requirement includes animals that are slaughtered on the premises and animals that are moved to other locations for slaughter purposes. If animals are sold for slaughter purposes to an entity other than a state or federally licensed slaughter establishment, the farmed cervidae herd owner must maintain legal and physical possession of the animals until the animals are slaughtered and samples are collected for official CWD testing. Samples to be tested for CWD must be submitted to a laboratory approved by APHIS in accordance with Code of Federal Regulations, title 9, part 55.8; the board~~ within 14 days of sample collection. Other testing protocols may be used if they are approved by the board and are equally effective for the detection of CWD in farmed cervidae herds. Testing must be completed at owner expense unless state or federal funds are available for this purpose.

H. A newly formed herd that is comprised solely of animals obtained from herds already enrolled in the CWD certification program must start at the lowest status of any herd that provided animals for the new herd. ~~The new herd must have an initial status no higher than that assigned to the cervidae kept on the premises within the previous 12 months.~~

J. ~~The board shall grant an exception to the requirements of item I if animals die from anthrax or from another disease where necropsy is contraindicated due to public health risks or if they are lost due to an act of vandalism or natural disaster such as a tornado or flood; the board may grant an exception to the requirements of item I.~~

K. ~~Herd status may be canceled at any time if the owner fails to comply with any of the requirements in parts 1721.0370 to 1721.0420. The failure of the owner to comply with the requirements in parts 1721.0370 to 1721.0420 shall constitute grounds for the board to cancel herd status. In accordance with Minnesota Statutes, section 35.155, subdivision 9, the board shall notify the herd owner of the right to request a contested case hearing regarding the board's determination under the Minnesota Administrative Procedure Act, Minnesota Statutes, chapter 14.~~

Subp. 2. **Quarantine procedures.** The board must immediately quarantine a farmed cervidae herd that is determined to be infected with or exposed to CWD.

A. Unless a permit is obtained from the board, farmed cervidae may not be moved ~~onto or off of quarantined premises and perimeter fences 96 inches in height must be maintained around the premises so as to prevent egress of farmed cervidae or ingress of wild cervidae until the quarantine is released into or out of a quarantined herd.~~ The board may allow farmed cervidae from quarantined herds to be moved under permit directly to a state or federally licensed slaughtering establishment, to an approved veterinary diagnostic laboratory, or to another location if that movement is determined by the board not to endanger the health of other animals in the state.

C. Farmed cervidae herds ~~may~~ shall be released from quarantine by any of the following methods:

(1) Depopulation. To release a quarantine by depopulation, all cervidae in the herd must be euthanized and tested with an official CWD test. If the premises has no environmental contamination and all CWD tests are negative, the quarantine ~~may~~ shall be released immediately. If the premises has minimal environmental contamination ~~and all CWD tests are negative~~, the quarantine ~~may~~ shall be released one year after depopulation and cleaning and disinfection. If the premises has moderate to severe environmental contamination, the quarantine ~~may~~ shall be released five years after depopulation and cleaning and disinfection;

(2) ~~Test and removal of exposed animals.~~ If a premises has no environmental contamination and all CWD exposed animals on the premises are tested and are found to be CWD negative, the quarantine ~~may~~ shall be released;

(3) Test for five years. If any animal that dies or is slaughtered from the herd is tested, regardless of age, with an official CWD test for a period of 60 months, and no positive animal is identified, the quarantine ~~may~~ shall be released; or

E. ~~CWD-contaminated premises may be restocked with livestock other than cervidae one month after cleaning and disinfection procedures have been completed. If the premises is restocked with livestock other than cervidae, all livestock that die during the quarantine~~

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period must be reported by the owner to the board and must immediately be delivered by the owner to the University of Minnesota Veterinary Diagnostic Laboratory for necropsy and determination of the cause of death. Necropsies must be performed at owner expense. A premises may only be restocked with cervidae after the quarantine is released.

Subp. 3. **Determining boundaries of CWD endemic areas in the state.** If the board determines that CWD is endemic in the state, all locations within ten miles of a confirmed case of CWD in wild cervidae in the state must be designated as part of the endemic area. The board ~~may~~ shall designate larger geographic areas of the state as part of a CWD endemic area if necessary to prevent the spread of CWD. Individual farmed cervidae herds where animals are kept on premises within a designated CWD endemic area ~~may~~ shall be excluded from and not considered to be a part of a CWD endemic area if one of the following conditions is met:

## 1721.0430 DEFINITIONS.

Subp. 2. **Exposed flock.** “Exposed flock” has the meaning given in Code of Federal Regulations, title 9, part 79.1.

Subp. ~~2~~ 3. **Flock.** “Flock” means sheep, goats, or both maintained on a single premises, or sheep, goats, or both maintained under common ownership or supervision on two or more premises with animal interchange between the premises.

Subp. 4. **High-risk animal.** “High-risk animal” has the meaning given in Code of Federal Regulations, title 9, part 79.1.

Subp. ~~3~~ 5. **Restricted-movement feeder animal.** “Restricted-movement feeder animal” means a sheep or goat that is less than 18 months old as evidenced by the eruption of the second incisor, is not pregnant, has never given birth, is not commingled with breeding animals from other flocks, and will be slaughtered at less than 18 months of age.

Subp. 6. **Scrapie-positive animal.** “Scrapie-positive animal” has the meaning given in Code of Federal Regulations, title 9, part 79.1.

Subp. 7. **Scrapie-tagged.** “Scrapie-tagged” means officially identified with an ear tag or back tag in accordance with Code of Federal Regulations, title 9, part 79.2(a)(2).

Subp. ~~4~~ 8. **Slaughter channels.** An animal is in a “slaughter channel” if it is sold, transferred, or moved to:

Subp. 9. **Suspect animal.** “Suspect animal” has the meaning given in Code of Federal Regulations, title 9, part 79.1.

Subp. ~~5~~ 10. **Terminal feedlot.** “Terminal feedlot” means a facility that exists for the express purpose of improving an animal’s condition for slaughter and from which animals are moved only to slaughter.

## 1721.0440 GENERAL.

Subp. 2. **Required records for persons who purchase, acquire, sell, or dispose of sheep or goats.**

A. A person who purchases or acquires a sheep or goat must maintain ~~normal business~~ records that include the following:

## 1721.0520 KENNELS.

Subp. 6. **Animal housing and confinement areas.**

B. Dogs or cats must not be confined by chains or by tethering.

Subp. 8. **Identification.** Each dog and cat in a kennel must be identified with a numbered tag affixed to the neck by the means of a collar, identification attached to the cage, microchip, or by other means approved by the board.

Subp. 9. **Records.** Records required in this part must be maintained for a minimum of two years and available to duly authorized agents upon demand at any reasonable time. A licensed kennel or kennel dealer must maintain the following records for each animal handled:

B. the name and address of the person from whom a dog or cat ~~three months of age or older~~ was received and, in the case of a kennel dealer, the person’s driver’s license number or Social Security number;

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E. the name and address of the person to whom a dog or cat ~~three months of age or older~~ was transferred;

~~Subp. 12. **Dogs and cats unfit for sale or release.** A dog or cat that has fractures, serious congenital abnormalities, obvious signs of severe parasitism, or infectious disease is unfit for sale or release, other than to the previous owner. A dog or cat determined to be unfit for sale or release must be isolated and treated by a licensed veterinarian or euthanized in a humane manner. If treatment for the conditions brings about a satisfactory recovery to a normal state of health, the animal is fit for release or sale.~~

~~Subp. 13. **Dogs or cats may not be used for breeding.** No person shall allow a dog or cat housed in a kennel facility to be used for breeding. This part does not apply to a veterinary clinic licensed to operate a kennel.~~

~~Subp. 14. **13. Complaints and cost recovery.**~~

## 1721.0530 ANTHRAX QUARANTINE, PRECAUTIONS AND DISPOSAL.

~~Subp. 3. **Necropsy.** No one may necropsy the carcass of any animal dying suddenly if there is anthrax in the area of anthrax or suspected to have died of anthrax unless authorized by the board.~~

## 1721.0540 DEFINITIONS.

~~Subp. 2. **Approved confinement facility.** “Approved confinement facility” means a veterinary clinic, a kennel licensed with the board pursuant to *Minnesota Statutes*, section 347.31, an animal facility owned or operated by a political subdivision of the state, or other facility that has been approved by the board to confine and observe an animal that has bitten a human.~~

~~Subp. 3. **Confinement.** “Confinement” means restricting an animal in such a way that it can always be found and cannot wander away.~~

~~Subp. 4. **2. Positive rabies case.** “Positive rabies case” means an animal diagnosed as positive for rabies by a recognized laboratory or an animal determined by the board to be at high risk for having rabies.~~

~~Subp. 5. **3. Rabies vaccination certificate.** “Rabies vaccination certificate” means a certificate that documents that an animal has been vaccinated for rabies in accordance with parts 1721.0540 to 1721.0580 and the compendium. The completed certificate must be signed by the veterinarian who administered or supervised the administration of the vaccine. The certificate must include the following information:~~

~~Subp. 6. **4. Rabies specimen.** “Rabies specimen” means that part of an animal or an entire animal submitted for rabies examination.~~

## 1721.0580 MANAGEMENT OF ANIMALS THAT BITE HUMANS.

~~Subpart 1. **Dogs, cats, and ferrets.** A healthy dog, cat, or ferret that bites a human must be kept under confinement and observed for signs suggestive of rabies for ten days, or the animal must be euthanized and tested for rabies. Any illness in the animal must be reported to the Department of Health. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies. An animal that dies or is euthanized during the ten-day confinement period must be tested for rabies. A dog, cat, or ferret that is not currently vaccinated for rabies at the time of the bite must be confined at an approved confinement facility at the owner’s expense, unless exempted by local authorities. A dog, cat, or ferret that is currently vaccinated for rabies at the time of the bite may be confined in the home or as directed by local authorities. If requested by the Department of Health, a stray or impounded dog, cat, or ferret that bites a human may be euthanized and tested for rabies before the required five-day holding period as specified in part 1721.0520, subpart 10, or in *Minnesota Statutes*, section 346.47.~~

~~Subp. 2. **Other animals.** All other animals An animal other than a dog, cat, or ferret that bite bites a human must be managed on a case-by-case basis based on the recommendations of the Department of Health. The animals may be required to be confined in the home, on the owner premises, or at an approved confinement facility and observed for signs suggestive of rabies. If the Department of Health requests a rabies test, the animal must be euthanized and tested for rabies.~~

~~Subp. 3. **Confinement procedures.** An animal under confinement for rabies observation must be restricted in such a way that the animal can always be found and cannot wander away. A dog, cat, or ferret that is currently vaccinated for rabies may be confined in the home or as directed by local authorities. A dog, cat, or ferret that is not currently vaccinated for rabies may be required by local authorities to be~~



# Adopted Rules

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confined at a veterinary clinic or other secure location at the owner's expense.

Subp. 4. **Reporting and testing.** Any illness in an animal that is under confinement and observation for rabies established under this part must be reported to the Department of Health. If the animal shows signs suggestive of rabies, it must be euthanized and tested for rabies. An animal that dies or is euthanized during the confinement period must be tested for rabies.

Subp. 3.5. **Enforcement.** Local animal control and law enforcement officials are responsible for enforcement of this part.

## 1721.0610 PERMITS.

Subp. 2. **Cancellation.** The board may refuse to grant or may revoke a permit if the applicant or permit holder has violated the requirements in parts 1721.0590 to 1721.0660 pertaining to the feeding of garbage to livestock or any requirement specified in parts 1721.0100 to 1721.0740 or *Minnesota Statutes*, chapter 35. Violations of the requirements of parts 1721.0590 to 1721.0660 pertaining to the feeding of garbage to livestock or any requirement specified in parts 1721.0100 to 1721.0740 or *Minnesota Statutes*, chapter 35, by an applicant or permit holder shall constitute grounds for the board to deny an application for a Class A or Class B permit for feeding premises or to revoke such a permit. The board shall notify the applicant or permit holder of the right to appeal the board's initial determination under the Administrative Procedure Act, *Minnesota Statutes*, chapter 14.

## 1721.0650 GARBAGE TREATMENT.

Subpart 1. **Class A permit.** Garbage brought to a Class A feeding premises as defined in part 1721.0610, subpart 1, must be processed by thoroughly heating it to at least 212 degrees Fahrenheit for a continuous period of at least 30 minutes or by some other method approved by the board to provide an equivalent level of inactivation of disease organisms.

Subp. 2. **Class B permit.** Garbage brought to a Class B feeding premises as defined in part 1721.0610, subpart 1, may be fed directly to livestock without further treatment if the board determines that feeding the material is not a risk for spreading livestock diseases.

## 1721.0670 RESTRICTIONS ON SALE OR DISTRIBUTION OF CERTAIN VACCINES.

A. The following vaccines may be sold or distributed only to veterinarians, pharmacists, or companies that only sell to veterinarians:

(4) other vaccines determined by the board to be too dangerous for nonveterinarian use. A list of restricted vaccines is available through the Internet at <http://mn.gov/bah> or by calling the board office at (651) 296-2942.

B. The following vaccines may be sold only to veterinarians, or by written prescription to nonveterinarians:

(3) other vaccines that are restricted by the board for use in a disease control program. A list of restricted vaccines is available through the Internet at <http://mn.gov/bah> or by calling the board office at (651) 296-2942.

E. With the exception of item D, this part does not apply to vaccines sold exclusively for use in poultry; provided, the board may shall impose restrictions on the sale, distribution, and use of poultry vaccines if considered necessary to protect the health of livestock and poultry in Minnesota.

## 1721.0680 RESTRICTIONS ON SALE OR DISTRIBUTION OF ANTIGENS USED IN DETECTION AND DIAGNOSIS OF DISEASES OF DOMESTIC ANIMALS.

C. With the exception of item B, this part does not apply to antigens manufactured and sold exclusively for use in poultry; provided, the board may shall impose restrictions on the sale, distribution, and use of poultry antigens if deemed necessary to protect the health of livestock and poultry in the state.

## 1721.0720 TRANSPORT OF ANIMAL CARCASSES.

Subpart 1. **Permits.**

A. A permit from the board is required for a vehicle used to transport carcasses over public roads within the state except that no permit is required for a person to haul the carcass of an animal that was owned by that person before the animal died. A permit is valid for

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## Adopted Rules

one year from the date of issuance. ~~A permit may be revoked by the board for noncompliance with parts 1721.0690 to 1721.0740. Violations of the requirements of parts 1721.0690 to 1721.0740 pertaining to carcass disposal shall constitute grounds for the board to revoke a permit issued for a vehicle used to transport carcasses over public roads in the state. The board shall notify the permit holder of the right to appeal the board's initial determination under the Administrative Procedure Act, *Minnesota Statutes*, chapter 14.~~

### Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

## Office of the Governor

### Emergency Executive Order #13-02: Providing for Relief from Regulations to Certain Motor Carriers and Drivers Operating in Minnesota

**I, MARK DAYTON, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the power invested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

**WHEREAS**, extreme weather conditions and lack of snow cover have created freezing of septic systems over much of Minnesota;

**WHEREAS**, it is urgent that immediate action be taken to prevent danger to public health and to avoid further damage to septic systems;

**WHEREAS**, the seasonal load restrictions as described in Minnesota Statutes, section 169.87 are scheduled to go in effect in the south, southwestern, metro and central frost regions and will go into effect in the northern portion of the state in the near future;

**WHEREAS**, these seasonal load restrictions will impair the removal of sewage from septic systems and increase the harm caused by leakage and rupture of septic systems;

# Executive Orders

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NOW, THEREFORE, I hereby order that:

A state of emergency exists, and orders that vehicles used to pump sewage from septic systems or used to transport sewage from septic systems be exempted from the seasonal load restrictions on local and state highways and streets imposed in Minnesota Statutes, section 169.87.

Pursuant to Minnesota Statutes, section 4.035, subdivision 2, this Order is effective immediately and shall remain in effect until **June 1, 2013**.

IN TESTIMONY WHEREOF, I have set my hand on this 15<sup>th</sup> day of March, 2013.

Signed: **Mark Dayton**  
**Governor**

Filed According to Law:

Signed: **Mark Ritchie**  
**Secretary of State**

## 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.

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**Minnesota Higher Education Facilities Authority (MHEFA)  
Notice of Public Hearing on Revenue Obligations on behalf of William Mitchell  
College of Law**

**NOTICE IS HEREBY GIVEN** that a public hearing will be held by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to a proposal to issue revenue bonds or other obligations on behalf of the William Mitchell College of Law (the "College"), as owner and operator of the William Mitchell College of Law, at the Embassy Suites Hotel, 175 East Tenth Street, Saint Paul, Minnesota on Wednesday, April 10, 2013 at 1:30 p.m.

Under the proposal, the Authority would issue its revenue bonds or other obligations in an aggregate principal amount of up to approximately \$15,000,000 to finance a Project (the "Project") consisting of the refunding of the Authority's Variable Rate Demand Revenue Bonds, Series Five-S (William Mitchell College of Law), dated October 2, 2003 (the "Series Five-S Bonds"), which were issued in the original principal amount of \$15,800,000 to provide funds to finance (a) construction, renovation and expansion of a student center, (b) construction, renovation and expansion of classroom space with enhanced technology, and (c) expansion and upgrade of facility infrastructure, consisting of approximately 27,000 additional square feet and approximately 22,000 square feet of remodeled space; all owned and operated by the College and located on the College's campus, the principal street address of which is 875 Summit Avenue, Saint Paul, Minnesota.

At said time and place the Authority shall give all parties who appear or who have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Project.

Dated: March 25, 2013

By Order of the Minnesota Higher  
Education Facilities Authority  
Marianne Remedios, Executive Director

**Minnesota Housing Finance Agency (MHFA)  
Public Notice to Qualified Homebuyers and Lenders Regarding the 2013 Mortgage  
Credit Certificate Program**

The Minnesota Housing Finance Agency (the "Agency") proposes to implement a program (the "Program") to issue mortgage credit certificates ("MCCs") to provide assistance to qualified homebuyers purchasing new or existing residences in the State of Minnesota. An MCC reduces the amount of federal income tax a qualified homeowner pays by providing a non-refundable federal tax credit during the life of a mortgage loan, as long as the homeowner occupies the home as his or her principal residence. After all other credits and deductions are taken into account, the value of the MCC is applied directly to the homeowner's remaining federal income tax liability, if any.

No sooner than 90 days following publication of this Notice, the Agency intends to issue MCCs in accordance with the guidelines summarized below. The total credit authority available under the Program is \$33,776,912, which is expected to provide assistance with respect to approximately \$96,505,000 in aggregate principal amount of mortgage loans.

The annual amount of the MCC tax credit will be equal to the lesser of 35% of the yearly interest paid or accrued on the homeowner's mortgage loan or \$2,000. The amount of the credit may not exceed the homeowner's remaining federal income tax liability for a year, but excess credit may be carried forward for up to three subsequent tax years. Use of an MCC will reduce the deduction for home mortgage interest on the homeowner's tax return. An MCC expires on the date the mortgage loan relating thereto is paid in full or refinanced and is revoked on the date the residence to which it relates ceases to be the taxpayer's primary residence. The Agency reserves the right to adjust the MCC credit rate or to conform the Program to market demand or future tax legislation.

To be eligible for an MCC, an applicant must (1) purchase a qualifying new, existing singlefamily home in the State of Minnesota on or before December 31, 2014; (2) acquire a new mortgage loan (refinancing an existing mortgage or land contract is not permissible, except for certain construction loans); (3) occupy the home as a primary residence within 60 days of its purchase; (4) purchase a home that has a total acquisition cost that does not exceed the maximum purchase price limits as established by the Agency; (5) have a household income,

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including all household members 18 years or older, that does not exceed the maximum household incomes established by the Agency; and (6) not have had an ownership interest in a principal residence within the preceding three years, except for qualified homebuyers purchasing homes in federally designated targeted areas. The applicant must sign all documents and affidavits that are needed to demonstrate eligibility for an MCC under the Program and federal tax law. The Agency reserves the right to adjust and/or waive the application fee and to adjust the purchase price and income limits for the Program from time to time to reflect housing costs and market conditions within federal guidelines or as may be required by federal law.

Until the total MCC credit amount for the Program is exhausted, a qualifying homebuyer may apply for an MCC through a participating lender. Applicants must meet the credit and underwriting criteria established by the participating lender that provides the loan. MCCs cannot be used with any mortgage loans subsidized by mortgage revenue bonds; however, MCCs can be used in connection with the Agency's non-bond programs.

Banks, savings and loan associations, mortgage companies and other financing institutions and individuals are invited to participate as lenders in the Program. Any lender who wishes to participate must sign a participation agreement, which specifies the lender's loan review and reporting responsibilities. If a lender has not already paid a \$250 participation fee through U.S. Bank, MRBP, the lender must pay the Agency a participation fee of \$250. A list of participating lenders will be available from the Agency. An applicant may also obtain a loan from a lender not on this list if the lender agrees to participate in the Program.

MCC applications will be accepted on a firstcome, first served basis; however, for the first year of the Program, 20% will be targeted to persons purchasing singlefamily homes in federally designated targeted areas. There is no allocation of MCCs by lender.

Each applicant for an MCC will be required to pay a nonrefundable fee of up to 1% of the purchase price of the home at the time of application. The Agency reserves the right to adjust the fee from time to time or waive the fee in specified circumstances.

Current federal tax law requires homeowners who receive MCCs to pay to the U.S. Treasury a certain percentage of the sale of proceeds of their residences (commonly known as recapture). A portion of the sale proceeds representing the benefit derived by the homeowner from the MCC would be payable to the U.S. Treasury if the residence is sold within nine years of purchase at an appreciated price and if the homeowner's income had substantially increased during this period.

The Agency reserves the right to adjust or amend the Program guidelines at its sole discretion and without further notice.

If you have any questions regarding the Program or need further information about the requirements for participating lenders, please contact Kirsten Partenheimer or Devon Pohlman at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, Saint Paul, MN 55101-1998, phone: (651) 296-7608 or 1-800-657-3769.

MINNESOTA HOUSING FINANCE AGENCY  
Mary Tingerthal, Commissioner

## State Board of Investment

### Notice to Institutional Investment Management Firms for Consideration to Potentially Manage a Portion of the Pension Assets and Other Accounts

The Minnesota State Board of Investment (MSBI) retains institutional investment management firms to manage a portion of the pension assets and other accounts under its control. Periodically, the MSBI will conduct a search for institutional investment management firms on an as needed basis. For additional information on the domestic stock, international stock, or domestic bond portfolio programs for the MSBI, firms 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  
**Telephone:** (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 request.

## **Minnesota Department of Natural Resources (DNR) Notice of Proposed Mountain Bike Trail Designation in Richard J. Dorer Memorial Hardwood Forest, Winona County**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Natural Resources (DNR) is considering a 9.6-mile expansion of the mountain bike trail system in the Bronk Management Unit of the Richard J. Dorer Memorial Hardwood State Forest in Winona County.

The proposed trail will connect to the existing Plowline Trail in the Bronk Management Unit. The Winona Area Mountain Bike Club proposes to construct and maintain the trail with DNR oversight.

The DNR will hold an open house to present information and receive public comments on the proposed trail. The open house is scheduled for May 30, 2013, from 5:30 p.m. to 7:30 p.m. at the Stockton Community Center, North D Street, Stockton, MN 55988.

The DNR invites interested members of the public to attend the open house to review maps, discuss the new trail proposal, submit comments, and recommend changes. The DNR will accept written comments on the proposal through June 14, 2013.

A map and summary of the proposed trail are on the DNR website at [www.mndnr.gov/input](http://www.mndnr.gov/input). Questions regarding the proposal and the public review period should be directed to:

Craig Blommer, Area Supervisor  
DNR Parks and Trails  
3555 - 9<sup>th</sup> Street NW, Suite 350  
Rochester, MN 55901  
**Phone:** (507) 206-2845  
**Fax:** (507) 285-7144  
**E-mail:** [craig.blommer@state.mn.us](mailto:craig.blommer@state.mn.us)

Written comments on the proposals can be submitted to Craig Blommer at the above address until 4:30 p.m. on June 14, 2013.

The DNR will consider comments received during the public comment period in developing a final recommendation for approval by the commissioner. If approved, the trail will be designated by written commissioner's order, published in the *State Register*. *Minnesota Statutes*, section 89.19, subdivision 2 governs designations of forest trails and changes to existing designations.

Courtland Nelson, Director of Parks and Trails  
Minnesota Department of Natural Resources

## **Minnesota Pollution Control Agency (MPCA) Resource Management and Assistance Division Notice of Changes to Regional General Permit (RGP-002)**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) intends to waive the 401 Certification for Regional General Permit RGP-002 of United States Army Corps of Engineers (USACE).

MPCA, through extensive input into the development of RGP-002 and with the inclusion of current Natural Resources Conservation  
(Cite 37 SR 1409) *State Register*, Monday 25 March 2013 Page 1409



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Service (NRCS) Practice Standards 606 that describes controlled outlets and other subsurface drainage design guidance, is confident that RGP-002 meets all 401 Water Quality Certification requirements.

Interested persons may submit comments to Jim Brist, contact information listed below. Comments must be received by April 24, 2013.

A copy of the proposed changes to RGP-002 is available electronically at:

<http://www.pca.state.mn.us/index.php/water/water-permits-and-rules/water-permits-and-forms/clean-water-act-section-401-water-quality-certifications.html>

or by hard copy, by contacting Jim Brist at **phone:** (651) 757-2245, or **e-mail:** [jim.brist@state.mn.us](mailto:jim.brist@state.mn.us).

Jim Brist  
Resource Management and Assistance Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
**Fax:** (651) 297-8676  
**E-mail:** [jim.brist@state.mn.us](mailto:jim.brist@state.mn.us)

If you have questions regarding this notice, please contact Jim Brist.

Dated: 19 March 2013

John Linc Stine, Commissioner  
Minnesota Pollution Control Agency

## Minnesota Pollution Control Agency (MPCA) Watershed Division

### Public Notice of Availability of the Draft Deer Creek Watershed Turbidity TMDL Report and Request for Comments

**Public Comment Period Begins:**

**March 25, 2013**

**Public Comment Period Ends:**

**April 23, 2013**

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Report for the Deer Creek Turbidity Total Maximum Daily Load (TMDL). The draft TMDL Report for Deer Creek is available for review at:

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

Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. Comments must be sent to the MPCA contact person listed below before the end of the public comment period.

Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

Deer Creek, from its headwaters to its confluence with the Nemadji River, is impaired because it does not meet the turbidity water quality standard. Turbidity is a measure of the water's clarity and is caused by the amount of particles in the water, such as sediment. Higher turbidities reduce the penetration of sunlight in the water and can harm aquatic life.

Deer Creek is located in north-eastern Minnesota in Carlton County. It is a tributary to the Nemadji River, which is part of the St. Louis Bay estuary complex located at Duluth MN. The Nemadji River system is an important fishery for the Lake Superior Basin.

#### Agency Contact Person

Written or oral comments, petitions, questions, or requests to receive a draft of the TMDL Reports, and requests for more information

should be directed to:

Minnesota Pollution Control Agency  
Attn: Karen Evens  
525 Lake Avenue Suite 400  
Duluth, MN 55802  
**Phone:** (218) 302-6644 (direct)  
**Fax:** (218) 723-4727  
Minnesota Toll Free: 1-800-657-3864  
**E-mail:** [karen.evens@state.mn.us](mailto:karen.evens@state.mn.us)  
**TTY** users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

**Preliminary Determination on the draft TMDL Report:** The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report is available for review at the MPCA office at the address listed above, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>. Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

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

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

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

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

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

**Petition for Contested Case Hearing:** You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that:

1. There is a material issue of fact in dispute concerning the application or draft TMDL Report;
2. The MPCA has the jurisdiction to make a determination on the disputed material issue of fact

And;

3. There is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

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

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

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

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing,

# Official Notices

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2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

**MPCA Decision:** You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if:

1. The Commissioner grants the petition requesting the matter be presented to the Board;
2. One or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or
3. A timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

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

Dated: March 2013

## Minnesota Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting: Notices of Suspension and Debarment

### NOTICE OF SUSPENSION

**NOTICE IS HEREBY GIVEN** that the Department of Transportation ("MnDOT") has ordered that the following vendors be suspended for a period of sixty (60) days, effective January 30, 2013 until March 31, 2013:

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

**NOTICE IS HEREBY GIVEN** that the Department of Transportation ("MnDOT") has ordered that the following vendors be suspended for a period of sixty (60) days, effective March 13, 2013 until May 12, 2013:

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

### NOTICE OF DEBARMENT

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

- Philip Joseph Franklin, Leesburg, VA

- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

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

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

### State Grants & Loans

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

Readers are also advised to check the Office of Grants Management (OGM) at: <http://www.admin.state.mn.us/ogm.html>

### Additional Funding Sources

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of all the current rules, a growing index, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

- Word Search Capability
- Indices from Vol. 27 to most current issue
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- Easy Access to *State Register* Archives
- "Contracts & Grants" Open for Bid

It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at **phone:** (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** [loretta.diaz@state.mn.us](mailto:loretta.diaz@state.mn.us)

The *State Register* is one of the best ways to advertise your grants - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 per 1/10 of a page you cannot go wrong.

# State Grants & Loans

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## Minnesota Department of Transportation (MnDOT) Request for Information (RFI) for Comprehensive Transit Grants Management Program

The Minnesota Department of Transportation (MnDOT) is in need of a Comprehensive Transit Grants Management system. The purpose of this Request for Information (RFI) is to identify a commercial off the shelf package that could replace MnDOT's current Public Transit Application. MnDOT would like to improve the ability to effectively plan, implement, administer, and evaluate programs and grants to improve public transit, community transportation, and other passenger programs across the state of Minnesota. This includes the administration of federal grants, and state programs.

Minnesota has a statutory goal to provide transit services to all counties in the state to meet the needs of transit users. In Greater Minnesota, 59 public transit systems are operated by local governments and non-profits. The Office of Transit administers state and federal transit assistance programs to support these public transit systems, directs planning and research activities, provides technical assistance, and coordinates statewide bicycle and pedestrian activities.

Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate MnDOT to complete the work contemplated in this notice, and MnDOT reserves the right to cancel this RFI. All expenses incurred in responding to this notice shall be borne by the responder.

The full RFI can be viewed on the Consultant Services Web Page at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult) under the P/T Notices Section. If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Charles Morris, State Program Administrator  
**E-mail:** [Charles.a.morris@state.mn.us](mailto:Charles.a.morris@state.mn.us)  
**Telephone:** (651) 366-4178

**Note:** RESPONSES WILL BE DUE ON April 12, 2013, AT 2:00PM CENTRAL DAYLIGHT TIME.

## State Contracts

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

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

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600

\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;

\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and

anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days.

## Find and Follow Past Contracts and RFPs

*State Register* subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*, Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

- **Word Search Capability**
- **Indices from Vol 27 to the most current issue**
- **E-mailed to you, on Friday**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **"Contracts & Grants" Open for Bid**

Subscriptions cost \$180 a year (an \$80 savings). It's all E-MAILED to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** [loretta.diaz@state.mn.us](mailto:loretta.diaz@state.mn.us).

The state spends \$2-3 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$10.20 each 1/10 of a page, you cannot go wrong.

## Minnesota State Colleges and Universities (MnSCU) Central Lakes College Request for Proposal for DOL Evaluation Services

Central Lakes College is requesting proposals for DOL Evaluation Services. A copy of the Request For Proposal may be obtained by contacting Marlene Mixa at Central Lakes College, 1830 Airport Road, Staples, MN 56479, phone: (218) 894-5131.

Proposals must be submitted no later than April 8, 2013 at 2:00 PM. All proposals must be sealed and marked "RFP for DOL Evaluation Services". Submit proposals to:

Central Lakes College  
Attn: Marlene Mixa  
1830 Airport Road  
Staples, MN 56479

The college reserves the right to reject any or all proposals, to waive any information or irregularities in the bidding and to make the award serving the best interest of the college.

Central Lakes College is an affirmative action/equal opportunity employer and educator. These materials are available in alternative formats to individuals with disabilities upon request. If you use a TTY, call the Minnesota Relay Service at 1-800-627-3529 and request to contact Central Lakes College.



## State Contracts

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### Minnesota State Colleges and Universities (MnSCU) Dakota County Technical College Bids Sought for Miller Dynasty Welding Equipment

**NOTICE IS HEREBY GIVEN** that Dakota County Technical College will receive bids for Miller Dynasty welding equipment and delivery. Bid specifications are available March 18, 2013 via e-mail request to *Karen.Schumann@dctc.edu* or telephone request to Karen Schumann at (651) 423-8236.

Sealed bids must be received by Karen Schumann or Carol Broback at Dakota County Technical College, 1300 - 145th East, Rosemount, MN 55068 by 3:00 p.m., Monday, April 15<sup>th</sup>, 2013.

Dakota County Technical College reserves the right to reject any or all proposals or portions thereof, or to waive any irregularities of informalities in proposals received.

### Minnesota State Colleges and Universities (MnSCU) Inver Hills Community College, Dakota County Technical College, Anoka Technical College, Anoka Ramsey Community College & North Hennepin Community College Notice of Request for Proposals for Food Service

Inver Hills Community College, Dakota County Technical College, Anoka Technical College, Anoka Ramsey Community College & North Hennepin Community College are requesting proposals for food services that provide for the needs of students and staff for wholesome food at moderate prices. The food services should be inviting, responsive to the students and staff needs, and serve as a positive force in attracting and retaining students and community support.

To receive a complete copy of the proposal, please contact Karla Colwell by **e-mail** at: *karla.colwell@inverhills.edu*

Proposals must be sealed with a notation on the outside of the envelope stating: Food Service Proposal – DELIVER IMMEDIATELY Mail or deliver (faxes and e-mail will not be accepted) sealed proposal must be delivered no later than 12:00P.M, TUESDAY, March, 26<sup>th</sup>, 2013 to:

Inver Hills Community College  
2500 - 80<sup>th</sup> Street E  
Inver Grove Heights, MN 55076  
Attn: Karla Colwell  
Business Office, College Center Building Second Floor  
**Phone:** (651) 450-3871

PROPOSAL CLOSE DATE IS TUESDAY, March, 26<sup>th</sup>, 2013 – 12:00 P.M

### Minnesota State Colleges and Universities (MnSCU) St. Cloud State University Notice of Availability of Request for Proposal (RFP) for TV Production Facility HD Upgrade

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of St. Cloud

State University is soliciting proposals from interested, qualified TV production equipment suppliers and systems integrators for the above referenced project.

A full Request for Proposal will be available March 25, 2013 at: [http://www.stcloudstate.edu/facilities/Projects\\_000.asp](http://www.stcloudstate.edu/facilities/Projects_000.asp)

Proposals will be due April 19<sup>th</sup>, at 3:00 PM

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

## Minnesota State Colleges and Universities (MnSCU) St. Cloud Technical and Community College ADVERTISEMENT FOR BIDS for New Bridge Crane

**Sealed Bids for:** New Bridge Crane  
Medium & Heavy Truck Addition  
St. Cloud Technical & Community College  
St. Cloud, Minnesota

**will be received by:** Susan Meyer  
Main Building, Room 1-401H  
St. Cloud Technical & Community College  
1540 Northway Drive  
St. Cloud, MN 56303

Until 2:00 P.M., local time, Tuesday, April 9, 2013 at which time the bids will be opened and publicly read aloud.

**Project Scope:** Provide and install a new 5-ton bridge crane for the new Medium/Heavy Truck & Autobody Addition and Renovation project on the SCTCC campus.

Bidding Documents are as prepared by the St. Cloud Technical & Community College with assistance from LHB, Inc..

Interested parties may view the Bidding Documents at no cost on the website: <http://www.sctcc.edu/rfp> and click on "Bridge Crane". Bidding Documents can be downloaded for No Cost. Parties that download the plans and specifications and need to have them printed elsewhere are solely responsible for those printing costs. Contact Jason Theisen at (320) 308-6012 or e-mail: [jtheisen@sctcc.edu](mailto:jtheisen@sctcc.edu) for questions .

## Department of Commerce Notice of Availability of Contract for Administering License Examinations

The Minnesota Department of Commerce is requesting proposals for the purpose of contracting with a vendor to develop and administer Insurance, Real Estate, and Appraiser license examinations.

Work is proposed to start July 1, 2013, if a vendor is selected that does not currently possess a bank of license examination questions. Work is proposed to start January 1, 2014, if a vendor is selected that currently possesses a bank of license examination questions required by this RFP.

A Request for Proposals will be available through April 19, 2013. **A written request (by e-mail) is required to receive the Request for Proposal.**

# State Contracts

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The Request for Proposal can be obtained from:

Peter Bratsch  
E-mail: [peter.bratsch@state.mn.us](mailto:peter.bratsch@state.mn.us)

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:00 p.m., Central Time, April 25, 2013. **Late proposals will NOT be considered.** Proposals submitted by fax or e-mail will **NOT** be considered.

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

## Department of Commerce Notice of Availability of Contract for Audit Services for the Unclaimed Property Program

The Minnesota Department of Commerce is requesting proposals for the purpose of contracting with one or more vendors to provide auditing services as an auditing agent for the unclaimed property program pursuant to *Minnesota Statutes* Chapter 345.

Work is proposed to start July 1, 2013.

A Request for Proposals will be available through April 19, 2013. A written request (by e-mail) is required to receive the Request for Proposal.

The Request for Proposal can be obtained from:

Scott Halvorson  
**E-mail:** [scott.t.halvorson@state.mn.us](mailto:scott.t.halvorson@state.mn.us)

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:00 p.m., Central Time, April 25, 2013. **Late proposals will NOT be considered.** Proposals submitted by fax or e-mail will **NOT** be considered.

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

## Minnesota Management and Budget (MMB) Request for Proposals (RFP) for Professional Services for Health Plan Administrator

Minnesota Management and Budget (MMB) is soliciting proposals from health plan administrators (“vendors” hereafter) to provide full service health plan administrative services (not including pharmacy benefit management services) for the Minnesota Advantage Plan, the self-insured health plan serving state employees and groups participating in the Public Employees Insurance Program. The vendor chosen must comply with all applicable laws and administrative rules governing the operation of these programs, and all specifications of the Request for Proposal.

MMB anticipates a one-year contract with the chosen vendor or vendors beginning January 1, 2014. Extensions to the contract may be considered by the state on a year-to-year basis to a total maximum contract period of five years.

This proposal does not obligate the agency to award a contract or complete the contract, or to spend the estimated dollar amount. The

state reserves the right to cancel the solicitation if it is considered to be in its best interests.

Please e-mail your request for an RFP or any questions to the RFP Coordinator:

Mary Regnier, Manager, Contracts and Networks  
Minnesota Management and Budget  
400 Centennial Office Building  
658 Cedar Street  
St. Paul, MN 55155  
**E-mail:** [mary.regnier@state.mn.us](mailto:mary.regnier@state.mn.us)

All correspondence and questions must be submitted in writing via e-mail.

All proposals must be received at MMB by 3:00 p.m., Friday, April 26, 2013. Late responses, or responses filed by e-mail or fax, will not be considered.

Vendors should submit one (1) original and nine hard copies of the proposals to the RFP Coordinator, in addition to an electronic copy which may be submitted by CD or e-mail. In addition, two (2) paper copies and one full electronic copy (on CD) of the entire proposal must be submitted to MMB's consultant. Vendors must also submit a cost proposal separately from the rest of the proposal in a sealed envelope clearly marked as such.

Other personnel are not allowed to discuss the Request for Proposal with anyone, including responders or potential vendors, before the proposal submission deadline. Contact regarding this RFP with any personnel not listed above may result in disqualification.

## State Guardian ad Litem Board Notice of Request for Proposals for Child Development Consultation Services for the State Guardian Ad Litem Board

The **State Guardian ad Litem Board** was established by legislation (*Minnesota Statutes* 480.35) in 2010 to administer a statewide, independent guardian ad litem program to advocate for the best interests of children in juvenile and family courts.

**NOTICE IS HEREBY GIVEN** that the **State Guardian ad Litem Board** is seeking proposals from one or more qualified persons or entities to contract for the provision of child development consultation to Guardians ad Litem, and the State Guardian ad Litem Program, in the carrying out of the statutory duties of their roles. The proposal shall be submitted for a 24 month period from July 1, 2013, to June 30, 2015.

Your proposal must be submitted in writing in a sealed envelope and postmarked on or before Wednesday, May 1, 2013, if mailed, and it must be received in our office no later than 4:30 p.m. on Friday, May 3, 2013.

Call or write for the full RFP or visit the following Web site to access a complete version of the Request for Proposals.

<http://mn.gov/guardian-ad-litem/guardian-ad-litem/notices.jsp>

For more information or to request a copy of the RFP contact:

Suzanne Alliegro  
Program Administrator  
State Guardian ad Litem Board  
25 Rev. Dr. Martin Luther King Jr. Blvd., Suite G-27  
St. Paul, MN 55155  
**Phone:** (651) 215-9467  
**E-mail:** [Suzanne.alliegro@courts.state.mn.us](mailto:Suzanne.alliegro@courts.state.mn.us)

This is the only person designated to answer questions regarding this request for interested vendors.

# State Contracts

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## State Guardian ad Litem Board

### Notice of Request for Proposals for Legal Consultation and Representation Services for the State Guardian Ad Litem Board

The **State Guardian ad Litem Board** was established by legislation (*Minnesota Statutes* 480.35) in 2010 to administer a statewide, independent guardian ad litem program to advocate for the best interests of children in juvenile and family courts.

**NOTICE IS HEREBY GIVEN** that the **State Guardian ad Litem Board** is seeking proposals from one or more qualified persons or entities to contract for the provision of legal consultation to and representation of, Guardians ad Litem and the District Guardian ad Litem Programs, in the carrying out of the statutory duties of their roles. The proposal shall be submitted for a 24 month period from July 1, 2013, to June 30, 2015.

Your proposal must be submitted in writing in a sealed envelope and postmarked on or before Wednesday, May 1, 2013, if mailed, and it must be received in our office no later than 4:30 p.m. on Friday, May 3, 2013.

Call or write for the full RFP or visit the following Web site to access a complete version of the Request for Proposals.

*<http://mn.gov/guardian-ad-litem/guardian-ad-litem/notices.jsp>*

For more information or to request a copy of the RFP contact:

Suzanne Alliegro  
Program Administrator  
State Guardian ad Litem Board  
25 Rev. Dr. Martin Luther King Jr. Blvd., Suite G-27  
St. Paul, MN 55155  
**Phone:** (651) 215-9467  
**E-mail:** *Suzanne.alliegro@courts.state.mn.us*

This is the only person designated to answer questions regarding this request for interested vendors.

## Minnesota Department of Transportation (Mn/DOT)

### Engineering Services Division

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

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

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

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

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

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

Send completed application material to:

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

### **Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices**

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](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. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.



## Non-State Public Bids, Contracts & Grants

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

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

## More Contracts and Grants from Other Government Agencies

Check up on all the “active” state grants in the “Contracts & Grants” section, available only to *State Register* subscribers. Subscribers can view these by opening the *State Register* and clicking on Bookmarks on the left. (Non subscribers are not able to do this.) You will also see a list of all the current rules, a growing index, and previous years’ indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings).

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

## City of Winona

### Advertisement for Bids for Operation of Winona Transit Service

Sealed proposals marked “**Winona Transit Service Operation Bid**” will be received at the office of the City Clerk, 207 Lafayette Street, PO Box 378, Winona, MN 55987, until **2:00 p.m. on Tuesday, April 16, 2013**, for the operation of the Winona Transit Service, a public transit system providing services to the cities of Winona and Goodview, Minnesota, for the period of July 1, 2013 through June 30, 2016, with a two-year renewal option, in accordance with the specifications on same.

Specifications and proposal forms may be obtained at the office of the City Clerk, 207 Lafayette Street, P.O. Box 378, Winona, MN 55987, or by phone at (507) 457-8200. All bids must be submitted on the proposal forms furnished.

The MnDOT Office of EEO/Contract Management has assigned a Race/Gender Neutral DBE goal to this project. Bidders are directed to read the Disadvantage Business Enterprise (DBE) Special Provision race/gender neutral goal in RFP. The Disadvantaged Business Enterprise Special Provisions explains how to comply with the DBE requirements.

A certified check, cashier’s check, or bidder’s bond shall accompany each bid in an amount equal to at least five (5) percent of the amount bid for the first year of the three year term, made payable to the City of Winona. This check or bond shall be forfeited to the City in the event the successful bidder fails to enter into a contract with the City.

The City reserves the right to select the most advantageous offer by evaluation and comparing factors in addition to cost or price such that a recipient may acquire technical superiority even if it must pay a premium price. A “premium” is the difference between the price of the lowest priced proposal and the one that the recipient believes offers the best value.

Dated: March 15, 2013

Monica Hennessy Mohan  
City Clerk

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# Non-State Public Bids, Contracts & Grants

## Minnesota Sports Facilities Authority

### Advertisement for Qualifications and Proposals for Premium Concession Services

**1. Proposals** – Submit qualifications and indication of interest in response to a Request for Proposals issued by the Minnesota Sports Facilities Authority – Premium Concession Services, Minneapolis, Minnesota, to Steven C. Maki, Director of Facilities, at the Minnesota stadium and to Don Becker, Project Executive for Minnesota Vikings Football, LLC on or before 4:00 pm CDST, on April 10, 2013. Proposals by shortlisted firms will be due on or before 4:00pm CDST on April 23, 2013.

**2. Work Includes** – Provide concession management services for a new stadium and related stadium infrastructure that will serve as a venue for professional football and a broad range of other civic, community, athletic, educational, cultural, and commercial activities.

**3. Pre-Proposal Meeting** – A pre-proposal meeting will be held on April 15, 2013, at 1:00 pm CDST in the Authority’s Halsey Hall Room. It is mandatory that shortlisted prime proposers attend the meeting.

**4. Examining Documents** – Documents will be available for review, at the office of the MSFA, 900 South 5<sup>th</sup> Street, Minneapolis, MN and on the website, MSFA.com after March 22, 2013.

**5. Obtaining Documents** – Proposers may obtain a copy of documents after March 22, 2013, from the Authority, at the MSFA office, 900 South 5<sup>th</sup> Street, Minneapolis, MN 55415.

**6. Affirmative Action** – All proposers, applicants, prime contractors and prospective subcontractors will be subject to a pre-award compliance review to ensure the employment of minorities, women and disabled persons.

The Minnesota Sports Facilities Authority in conjunction with Minnesota Vikings Football, LLC reserves the right to reject any and all proposals and to waive any informalities in any proposals received without explanation.

Ted Mondale, CEO/Executive Director  
Minnesota Sports Facilities Authority

## Minnesota Valley Transit Authority

### Notice to Prospective Proposers for Driver Assist System (DAS) Maintenance, Phase 2 and Phase 3

**NOTICE IS HEREBY GIVEN** that proposals will be received by designated representatives of the Minnesota Valley Transit Authority (MVTA) at the Burnsville Transit Station, 100 E. Highway 13, Burnsville, MN 55337 for the maintenance of the Driver Assist System (DAS) and for Design, Provision, Installation, and Support of Phases 2 and 3 of the DAS on Monday, April 15, 2013 at 2:00 p.m. local time. Prospective proposers may obtain the complete Request for Proposals on line at [www.mvta.com/procurement.html](http://www.mvta.com/procurement.html) on or after March 22, 2013. A pre-proposal conference is scheduled for April 3, 2013 at 2:00 pm (CDT), in the 2<sup>nd</sup> floor Conference Room at the MVTA’s Burnsville Bus Garage, 11550 Rupp Drive, Burnsville, MN 55337.

All proposals must be addressed to: Robin Selvig, Minnesota Valley Transit Authority, 100 E. Highway 13, Burnsville, MN 55337, and marked “Sealed Proposal for Maintenance and Phases 2 & 3 of Driver Assist System.” All proposals must be clearly marked with the name and address of the proposer and follow the rules as set out in the procurement documents.

This project is funded in part by the FTA and the Twin Cities Metropolitan Council’s Regional Transit Capital program. All applicable requirements of Federal and State of Minnesota regulations shall be followed.

# Non-State Public Bids, Contracts & Grants

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## Washington County

### Public Works Department

#### Request for Proposals for Gateway Corridor Draft Environmental Impact Statement (DEIS)

NOTICE IS HEREBY GIVEN that Washington County Public Works, as the lead agency on behalf of the Gateway Corridor Commission, is seeking qualified firms for the completion of a Draft Environmental Impact Statement for the Gateway Corridor. Qualified firms will have experience in the development and completion of transit DEISs that are in conformance with the guidelines and policies of the Federal Transit Administration.

The project work will commence immediately upon selection of the consultant.

The full Request for Proposal can be obtained from the Washington County website:

<http://www.co.washington.mn.us/bids.aspx>

Proposals Due: April 4<sup>th</sup>, 2013 at 2:00 p.m. at Washington County Public Works North Shop:

Washington County Public Works Department  
11660 Myeron Road North  
Stillwater, MN 55082  
Phone: (651) 430-4300

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## Minnesota's Bookstore

660 Olive Street (Williams Hill Business Development), St. Paul, MN 55155

(1 block east of I-35E Bridge, 1 block north of University Ave.)

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Child Care Center Laws & Rules 2012, Stock No. 149, \$17.95

Family In Home Child Care Laws & Rules 2012, Stock No. 148, \$17.95

#### HEALTH & HUMAN SERVICES

Developmentally Disabled Laws & Rules, Stock No. 750, \$19.95

Nursing & Boarding Care Laws, Stock No. 108, \$19.95

Home Care Licensure Laws, Stock No. 97, \$16.95

#### LAW ENFORCEMENT

Criminal Code & Selected Statutes 2012, Stock No. 111, \$35.95

Motor Vehicle Traffic Laws 2012, Stock No. 116, \$31.95

3-Ring White Binder - 6"x9"x2", Stock No. 388, \$9.95

(one binder for Criminal Code and for Motor Vehicle Traffic Laws)

**ALL  
NEW**

**ALL  
NEW**

**ALL  
NEW**

**MOTOR VEHICLE BOOKS**

2013 Base Value Guide First Printing, Stock No. 406, \$11.00  
2013 Motor Vehicle Tax Manual, Stock No. 415, \$19.95  
3-ring Binder, Stock No. 370, \$7.95  
Previous Base Value Guides are also available. Call for more Information.

**NOTARY LAWS**

Notary Public Laws 2012, Stock No. 103, \$10.00  
Notary Mailing List, Call (651) 296-0930 to order.

**PHARMACY LAWS**

Pharmacy Laws 2012, Stock No. 114, \$17.95  
Pharmacy Rules 2011, Stock No. 160, \$14.95  
Mailing Lists of Pharmacies and Pharmacists, Call (651) 296-0930 to order

**PLUMBING CODE**

Minnesota Plumbing Code, Stock No. 124, \$39.95  
1-1/2" Binder, Stock No. 370, \$7.95  
Plumbers and Plumber Apprentices Mailing Lists (Call [651] 296-0930)

**TAX PACKAGE AND TAX LAWS**

Income & Excise Tax Laws 2012, Stock No. 93 \$19.95  
Package XM - 2012: Minnesota Tax Forms, Stock No. 261, \$17.00

**ALSO IN STOCK:**

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