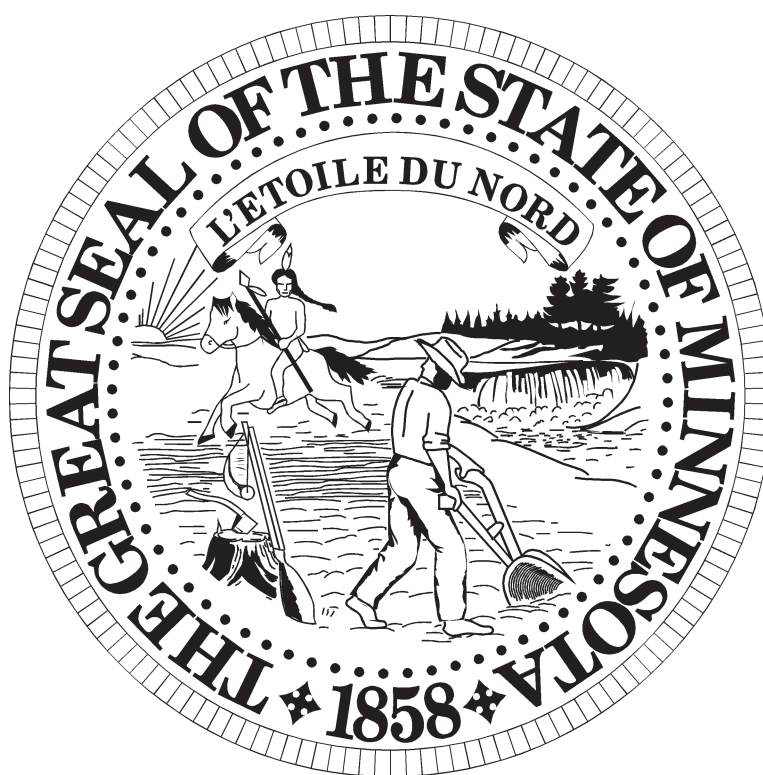


# Minnesota State Register

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



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  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

**Monday 17 August 2015  
Volume 40, Number 7  
Pages 167 - 202**

# Minnesota State Register

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

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- Withdrawn Rules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

### Printing Schedule and Submission Deadlines

Vol. 40 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)		Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts		Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)	
# 7	Monday	17 August	Noon Tuesday	11 August	Noon Thursday	6 August
# 8	Monday	24 August	Noon Tuesday	18 August	Noon Thursday	13 August
# 9	Monday	31 August	Noon Tuesday	25 August	Noon Thursday	20 August
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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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## Proposed Rules

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

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

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

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

## Minnesota Board of Accountancy

### Proposed Permanent Rules Relating to Expedited Licensing for Veterans and Housekeeping Updates

#### NOTICE OF HEARING

Proposed New Rules Governing Temporary Military Certificates, *Minnesota Rules*, 1105.2450; and Proposed Amendment to Rules Governing Firm Permit Renewals and Housekeeping Updates, *Minnesota Rules*, 1105.0100, 1105.1800, 1105.3100, 1105.3600, 1105.4000, 1105.4300, 1105.4600, 1105.4700, 1105.4800, 1105.4900, 1105.5100, 1105.5200, 1105.5300, 1105.5400, 1105.5500, 1105.5600, 1105.7100, 1105.7400, 1105.7800

Revisor's ID Number R-04313

**Public Hearing.** The Board of Accountancy ("Board") intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, (Cite 40 SR 171)

# Proposed Rules

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*Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold a public hearing on the above-named rules in Suite 295, Golden Rule Building, 85 E. 7<sup>th</sup> Place, St. Paul, Minnesota 55101, starting at 9:30 a.m. on October 8, 2015, and continuing until the hearing is completed. The Board will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge James Mortenson will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone: (651) 361-7881, and fax: (651) 539-0310. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about temporary military certificates, firm permit renewals and housekeeping updates *Minnesota Rules*, Chapter 1105. The proposed rules are authorized by *Minnesota Statutes*, section 197.4552, subdivision 3 and *Minnesota Statutes*, section 326A.02, subdivision 5. A copy of the proposed rules is published in the *State Register*, attached to this notice as mailed, and is available at the agency's website at:

[www.boa.state.mn.us/licensing/rulemaking.html](http://www.boa.state.mn.us/licensing/rulemaking.html)

The agency contact person is: Andrea Barker at Board of Accountancy, 85 E. 7<sup>th</sup> Place, Suite 125, St. Paul, MN 55101; phone: (651) 757-1511; fax: (651) 282-2644; e-mail: [andrea.barker@state.mn.us](mailto:andrea.barker@state.mn.us). TTY users may call the Board of Accountancy at 1-800-627-3529.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. 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.boa.state.mn.us/licensing/rulemaking.html](http://www.boa.state.mn.us/licensing/rulemaking.html).

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. *The administrative law judge will accept your views* either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments *to the administrative law judge at the address above or to [rulecomments@state.mn.us](mailto:rulecomments@state.mn.us)*. All evidence that you present should relate to the proposed rules. You may also submit written material *to the administrative law judge* to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No 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 are public and will be available for review at the Office of Administrative Hearings.

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.

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

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the 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 files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

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**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone: (651) 539-1180 or 1-800-657-3889.

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

Dated: 27 July 2015

Signed by Doreen Frost, Executive Director

## 1105.0100 DEFINITIONS.

[For text of subps 1 to 11b, see M.R.]

Subp. 12. **Quality Peer review.** ~~“Quality Peer review” means a peer review as required by Minnesota Statutes, section 326A.05, subdivision 8. Quality review also means an independent study, appraisal, or review of one or more aspects of the attest or compilation professional services of a licensee that issues attest or compilation reports, or the professional work of a person registered under Minnesota Statutes, section 326A.06, paragraph (b). The reviews must be conducted according to standards approved by the board as specified in this chapter by a person or persons who hold certificates with an active status and who are not affiliated with the licensee or CPA firm being reviewed or by reviewers approved by the board as specified in this chapter.~~

[For text of subps 13 to 17, see M.R.]

## 1105.2540 TEMPORARY MILITARY CERTIFICATE.

Subpart 1. **Information required.** An applicant shall submit an application for a temporary military certificate under *Minnesota Statutes*, section 197.4552, accompanied by payment of the license fee as specified in *Minnesota Statutes*, section 326A.04, subdivision 5. The applicant shall supply the board with evidence of all the following:

A. military status:

(1) active duty military member;

(2) spouse of an active duty military member; or

(3) confirmation of an honorable or general discharge status within the two years preceding the date of temporary military certificate application;

B. verification of current licensure or certification in another state; and

C. a current criminal background study.

Subp. 2. **Evaluation of information.** The board shall evaluate the information required by subpart 1. If the board finds the applicant is eligible for certification, the board shall issue a temporary certificate and notify the applicant in writing. If the board finds the applicant is ineligible for a temporary military certificate, the board shall notify the applicant in writing and give the reasons for ineligibility.

Subp. 3. **Temporary certificate period.** A temporary military certificate is valid for not more than six months from the date of issuance and shall expire on the date listed on the temporary certificate, upon the board’s determination that the applicant is ineligible for certification or upon issuance of a certificate under part 1105.2500 or 1105.3400, whichever occurs first.

Subp. 4. **Application required.** During the temporary certificate period, the individual shall complete the full application required for a CPA certificate. If the board finds the applicant is eligible for certification, the board shall issue a certificate as provided under part 1105.2500 or 1105.3400 and notify the applicant in writing. If the board finds the applicant ineligible for certification, the board shall notify the applicant in writing and give the reasons for ineligibility.

Subp. 5. **Limitations.** The board shall not issue a temporary military certificate to an applicant who has previously received a temporary certificate in Minnesota. A temporary military certificate shall not be renewed.

## 1105.3100 CONTINUING PROFESSIONAL EDUCATION PROGRAMS.

Subpart 1. **Regular qualifications.** A program qualifies as acceptable continuing professional education for purposes of this chapter and *Minnesota Statutes*, section 326A.04, subdivision 4, if it is a program of learning that contributes to the growth in the professional

# Proposed Rules

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knowledge and professional competence of a licensee. The program must meet the minimum standards of quality of development, presentation, measurement, and reporting of credits in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by NASBA and AICPA or such other standards acceptable to the board. Except to the extent permitted in subpart 2, program sponsors qualifying under this chapter must be members of NASBA's CPE registry. Group programs designed with interaction between an instructor or facilitator and other participants that are sponsored or presented by the entities in items A to E are not subject to NASBA's CPE Registry requirement:

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

B. CPA firms who have had a system review level quality peer review completed in the last three years and an unmodified report on such review has been filed with the board;

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

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

## **1105.3600 QUALITY PEER REVIEW FOR LICENSEES WHO DO NOT PRACTICE IN A FIRM.**

A licensee who issues compilation reports as defined in the act other than through a CPA firm that holds a permit under *Minnesota Statutes*, section 326A.05, must undergo a quality peer review as described in parts 1105.4600 to 1105.5500, unless, as specified in *Minnesota Statutes*, section 326A.05, subdivision 1, paragraph (b), the firm is not required to have a permit issued in this state.

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

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

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

(1) ~~issue an initial permit to a firm until all partners, members, managers, as defined in *Minnesota Statutes*, section 326A.01, shareholders, directors, and officers who are required to hold a certificate and whose principal place of business is in this state individually hold nonexpired certificates with an active status issued under *Minnesota Statutes*, section 326A.04, covering the term of the firm permit to be issued; or~~

(2) ~~renew the permit of a firm until a two-thirds majority of partners, including the firm managing partner and the signer of the firm permit renewal application, members, managers, as defined in *Minnesota Statutes*, section 326A.01, shareholders, directors, and officers who hold a certificate and whose principal place of business is in this state individually renew their certificates with an active status or hold nonexpired certificates with an active status issued under *Minnesota Statutes*, section 326A.04, covering the term of the firm permit to be renewed. If all of these individuals do not renew their certificates with an active status within 60 days of expiration, the board shall automatically revoke the permit of the firm.~~

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

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

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

## **1105.4300 QUALITY PEER REVIEW AS CONDITION FOR RENEWAL OF PERMIT.**

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

[For text of subitems (1) to (5), see M.R.]

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

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

[For text of subitem (1), see M.R.]

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## Proposed Rules

(2) It must have full access to the quality peer review process that is subject to oversight.

(3) It must annually provide the board with an assessment of the effectiveness of the report acceptance bodies designated in part 1105.5300, item B, and the quality peer review process by December 31.

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

[For text of subitem (5), see M.R.]

(6) It must determine through its oversight of the report acceptance bodies that the verification specified in part 1105.4700, item C, was part of the quality peer review standards under which the reviews were conducted.

### **1105.4600 ~~QUALITY PEER~~ REVIEW.**

For the purpose of parts 1105.4600 to 1105.5500, the terms in this part have the meanings given.

A. “Quality Peer review” means an independent study, appraisal, or review of one or more aspects of the attest or compilation professional services of a person or firm as required by *Minnesota Statutes*, section 326A.05, subdivision 8.

B. “Report acceptance body” or “adminstrating entity” means the organization that accepts the quality peer review report from the reviewer, reviews it, and determines what, if any, action the firm shall take in order to bring the firm’s practice up to the professional standards.

C. “Reviewer” means the licensee or firm selected to conduct the quality peer review who is not affiliated with the licensee being reviewed. The Public Company Accounting Oversight Board is also considered a reviewer.

### **1105.4700 ~~QUALITY PEER~~ REVIEW STANDARDS.**

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

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

C. A system review level quality peer review must include verification that the individuals in the firm who are responsible for supervising attest services and who sign or authorize someone to sign the accountant’s report on financial statements on behalf of the firm have met the competency requirements set out in professional standards. The competency requirement is contained in the documents incorporated by reference in item A. The verification required by the reviewer in a quality peer review shall determine whether:

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

### **1105.4800 ~~QUALITY PEER~~ REVIEW REQUIREMENTS.**

A. As a condition to renewal of its permit pursuant to *Minnesota Statutes*, section 326A.05, subdivision 8, every firm shall undergo a quality peer review in accordance with parts 1105.4600 to 1105.5500 once every three years.

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

C. Firms holding a permit issued by the State Board of Accountancy of another state and that are required to apply for a permit in this state under *Minnesota Statutes*, section 326A.05, subdivision 1, paragraph (a), clause (4), shall submit with its application the material required by part 1105.5400, item A, covering the quality peer review of its public and nonpublic company attest and compilation client practice.

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## **1105.4900 EXEMPTION FROM QUALITY PEER REVIEW REQUIREMENT.**

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

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

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

## **1105.5100 FIRM QUALITY PEER REVIEW REQUIREMENT.**

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

- (1) undergo a quality peer review during the first year after it becomes subject to the requirements for quality peer review; and
- (2) report the material in part 1105.5400 to the board no later than 15 months after the end of the first year.

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

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

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

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

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

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

## **1105.5200 QUALIFICATIONS OF REVIEWER.**

The reviewer shall have the following minimum qualifications:

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

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

F. be familiar with the procedure for conducting a quality peer review according to professional standards for reviews; and

G. have the expertise, experience, and qualifications to conduct a quality peer review.

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

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

D. The report acceptance bodies specified in item B shall provide to the Quality Peer Review Oversight Committee established in part 1105.4300, item B, or to the board if so requested, by December 31 of each year the names of the licensees, who have undergone a quality peer review as required by part 1105.3600, and firms that have undergone a quality peer review during the year ending December 15 and had the letter specified in part 1105.5400, item A, subitem (2), issued by the report acceptance body. In addition, the report acceptance bodies specified in item B shall provide to the committee by June 30 of each year a written report of the procedures it uses to

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## Proposed Rules

ensure that the continuing professional education it sponsors meets the applicable standards set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs.

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

### **1105.5400 REPORT TO BOARD.**

A. Within 30 days of receipt of the letter described in subitem (2), each firm shall submit, or have submitted on its behalf, the following material to the board:

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

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

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

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

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

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

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

Nothing in this part requires a firm to submit the Public Company Accounting Oversight Board inspections report to the board if a ~~quality peer~~ review encompassing the firm's public company attest client practice has been conducted and submitted to the board according to parts 1105.4600 to 1105.5500 or according to standards adopted by the AICPA or the Public Company Accounting Oversight Board within the previous three years.

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

### **1105.5500 PRIVATE DATA.**

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

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

### **1105.5600 GROUNDS FOR ENFORCEMENT ACTION.**

Subpart 1. **Grounds for disciplinary action.** The grounds for revocation and suspension of certificates, registrations, and permits, and other disciplinary action against licensees, certificate holders, applicants, and individuals with privileges under *Minnesota Statutes*, section 326A.14, are specified in *Minnesota Statutes*, section 326A.08. In addition, the grounds include the following particular grounds for disciplinary action:

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

# Proposed Rules

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

[For text of subitems (1) to (6), see M.R.]

(7) failure to comply with the applicable ~~quality peer~~ review requirements set out in this chapter and *Minnesota Statutes*, sections 326A.04 and 326A.05, subdivision 8; or

(8) making any false, deceptive, or misleading statement in support of a request to the board to accept the voluntary surrender of a certificate, registration, or permit;

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

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

## **1105.7100 RAPFIRMAPPLICATION.**

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

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

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

## **1105.7400 ~~QUALITY PEER~~ REVIEW AS CONDITION FOR RENEWAL OF PERMIT.**

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

[For text of subitems (1) to (3), see M.R.]

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

B. RAP firms are subject to the ~~quality peer~~ review requirements imposed on CPA firms.

## **1105.7800 CODE OF PROFESSIONAL CONDUCT.**

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

C. Failure to report ~~quality peer~~ reviews required by parts 1105.4000 and 1105.7100 or seeking an exemption when one is not warranted, is an act discreditable to the profession and is a basis for disciplinary action under *Minnesota Statutes*, section 326A.08.

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

**REPEALER.** *Minnesota Rules*, part 1105.1800, subpart 3, is repealed.

# Adopted Rules

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

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

## Minnesota Department of Human Services (DHS) Adopted Permanent Rules Relating to Positive Support Strategies, Safety Interventions, and Emergency Use of Manual Restraint in Home and Community-Based Services

The rules proposed and published at *State Register*, Volume 39, Number 26, pages 972-973, December 29, 2014 (39 SR 972); and Volume 39, Number 28, pages 1031-1046, January 12, 2015 (39 SR 1031), are adopted with the following modifications:

### 9544.0020 DEFINITIONS.

Subpart 1. **Scope.** Except as provided in subpart ~~42~~ 43, terms used in parts 9544.0005 to 9544.0140 have the meanings given in this part.

Subp. ~~13~~ 13. **Domains of a meaningful life.** "Domains of a meaningful life" means community membership; health, wellness, and safety; own place to live; important long-term relationships; control over supports; and employment earnings and stable income.

Subp. ~~13~~ 14. **Emergency use of manual restraint.** "Emergency use of manual restraint" has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 8a.

Subp. ~~14~~ 15. **Expanded support team.** "Expanded support team" has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 8b.

Subp. ~~15~~ 16. **External program review committee.** "External program review committee" means a committee appointed by the commissioner to fulfill the functions described in *Minnesota Statutes*, section 245.8251, subdivisions 3 and 4.

Subp. ~~16~~ 17. **External qualified professional.** "External qualified professional" means a qualified professional who is not under the direction and control of the license holder and is not an employee of or a subcontractor used by the license holder to perform services subject to the requirements of this chapter.

Subp. ~~17~~ 18. **Family foster care.** "Family foster care" has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 8c.

Subp. ~~18~~ 19. **Faradic shock.** "Faradic shock" means of or pertaining to a discontinuous, asymmetric, alternating or direct current from the second winding of an induction coil.

Subp. ~~19~~ 20. **Forms and instructions.** "Forms and instructions" means the forms and instructions referenced in *Minnesota Statutes*, section 245D.06, subdivision 8, paragraph (a).

Subp. ~~20~~ 21. **Functional behavior assessment.** "Functional behavior assessment" means an assessment that operationally defines the target behaviors, identifies the situations in which the target behaviors are likely to occur and not occur, and generates a hypothesis of why the behaviors occur. A functional behavior assessment must be conducted by a qualified professional and must consist of direct observation and one or more of the following elements:

Subp. ~~21~~ 22. **Home and community-based services.** "Home and community-based services" has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 10.

# Adopted Rules

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Subp. ~~22~~ 23. **Interfering behavior.** “Interfering behavior” means a behavior or psychiatric symptom that prevents a person from engaging in a more integrated setting or from participation in the most integrated setting.

Subp. ~~23~~ 24. **Legal representative.** “Legal representative” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 12.

Subp. ~~24~~ 25. **Level program.** “Level program” means a type of program ~~in which participants move up, and sometimes down, consisting of a hierarchy of levels contingent on meeting specific performance criteria with respect to target behavior. Moving up a level gains access to more privileges, and the person is expected to demonstrate more independence. Moving down a level reduces privileges and provides access to a smaller universe of opportunities.~~

Subp. ~~25~~ 26. **License.** “License” has the meaning given in *Minnesota Statutes*, section 245A.02, subdivision 8.

Subp. ~~26~~ 27. **License holder.** “License holder” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 15.

Subp. ~~27~~ 28. **Manual restraint.** “Manual restraint” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 15a.

Subp. ~~28~~ 29. **Mechanical restraint.** “Mechanical restraint” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 15b. Mechanical restraint includes use of an auxiliary device to ensure a person does not unfasten a seat belt in a vehicle. Mechanical restraint does not include:

Subp. ~~29~~ 30. **Medication.** “Medication” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 16.

Subp. ~~30~~ 31. **Mental health mobile crisis intervention services.** “Mental health mobile crisis intervention services” has the meaning given in *Minnesota Statutes*, section 256B.0624, subdivision 2, paragraph (d).

Subp. ~~31~~ 32. **Mental illness.** For an adult, “mental illness” has the meaning given in *Minnesota Statutes*, section 245.462, subdivision 20.

Subp. ~~32~~ 33. **Most integrated setting.** “Most integrated setting” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 20a.

Subp. ~~33~~ 34. **Normal goods and services.** “Normal goods and services” means a person’s normal access to a nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, or necessary clothing, in accordance with *Minnesota Statutes*, section 245D.06, subdivision 6, paragraph (b), clause (4), or to any protection required by state licensing standards and federal regulations governing the program.

Subp. ~~34~~ 35. **Outcome.** “Outcome” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 21a.

Subp. ~~35~~ 36. **Pain.** “Pain” means physical pain, mental pain, or emotional distress.

Subp. ~~36~~ 37. **Person.** “Person” means a person as defined under *Minnesota Statutes*, section 245D.02, subdivision 22, receiving home and community-based services, a person age 65 or older receiving home and community-based services, or a person with a developmental disability or related condition receiving services licensed under *Minnesota Statutes*, chapter 245A.

Subp. ~~37~~ 38. **Person-centered planning.** “Person-centered planning” means a strategy used to facilitate team-based plans for improving a person’s quality of life as defined by the person, the person’s family, and other members of the community, and that focuses on the person’s preferences, talents, dreams, and goals. It is part of a family of approaches to organizing and guiding community change in alliance with people with disabilities and their families and friends.

Subp. ~~38~~ 39. **Person with a disability.** “Person with a disability” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 23.

Subp. ~~39~~ 40. **Physician.** “Physician” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 23a.

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## Adopted Rules

Subp. ~~40~~ **41. Positive support strategy.** “Positive support strategy” means a strengths-based strategy based on an individualized assessment that emphasizes teaching a person productive and self-determined skills or alternative strategies and behaviors without the use of restrictive interventions.

Subp. ~~41~~ **42. Positive support transition plan.** “Positive support transition plan” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 23b.

Subp. ~~42~~ **43. Program.** “Program” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 26. This subpart applies to parts 9544.0020, subparts ~~15~~ **16**, ~~33~~ **34**, and ~~46~~ **47**; 9544.0060, subpart 2, item U; 9544.0090, subpart 5; 9544.0110; 9544.0120; and 9544.0130.

Subp. ~~43~~ **44. Prone restraint.** “Prone restraint” has the meaning given in *Minnesota Statutes*, section 245D.061, subdivision 3, paragraph (a), clause (7).

Subp. ~~44~~ **45. Psychotropic medication.** “Psychotropic medication” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 27.

Subp. ~~45~~ **46. Punishment.** “Punishment” means a Type I or Type II action as described in items A and B.

Subp. ~~46~~ **47. Qualified professional.** “Qualified professional” is defined separately for each type of service and license. Qualified professional means a professional described in items A to C; or a professional described in items D to J who has at least two years of work experience in writing or implementing positive support plans or treatment plans and has demonstrated in an assessment approved by the commissioner that the professional is competent to develop and implement positive support transition plans. For purposes of this subpart, treatment plan means a written document prepared by a licensed health professional that includes a description of the precise treatment goals and the measures or services identified to accomplish them. The following occupations are qualified professionals for the specified services and settings:

J. for foster family settings governed under parts 2960.3000 to 2960.3100, qualified staff from the ~~country~~ county or private child placing agency; and

Subp. ~~47~~ **48. Quality of life indicator.** “Quality of life indicator” means a reportable or observable outcome that is measurable and important to the person. Quality of life indicators are used to assess beneficial changes desired by the person that enrich the person’s life experiences.

Subp. ~~48~~ **49. Restraint.** “Restraint” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 28.

Subp. ~~49~~ **50. Restrictive intervention.** “Restrictive intervention” means prohibited procedures identified in *Minnesota Statutes*, section 245D.06, subdivision 5; prohibited procedures identified in part 9544.0060; and the emergency use of manual restraint.

Subp. ~~50~~ **51. Seclusion.** “Seclusion” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 29.

Subp. ~~51~~ **52. Self-injurious behavior.** “Self-injurious behavior” means behavior of a person which results in damage to the person’s own body.

Subp. ~~52~~ **53. Service.** “Service” has the meaning given in *Minnesota Statutes*, section 245D.02, subdivision 30.

Subp. ~~53~~ **54. Target behavior.** “Target behavior” means an observable behavior identified in a person’s individual plan as the object of efforts intended to reduce or eliminate the behavior.

Subp. ~~54~~ **55. Token reinforcement program.** “Token reinforcement program” means a program that requires a person to earn an outcome that is of value to the person. Tokens are earned ~~or lost based on~~ in recognition of desired behavior. Tokens are traded in exchange for activities, events, goods, or services that may not otherwise be available to the person.

Subp. ~~55. Trauma-informed care.~~ “Trauma-informed care” means ~~an approach to engaging a person with a history of trauma that~~

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recognizes the presence of trauma symptoms and acknowledges the role that trauma has played in the person's life.

## **9544.0030 POSITIVE SUPPORT STRATEGIES AND PERSON-CENTERED PLANNING.**

Subpart 1. **Positive support strategies required.** The license holder must use positive support strategies in providing services to a person. These positive support strategies must be incorporated in writing to an existing treatment, service, or other individual plan required of the license holder. At least every six months, the license holder must evaluate with the person whether the identified positive support strategies currently meet the standards in subpart 2. Based upon the results of the evaluation, the license holder must determine whether changes are needed in the positive support strategies used, and, if so, make appropriate changes.

## **9544.0040 FUNCTIONAL BEHAVIOR ASSESSMENT.**

Subpart 1. **Who must conduct.** The license holder's qualified professional or an external qualified professional must conduct the functional behavior assessment. The license holder must verify and document that the qualified professional or external qualified professional conducting the assessment meets the applicable qualification requirements in part 9544.0020, subpart ~~16~~ 17 or ~~46~~ 47.

Subp. 3. **Required elements.** To perform a functional behavior assessment, the qualified professional or external qualified professional must directly observe the person. The professional must ~~select one or more of the elements listed in items A to D and~~ evaluate whether the following elements make the target behavior more or less likely to occur:

Subp. 4. **Scope of evaluation.** ~~If the qualified professional or external qualified professional determines that the hypothesis about why the behavior occurs requires additional evaluation, the qualified professional or external qualified professional must evaluate additional elements listed in subpart 3 that were not previously considered, if any.~~

## **9544.0050 PERMITTED PROCEDURES.**

Subp. 2. **Documentation required.** The license holder must document in writing a procedure approved under subpart 1 to an existing treatment, service, or other individual plan required of the license holder.

## **9544.0060 PROHIBITIONS AND RESTRICTIONS.**

Subp. 2. **Specific prohibitions.** The actions or procedures listed in items A to Y are prohibited from use as a substitute for adequate staffing, for a behavioral or therapeutic program to reduce or eliminate behavior, as punishment, or for staff convenience:

F. denying or restricting a person's access to equipment and devices such as walkers, wheelchairs, hearing aids, and communication boards that facilitate the person's functioning. When the temporary removal of the equipment or device is necessary to prevent injury to the person or others or serious damage to the equipment or device, the equipment or device must be returned to the person as soon as possible imminent risk of injury or serious damage has passed;

U. interfering with a person's ~~fundamental~~ legal rights, except as allowed by *Minnesota Statutes*, section 245D.04, subdivision 3, paragraph (c). For purposes of this item, "fundamental legal rights" means rights afforded in federal regulation or state licensing standards governing the program;

## **9544.0070 EMERGENCY USE OF MANUAL RESTRAINT.**

Subp. 3. **Positive support transition plan required.** The license holder must develop a positive support transition plan in accordance with *Minnesota Statutes*, section 245D.06, subdivision 8, for a person who has been subjected to three incidents of emergency use of manual restraint within 90 days or four incidents of emergency use of manual restraint within 180 days.

## **9544.0080 INFORMED CONSENT NOTICE.**

Subpart 1. **When informed consent notice is required.** At the time of service initiation, or when the license holder adopts or changes a policy about the emergency use of manual restraint, the license holder must ~~obtain written informed consent before emergency use of manual restraint is implemented and must document that informed consent has been obtained. If the continued use of previously used restrictive interventions is temporarily permitted in accordance with the requirements in *Minnesota Statutes*, section 245D.06, subdivision 8, the license holder must obtain written informed consent authorizing the use of a restrictive intervention in the manner set out in the forms and instructions before using the restrictive intervention; provide notice to the person receiving services of the license holder policy on the~~

emergency use of manual restraint. The notice must inform the person receiving services of the person's rights under this chapter and *Minnesota Statutes*, section 245D.04. The notice must be in writing, and the license holder must obtain a written acknowledgment from the person, or the person's legal representative acting within the scope of the legal representative's authority, that the person receiving services has been notified.

Subp. 2. ~~Authority to give consent~~ **Notice to legal representative.** The license holder must obtain written informed consent from the person receiving services, or from the person's legal representative acting within the scope of the legal representative's authority. When a person has a legal representative, the license holder must encourage the legal representative to consider the person's preferences. ~~If the person receiving services has a legal representative, notice must also be given to the legal representative in accordance with subpart 1.~~

### 9544.0090 STAFF QUALIFICATIONS AND TRAINING.

Subpart 1. **Core training for staff.** The license holder must ensure that staff responsible to develop, implement, monitor, supervise, or evaluate positive support strategies, a positive support transition plan, or the emergency use of manual restraint complete a minimum of eight hours of training from qualified individuals prior to assuming these responsibilities. Previous equivalent training approved by the commissioner fulfills these requirements. Core training includes requiring staff to demonstrate knowledge of and competency in the following, in the setting in which services are provided:

A. de-escalation techniques and their value;

B. principles of person-centered service planning and delivery as identified in *Minnesota Statutes*, section 245D.07, subdivision 1a, and how they apply to direct support services provided by staff;

C. principles of positive support strategies such as positive behavior supports, the relationship between staff interactions with the person and the person's behavior, and the relationship between the person's environment and the person's behavior;

D. what constitutes the use of restraint, including chemical restraint, time out, and seclusion;

E. the safe and correct use of manual restraint on an emergency basis according to *Minnesota Statutes*, section 245D.061;

F. staff responsibilities related to prohibited procedures under *Minnesota Statutes*, section 245D.06, subdivision 5; why the procedures are not effective for reducing or eliminating symptoms or interfering behavior; and why the procedures are not safe;

G. staff responsibilities related to restricted and permitted actions and procedures under *Minnesota Statutes*, section 245D.06, subdivisions 6 and 7;

H. the situations in which staff must contact 911 services in response to an imminent risk of harm to the person or others;

I. the procedures and forms staff must use to monitor and report use of restrictive interventions that are part of a positive support transition plan;

J. the procedures and requirements for notifying members of the person's expanded support team after the use of a restrictive intervention with the person;

K. understanding of the person as a unique individual and how to implement treatment plans and responsibilities assigned to the license holder;

L. cultural competence; and

M. personal staff accountability and staff self-care after emergencies.

Subp. 2. **Function-specific training.** In addition to the core training as required by subpart 1 and determining competency as required by subpart 4, the license holder must ensure that staff receive additional training based on their level of responsibility and qualifications, as set out in items A ~~to E~~ and B, prior to assuming these responsibilities. ~~Previous Equivalent training approved by the commissioner and completed within the previous 12 months fulfills these requirements.~~

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A. Direct support staff must complete four hours of additional training on the following:

- (1) permitted and prohibited procedures identified in *Minnesota Statutes*, section 245D.06, subdivisions 6 and 7;
- (2) the situations in which staff must contact 911 services in response to an imminent risk of harm to the person or others;
- (3) the procedures and forms staff must use to monitor and report use of restrictive interventions that are part of a positive support transition plan;
- (4) the procedures and requirements for notifying members of the person's expanded support team after use of a restrictive intervention with the person;
- (5) trauma-informed care, including information on the neurological, biological, psychological, and social effects of trauma and violence on an individual;
- (6) positive support strategies, such as positive behavioral supports and motivational interviewing;
- (7) desired, organization-wide adoption of positive support principles;
- (8) basics of behavior change;
- (9) cultural competence;
- (10) human relations and respectful communications;
- (11) personal accountability;
- (12) employee self-care and collegial care of colleagues; and
- (13) understanding diagnosis and medication.

B. Staff who implement positive support strategies must complete four hours of additional training on the following, at a minimum:

- (1) principles underlying positive support strategies;
- (2) the development and implementation of positive support strategies;
- (3) person-centered planning;
- (4) de-escalation;
- (5) use of positive support strategies;
- (6) relationship between behavior and a person's environment;
- (7) staff self-care after emergencies;
- (8) collegial care;
- (9) knowing how and when to communicate with the person's family;
- (10) understanding diagnosis and medication; and
- (11) when to use crisis resources.

C. A. Staff who develop positive support strategies and license holders, executives, managers, and owners in nonclinical roles must

complete a minimum of four hours of additional training on the following, at a minimum:

- (1) ~~positive support strategy theory training functional behavior assessments;~~
- (2) ~~behavior plan development under guided supervision how to apply person-centered planning;~~
- (3) ~~positive support strategy research and resources; how to design and use data systems to measure effectiveness of care; and~~
- (4) ~~supervision, including how to train, coach, and evaluate staff and communicate effectively; and encourage effective communication with the person and the person's support team.~~
- (5) ~~continuing education requirements relevant to the field of the staff.~~

~~D. Staff who oversee the development and implementation of positive support strategies must complete four hours of additional training on the following, at a minimum:~~

- (1) ~~functional behavior assessment, also known as functional assessment;~~
- (2) ~~how to apply person-centered planning;~~
- (3) ~~the relationship between behavior and biology;~~
- (4) ~~how to integrate disciplines to develop plans;~~
- (5) ~~how to design and use data systems to measure effectiveness of care; and~~
- (6) ~~information about resources of the human services system, its procedures, and specific roles in the local system.~~

~~E.B. License holders, executives, managers, and owners in nonclinical roles must complete four a minimum of two hours of additional training on the following, at a minimum:~~

- (1) ~~outcomes they and their staff are responsible to achieve;~~
- (2) ~~clarity between the roles of clinical staff and nonclinical staff;~~
- (3) ~~(1) how to include staff in organizational decisions;~~
- (4) ~~where providers can access additional resources on positive support strategies and person-centered planning;~~
- (5) ~~(2) management of the organization based upon person-centered thinking and practices and how to address person-centered thinking and practices in the organization; and~~
- (6) ~~(3) person-centered thinking at the organizational level and how to address it in the organization evaluation of organizational training as it applies to the measurement of behavior change and improved outcomes for persons receiving services.~~

Subp. 3. **Annual refresher training.** The license holder must ensure that staff complete four hours of refresher training on an annual basis covering each of the training areas listed in ~~subpart~~ subparts 1 and 2 that are applicable to the staff and their responsibilities.

### **9544.0130 EXTERNAL PROGRAM REVIEW COMMITTEE.**

Subp. 3. **Duties and responsibilities.** The external program review committee shall monitor implementation of this chapter, make recommendations to the commissioner about policy changes related to the requirements in this chapter, and make recommendations to the commissioner to approve or deny requests for emergency use of procedures in accordance with *Minnesota Statutes*, section 245.8251, subdivision 4. The committee shall:

A. review requests made in accordance with the requirements of *Minnesota Statutes*, section 245D.06, subdivision 8, paragraph (b), for emergency use of procedures that have been part of an approved positive support transition plan when necessary to protect a person

# Adopted Rules

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from imminent risk of serious injury as defined in *Minnesota Statutes*, section 245.91, subdivision 6, due to self-injurious behavior, and make a recommendation to the commissioner to approve or deny these requests. The committee must ~~establish criteria on which to base approvals and denials, and~~ base its recommendation upon the determination that the provider has made a good faith effort to reduce the need for the procedure and that the emergency use of procedures is necessary to protect the person from imminent risk of serious injury. The committee must base its determination upon the documentation provided in accordance with *Minnesota Statutes*, section 245D.06, subdivision 8, paragraph (c). The committee must include in an approval the additional terms or conditions that the license holder must meet specific to that approval, if any;

B. review requests for use of a prohibited procedure that is not specifically permitted by part 9544.0050, or specifically prohibited by part 9544.0060, and make a recommendation to the commissioner to approve or deny these requests ~~based on criteria established by the committee~~. The committee must base its recommendation upon the determination that the provider has made a good faith effort to reduce the need for a restrictive intervention and that the prohibited procedure is necessary to protect the person's health and safety for a limited time while positive support strategies are developed and implemented. Requests for use of a prohibited procedure must include the following:

(1) a copy of the person's current positive support transition plan, copies of each positive support transition plan review, if any, and data on the interfering behavior;

(2) documentation of methods the provider has tried to reduce and eliminate the incidence of interfering behavior that have not been successful;

(3) documentation of the assessments performed to determine the function of the behavior for which the interventions have been developed;

(4) documentation of a good faith effort to eliminate the use of restrictive interventions currently in use;

(5) documentation that the interfering behavior is unlikely to be prevented in the immediate future by a reasonable increase in staffing or the provision of other positive supports;

(6) justification for the use of the procedure that identifies the imminent risk of serious injury due to the person's interfering behavior if the procedure were not utilized;

(7) documentation of the persons consulted in creating and maintaining the current positive support transition plan;

(8) documentation of approval by the person's expanded support team of the submission to the committee of the request for use of a prohibited procedure; and

(9) additional documentation as requested by the committee. The committee must base its determination upon the documentation provided in accordance with this chapter. The committee must include in an approval the additional terms or conditions that the license holder must meet specific to that approval, if any;

C. evaluate the programs and systems of a license holder making a request under item A or B to ascertain the license holder's overall capacity to serve persons who are the subject of the request; ~~and~~

D. review each reported emergency use of manual restraint and the license holder's response to the emergency use for the person. The commissioner must identify criteria that the external program review committee will use to evaluate the license holder's response. If the committee determines that a change is needed to reduce the frequency or duration of future emergency uses by the license holder, the external program review committee must provide guidance to the license holder about its response; ~~and~~

E. assess the competency of qualified professional applicants to develop and implement positive support transition plans.

## 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.

### Minnesota Department of Administration (Admin) Governor's Council on Developmental Disabilities Notice of Meeting Schedule for Federal Fiscal Year 2016

The Minnesota Governor's Council on Developmental Disabilities (GCDD) meets on the first Wednesday of the even-numbered months at the Continuing Education and Conference Center, University of Minnesota, St. Paul Campus, 1890 Buford Avenue, St. Paul, Minnesota 55108. Meetings are from 9:30 a.m. to 2:30 p.m. The meeting schedule for FFY 2016 is as follows:

October	7,	2015
December	2,	2015
February	3,	2016
April	6,	2016
June	1,	2016
August	3,	2016

Under provisions of the Developmental Disabilities Assistance and Bill of Rights Act (P.L. 106-402), the GCDD's business - information, education, and training - is intended to increase the independence, productivity, self determination, integration and inclusion of people with developmental disabilities and their families in the community.

For further information, contact the GCDD by **phone:** (651) 296-4018; **toll free:** (877) 348-0505; **Minnesota Relay Service:** (800) 627-3529 or 711; **e-mail:** [admin.dd@state.mn.us](mailto:admin.dd@state.mn.us); or via Web site: <http://mn.gov/mnddc>.

Individuals needing accommodations should contact the GCDD at least 10 days in advance of the meeting date.

### Minnesota Department of Employment and Economic Development (DEED)

#### Notice of Public Hearing by the Minnesota Department of Employment and Economic Development with Respect to a Proposed Project and the Provision of Funds from the Minnesota Job Creation Fund Program under *Minnesota Statutes* 116J.8748

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Employment and Economic Development ("DEED") will conduct a public hearing on Friday, August 28, at 1:00 p.m., or as soon thereafter as reasonably possible at 332 Minnesota Street, Suite E200, in Saint Paul, Minnesota, on a proposal to provide funding through the Minnesota Job Creation Fund Program pursuant to authority granted under *Minnesota Statutes* 116J.8748 and *Minnesota Rules* Chapter 4301. This hearing is conducted in accordance with *Minnesota Statutes* 116J.994, Subd. 5.

#### DESCRIPTION OF PROJECTS AND PROPOSED JCF FUNDING:

**Ability Network, Inc.**, may expand at 100 North 6<sup>th</sup> Street, Minneapolis (Hennepin County), Minnesota. The company is a healthcare technology company that provides web-based services that assist in simplifying the complexities of administrative and clinical processes

# Official Notices

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for healthcare payers and providers across the county. The company is considering expanding its current Minneapolis operations by leasing an estimated additional 44,000 square feet. The company expects to create 167 jobs at an average cash wage of \$33.16 per hour and make a capital investment of \$518,149 for site improvements. The project is eligible for a job creation award of up to \$500,000.

**FAST Manufacturing, Inc.**, may expand at 4130 Commerce Boulevard, Windom (Cottonwood County), Minnesota. The company is a manufacturer of sprayers and applicators for agricultural uses and also ground support equipment and conveyor package handling markets. The company is planning on expanding its workforce in Windom. The total project cost is \$4,211,299 with \$525,000 of it being eligible for the capital investment rebate. The company expects to create 143 jobs at an average cash wage of \$19.08 per hour. The project is eligible for a job creation award of up to \$500,000 and a capital investment rebate of up to \$39,375.

**Polaris Industries, Inc.**, may expand at 7290 East Viking Blvd, Wyoming (Chisago County), Minnesota. The company is a designer and manufacturer of Off-Road Vehicles, including ATVs, side-by-side vehicles for recreational and utility vehicles snowmobiles, motorcycles, and small vehicles. The company is contemplating expanding its existing research and development facility by expanding its Vehicle Emissions Lab by 8,600 square feet. The total project cost is \$5,780,000 with \$3,900,000 of it being eligible for the capital investment rebate. The company expects to create 90 jobs at an average cash wage of \$36.02 per hour. The project is eligible for a job creation award of up to \$500,000 and a capital investment rebate of up to \$195,000.

**Prime Therapeutics LLC** may expand at 1440 Northland Drive, Mendota Heights (Dakota County), Minnesota. The company manages coverage for medicine to health insurers, employers, Medicare recipients, and individuals. The company also processes claims and delivers medicine to its members and offers clinical services for those with complex medical conditions. The company is planning to expand and may lease space in Mendota Heights and make tenant improvements. The total project cost is approximately \$10,940,000 with \$2,704,233 of it eligible for a capital investment rebate. The company expects to create 125 jobs within three years at an average cash wage of \$26.82 per hour. The project is eligible for a job creation award of up to \$500,000 and a capital investment rebate of up to \$135,212.

All interested persons may appear and be heard at the time and place set forth above. Persons interested in participating via teleconference should contact Emily Johnson, Minnesota Job Creation Fund Program Manager at (651) 259-7450 or [Emily.A.Johnson@state.mn.us](mailto:Emily.A.Johnson@state.mn.us) prior to the date of the hearing for instructions on how to participate in the conference call.

Interested persons may mail written comments to Emily Johnson at the street or e-mail address set forth above prior to the date of the hearing set forth above. All persons who appear at the meeting or participate via teleconference will be given an opportunity to express their views with respect to the proposal to award funds from the Minnesota Job Creation Fund.

## Minnesota Department of Health (MDH) Request for Information for Exceptions to the Moratorium on the Licensure and Certification of New Nursing Home Beds in Hardship Areas

### Purpose

The commissioner of health, in coordination with the commissioner of human services, is accepting written information from interested parties demonstrating that an area, or areas, of the state of Minnesota lack sufficient access to nursing home beds and should be declared a hardship area as delineated in *Minnesota Statutes* 144A.071, subd.3. To be considered, responses to this request must be received by November 16, 2015.

### Criteria for Determination of a Hardship Area

The following criteria are to be used when determining that an area of the state is a hardship area with regard to access to nursing facility services:

- (1) a low number of beds per thousand in a specified area using as a standard the beds per thousand people age 65 and older, in five year age groups, using data from the most recent census and population projections, weighted by each group's most recent nursing home utilization, of the county at the 20th percentile, as determined by the commissioner of human services;
- (2) a high level of out-migration for nursing facility services associated with a described area from the county or counties of residence to other Minnesota counties, as determined by the commissioner of human services, using as a standard an

- amount greater than the out-migration of the county ranked at the 50th percentile;
- (3) an adequate level of availability of noninstitutional long-term care services measured as public spending for home and community-based long-term care services per individual age 65 and older, in five year age groups, using data from the most recent census and population projections, weighted by each group's most recent nursing home utilization, as determined by the commissioner of human services using as a standard an amount greater than the 50th percentile of counties;
  - (4) there must be a declaration of hardship resulting from insufficient access to nursing home beds by local county agencies and area agencies on aging; and
  - (5) other factors that may demonstrate the need to add new nursing facility beds.

The Request for Information (RFI) must use the data provided under section 144A.351, from the MN Department of Human Services report "Status of Long-term Services and Supports," posted at <http://www.health.state.mn.us/divs/fpc/hardship/> (see Hardship Area Criteria Table), along with any other relevant data the submitter considers supportive of a hardship declaration.

This is a two-step process. The first step is the Request for Information (RFI) to determine if there is an area of the state that is a hardship area with regard to access to nursing facility services. The second step is to issue a Request for Proposals (RFP) for each designated hardship area on March 14, 2016. The RFPs would be for projects that add new licensed nursing home beds.

### Eligibility to Submit Information

A submission of information supporting the declaration of a hardship area may be submitted by any interested party. The information must be limited to five pages for the narrative, plus attachments for data tables and letters of support.

### Review and Analysis of RFIs

Within one week of the close of the submission date, all timely, complete and acceptable submissions will be posted at <http://www.health.state.mn.us/divs/fpc/hardship/>

Comments on submissions will be accepted until December 23, 2015 from any interested party. Instructions for submitting comments will be provided at <http://www.health.state.mn.us/divs/fpc/hardship/>. The commissioners of health and human services will review submissions and comments and may review any other information available, and will determine if any areas of the state are to be declared hardship areas. For any designated hardship area, the commissioner of health shall publish a Request for Proposals (RFP), in accordance with MS 144A.073 and Minnesota Rules, parts 4665.1070 to 4665.1098. The RFP will be published on March 14, 2016.

### Questions Concerning the RFI

Any questions relating to the RFI process must be submitted in writing via Fax, US mail or email to:

Mary Cahill  
Minnesota Department of Health  
Health Regulation Division  
P.O. Box 64900  
St. Paul, MN 55164-0900  
**Fax:** (651) 215-9695  
**E-mail:** [mary.cahill@state.mn.us](mailto:mary.cahill@state.mn.us)

No answers will be provided in response to phone calls. Copies of all questions and their answers will be posted at <http://www.health.state.mn.us/divs/fpc/hardship/>

Only responses in writing by staff of the Minnesota Department of Health will be considered official. The closing date for the receipt of questions will be October 15, 2015.

### Procedures for Submitting Responses

No responses submitted by facsimile machine will be accepted. **Two (2) written copies of the responses must be received no later than 4:00 p.m. on Friday, November 16, 2015 by:**

#### U.S. Mail Service:

Darcy Miner  
Minnesota Department of Health

# Official Notices

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Health Regulation Division  
P.O. Box 64900  
St. Paul, MN 55164

**Courier or Walk-In Service:**

Darcy Miner  
Minnesota Department of Health  
Health Regulation Division  
85 East Seventh Place, Room 220  
St. Paul, MN 55101

## Minnesota Department of Health (MDH)

### Division of Environmental Health

### REQUEST FOR COMMENTS on Possible Rules Governing Licensing of Radon Professionals, Revisor's ID Number R-4353

**Subject of Rules.** The Minnesota Department of Health requests comments on its possible rules governing licensing of radon professionals. The Department is considering rules that prescribe:

- Licensing requirements for radon measurement professionals, individual radon mitigators, radon mitigation companies, and radon analysis labs;
- Collection of licensing fees for affected radon professionals;
- Appropriate work practices and standards of conduct for radon professionals;
- Tagging of installed radon systems;
- Education requirements for radon professionals;
- Approval of radon education courses and course providers;
- Information that radon professionals will be expected to report to the Department;
- The Department's compliance assurance and rule enforcement procedures; and
- Other details needed to accomplish the items listed above.

**Persons Affected.** The rules would likely affect radon measurement professionals, radon mitigation contractors, radon testing labs, home inspectors, homeowners, and local public health agencies.

**Statutory Authority.** *Minnesota Statutes*, section 144.4961, subdivision 3, requires the Department to "adopt rules for licensure and enforcement of applicable laws and rules relating to indoor radon in dwellings and other buildings, with the exception of newly constructed Minnesota homes".

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department does plan to appoint an advisory committee to comment on the possible rules.

**Rules Drafts.** The Department has prepared a preliminary draft of the possible rules which is available on the agency's web site at:  
<http://www.health.state.mn.us/divs/eh/indoorair/radon/rulemaking/rulesindex.html>

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Joshua Kerber at Minnesota Department of Health, Indoor Air Unit, **telephone:** (651) 201-5613, or **e-mail:** [Joshua.kerber@state.mn.us](mailto:Joshua.kerber@state.mn.us).

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

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 4 August 2015

Thomas P. Hogan, Director  
Environmental Health Division  
Minnesota Department of Health

### Minnesota Pollution Control Agency (MPCA) Resource Management and Assistance Program Division Notice of Availability and Request for Comments on Draft Section 401 Water Quality Certification for the Proposed Crown Mill Hydroelectric Project, Federal Energy Regulatory Commission Project No. 11175-000

**NOTICE IS HEREBY GIVEN** that the Commissioner of the Minnesota Pollution Control Agency (MPCA), pursuant to *Minnesota Rules* 7001.1440, has made a preliminary determination to issue a Clean Water Act (CWA) Section 401 Water Quality Certification (401 Certification) with conditions for the Federal Energy Regulatory Commission (FERC) proposed license of the Crown Mill Hydroelectric Project. The MPCA is proposing to issue a Section 401 Certification to the applicant, the Crown Mill, LLC. The Section 401 Certification is necessary to complete the FERC licensing process.

The proposed project is located on the Mississippi River within the city limits of Minneapolis, Minnesota. The project is primarily for electric power generation and will provide 3.4 megawatts (MW) of electricity. The project has been previously permitted; in 1995 the MPCA issued a Section 401 Water Quality Certification, and FERC licensed the project in 1999. However, the project has yet to be constructed and Crown Mill LLC is proposing to move the project and has applied for an amended license.

The new project location is about 250 feet north of the initially proposed site, on property owned by the U.S. Army Corps of Engineers (Corps) within the campus of the Upper St. Anthony Falls Lock and Dam. The proposed site is adjacent to the already-licensed Corps site. The most significant difference will be that the Crown Project will move the location of the powerhouse and will be using a new tunnel tailrace as opposed to connecting to an old existing tunnel. The potential significant project impacts are fish entrainment and decreased downstream dissolved oxygen. In addition, there may be an increase in sedimentation/turbidity during project construction. The MPCA requests comments on its draft 401 Certification for the Crown Mill Hydroelectric Project FERC No. 11175-000.

**MPCA Contact Person.** The MPCA contact person is Bill Wilde. Written comments, requests and petitions should be mailed to: Bill Wilde, Minnesota Pollution Control Agency, Resource Management and Assistance Division, 520 Lafayette Road, North, St. Paul, MN 55155-4194, telephone number: (651) 757-2825. Voice or toll free 1-800-657-3864; facsimile number: (651) 297-8324; and e-mail: [william.wilde@state.mn.us](mailto:william.wilde@state.mn.us).

**Availability of Draft 401 Certification.** A copy of the proposed 401 Certification is available on the MPCA's public notice page at <http://www.pca.state.mn.us/index.php/public-notices/list.html>. A copy of the proposed 401 Certification is also available upon request by contacting Bill Wilde at (651) 757-2825, or will be mailed to any interested person upon the MPCA's receipt of a written request. Materials relating to the 401 Certification are available for inspection by appointment at the MPCA St. Paul Office, 520 Lafayette Road North, St. Paul, Minnesota 55155, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

**Public Comment Period.** Interested persons are invited to submit written comments on the MPCA's proposed Draft 401 Certification for the project. Written comments may be submitted to the MPCA contact person at the address, facsimile number, or e-mail address listed above. **The public comment period ends at 4:30 p.m. on September 7, 2015.**

Written comments must include the following:

# Official Notices

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1. A statement of your interest in the MPCA's draft 401 Certification.
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft Certification that you believe should be changed.
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 to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues. A petition requesting a public informational meeting must include the following information:

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

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.

## **Petition for Contested Case Hearing**

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

1. There is a material issue of fact in dispute concerning the draft Certification;
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 Certification. 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 Rule* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

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

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

To be considered timely, the petition for a contested case hearing must be received by the MPCA by 4:30 p.m. on the date the public comment period ends.

## **MPCA Decision**

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

Dated: 11 August 2015

John Linc Stine, Commissioner  
MN Pollution Control Agency

## **Minnesota Department of Transportation (Mn/DOT)**

### **Notice to Bidders: Suspensions/Debarments as of January 12, 2015**

#### **NOTICE OF DEBARMENT**

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

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

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective September 17, 2014 until September 17, 2017:

- Jeffrey Plzak and his affiliates, Loretto, MN
- Laurie Plzak and her affiliates, Loretto, MN
- Honda Electric Incorporated and its affiliates, Loretto, MN
- Jeffrey and Laurie Plzak doing business as Honda Electric Logistics, and its affiliates, Loretto, MN

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective January 12, 2015 until January 12, 2018:

- Marlin Dahl, Granada, MN
- Dahl Trucking, Elmore, MN
- Elmore Truck and Trailer, Inc., Elmore, MN

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

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

## State Grants & Loans

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

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

## Minnesota Department of Health (MDH)

### Office of Rural Health and Primary Care

### Notice of Grant Opportunity for 2016 Rural Hospital Planning and Transition Grant Program

*Minnesota Statutes* Section 144.147 authorizes the Commissioner of Health to award grants to eligible hospitals under the Rural Hospital Planning and Transition Grant Program. The program helps small hospitals (50 or fewer beds) preserve or enhance access to health services through planning or implementation projects.

The grant program supports small hospitals in (1) developing strategic plans for improving access to health services, or (2) implementing transition projects to modify the type and extent of services provided, based on an existing plan. Coordination with local community organizations is a key component of this grant program.

Projects that connect hospital plans and resources to other stakeholders – for example, mental health, local public health, long-term care, and social services – are encouraged. Recent applicants who received funding were successfully able to show how a proposed project: plans for changes in service populations; bolsters availability and sustainability of services; meets health reform objectives; addresses unmet health needs; and/or enhances recruitment and retention of health professionals.

Eligible applicants are non-federal, non-profit, general acute care hospitals that have 50 or fewer beds and are located in a rural area or in a community with a population of less than 15,000 and outside the seven-county metropolitan area. Applicants may apply for grants of up to \$45,000 and approximately \$250,000 is available in the program as a whole. Applications will be due October 16, 2015. Application forms and guidance will be available August 14, 2014 or soon thereafter, on the Office of Rural Health & Primary Care (ORHPC) web site at:

<http://www.health.state.mn.us/divs/cfh/orhpc/grant/home.htm>

Applications must be submitted electronically using the WebGrants @ MDH online grant management system, at:

<https://www.grants.health.mn.gov/index.do>

For information, contact Will Wilson, MDH, Office of Rural Health and Primary Care, at (651) 201-3842 or [will.wilson@state.mn.us](mailto:will.wilson@state.mn.us).

## State Contracts

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

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

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

## Minnesota Department of Administration (Admin) Materials Management Division Notice of Intent to Issue a Request for Proposals for a Disparity Study

The Minnesota Department of Administration anticipates issuing a Request for Proposals (RFP) for the purpose of conducting a valid, legally-defensible disparity study with respect to the purchasing and contracting practices of one or more governmental jurisdictions within Minnesota.

The State anticipates that the formal Request for Proposals will be issued in September 2015 via the State-Wide Integrated Financial Tools (SWIFT) site (<https://supplier.swift.state.mn.us/>).

This Notice is designed to allow potential responders advanced notice to register as a vendor within SWIFT (which is required to view the full RFP), ensure compliance with e-Verify, and complete the necessary Affirmative Action plan and Equal Pay plan requirements. For information on the Affirmative Action plan and Equal Pay plan requirements, please see <http://mn.gov/mdhr/compliance/index.html>.

Prospective responders who have any questions regarding this Notice may email the contact below:

Ms. Rachel Dougherty, Contracts Specialist  
Minnesota Department of Administration  
[PT.Questions@state.mn.us](mailto:PT.Questions@state.mn.us)

Other personnel are **NOT authorized** to discuss this Notice. Contact regarding this Notice with any personnel not listed above could result in disqualification for any subsequent RFP.

## Minnesota Department of Administration (Admin) State Designer Selection Board Project No. 15-10 Notice of Availability of Request for Proposal (RFP) for Designer Selection for Mechanical and Electrical (M&E) Retro-commissioning of Agriculture and Health (MDA/MDH) Laboratory (Lab) Building

The State of Minnesota, Department of Administration is soliciting proposals from interested, qualified consultants for engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota Department of Administration's website at <http://mn.gov/admin/government/construction-projects/sdsb/sdsb-projects.jsp> (click 15-10).

A voluntary informational meeting will be held on August 24, 2015 at 2:30 pm CT at the Agriculture and Health (MDA/MDH) Laboratory (Lab) Building, 601 N. Robert St., St. Paul, MN 55155. The meeting will include a tour of the proposed project areas and a review of the scope of work.

# State Contracts

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There is only one person authorized to respond to questions regarding this RFP. Questions concerning the project RFP should be referred to **Ryan Allen**. **Submit questions by e-mail or fax only to: [ryan.allen@state.mn.us](mailto:ryan.allen@state.mn.us) , phone (651) 215-6245** When e-mailing or faxing questions, please include the subject line, "RFP questions from (firm name)".

Questions regarding this RFP must be received by **Wednesday, August 26, 2015** no later than **1:00 PM** Central Time. Only Prime Firms responding to this RFP should send inquiries on behalf of themselves and of their Sub-consultants.

Proposals must be delivered to Charlye McMillan, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 not later than **12:00 noon on Monday, August 31, 2015**. Late responses will not be considered.

The State of Minnesota 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 Department of Administration (Admin) Minnesota State Colleges and Universities (MnSCU) State Designer Selection Board Project No. 15-11 Notice of Availability of Request for Proposal (RFP) for Designer Selection for Minnesota West Community and Technical College Jackson Campus Powerline Technology Training Facility**

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

A full Request for Proposals is available on the Minnesota Department of Administration's website at  
**<http://mn.gov/admin/government/construction-projects/sdsb/sdsb-projects.jsp>** (click 15-11).

Questions concerning the project RFP should be referred to Lori Voss. **Submit questions by e-mail ONLY to: [Lori.voss@mnwest.edu](mailto:Lori.voss@mnwest.edu)** When emailing questions, please include the subject line, "RFP questions from (firm name)".

Questions regarding this RFP must be received by **Friday, August 28, 2015** no later than 12:00 noon, Central Daylight Time. Only Prime Firms responding to this RFP should send inquiries on behalf of themselves and of their Sub-Consultants.

Proposals must be delivered to Charlye McMillan, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155 (phone: [651] 201-2372 ) not later than **12:00 noon on Tuesday, September 8, 2015**. Late responses will not be considered. (Please note that due to the holiday, State offices are closed on Monday, September 7, 2015.)

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)****Central Lakes College****Notice of Request for Proposal (RFP) for Purchase of Market Research and Business Development Consulting Services**

**NOTICES IS HEREBY GIVEN** that Central Lakes College will receive sealed proposals for the purposes of gaining insight in to the market place and consider other models to move a successful pilot endeavor into a lasting, sustainable innovative form of access to higher education in the workplace.

Interested parties must contact Rebekah Kent at 218-894-5131 or rkent@clcmn.edu to obtain official proposal specifications.

Sealed proposals must be submitted to: Rebekah Kent, Director of Strategic Grant Initiatives, Advanced Manufacturing Education Grant, Central Lakes College, 501 West College Drive, Brainerd, MN 56401 by Monday, August 24, 2015 4:30 p.m. Central Time.

Central Lakes College reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received. This Request for Proposal does not obligate the State to complete a proposed contract, and the State reserves the right to cancel the solicitation if it considered to be in its best interest.

**Minnesota Department of Employment & Economic Development (DEED)****State Services for the Blind****Communication Center****Notice of Intent to Contract with Braille Services**

This is a single source posting justification; there are no solicitation documents for download.

The Department of Employment & Economic Development, State Services for the Blind, Communication Center, Braille Unit is posting a notice of intent to Contract with Volunteer Braille Services. Volunteer Braille Service will serve as format consultant of Braille materials and will train Volunteer Braille Transcribers that will be certified by the National Library Service of the Library of Congress.

If anyone has any concerns regarding this single source opportunity, you must contact Teri Pleau via e-mail to [teri.pleau@state.mn.us](mailto:teri.pleau@state.mn.us) by 08/21/2015 at 2:00 PM.

**Minnesota Historical Society (MNHS)****Notice of Request for Proposals for Professional Services for Cultural Resource Work**

The Minnesota Historical Society is seeking proposals from qualified firms and individuals to provide professional services for cultural resources work as follows:

1. Historic District Inventory Management for 37 historic districts listed in the National Register of Historic Places prior to 1986.
2. Ethnohistorical study of Long Sault Rapids and Manitou Rapids on the Rainy River, near International Falls, Koochiching County, Minnesota.
3. Documentation of approximately 50 properties to be removed from the National Register of Historic Places, statewide, Minnesota.

# State Contracts

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Project Time Period: October 1, 2015 – June 30, 2016

A total of approximately \$75,000 is available in federal Historic Preservation Funds (HPF) to award in contracts for these projects. Due to the variety of project types, each project should be bid on separately. No individual contract will exceed \$25,000. The successful applicant(s) must comply with all applicable federal, state, and local laws, rules, and regulations.

The Request for Proposals is available by contacting Mary Green Toussaint, Acting Contracting Officer via e-mail:

***mary.green-toussaint@mnhs.org***

Proposals must be received by Mary Green Toussaint, Acting Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 no later than 2:00 p.m., local time, **Tuesday, September 15, 2015**. No late proposals will be accepted.

This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally-assisted Programs on the basis of race, color, national origin, age, or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

## Minnesota State Academies Notice of Availability of Contract for Speech Therapy Services

**The Minnesota State Academies** is requesting proposals for the purpose of **Speech Therapy services**.

Work is proposed to start after **October 1<sup>st</sup>, 2015**

A Request for Proposal will be available by mail or email from this office through **September 11<sup>th</sup>, 2015**. **A written request (by direct mail, email or fax) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Mike Hopwood  
Fiscal Services Director  
615 Olof Hanson Drive  
Faribault, MN 55021  
**Phone:** (507) 384-6605  
**Fax:** (507) 332-5404  
**E-mail:** ***mike.hopwood@msa.state.mn.us***

Proposals submitted in response to the Request for Proposals in this advertisement must be received by **September 18<sup>th</sup>, 2015** at the address above no later than **1:00 PM Central Daylight Time**. **Late proposals will NOT be considered.** Fax or e-mailed proposals will 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.

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# **State Contracts**

## **Minnesota Department of Transportation (Mn/DOT)**

### **Engineering Services Division**

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

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

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

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

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

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

Send completed application material to:

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

## **Minnesota Department of Transportation (Mn/DOT)**

### **Engineering Services Division**

#### **Notice Concerning Professional/Technical Contract Opportunities and Taxpayers’ Transportation Accountability Act Notices**

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

## Metropolitan Airports Commission (MAC) Public Notice for Qualifications Statements for Bond Counsel Legal Services

The Metropolitan Airports Commission ("MAC") is requesting statements of qualifications (SOQ) from law firms interested in representing MAC as bond counsel.

MAC's Request for Qualifications for Bond Counsel Legal Services is available on the following website at:

<http://www.metroairports.org/business/solicitations/default.aspx>

(Select: Solicitations/Request for Qualifications/Bond Counsel Request for Qualifications).

You may also contact Wendy Cornelius, MAC's Legal Administrator, at (612) 726-8192 or [wendy.cornelius@mspmac.org](mailto:wendy.cornelius@mspmac.org) with any questions by or before August 27, 2015.

The SOQs are due on or before 4:00 p.m. on Thursday, September 3, 2015.

## A Subscription Gets You the *Earliest* Delivery and Saves You Money and Time

A subscription to the *STATE REGISTER* gets you the *EARLIEST* delivery. Instead of waiting until Monday at 8:00 am when the magazine is posted on our website, we'll SEND you the magazine on Friday at close of business with the State, 4:30 pm: 2-1/2 days early.

Yes, that's right -- 2-1/2 days ahead of normal publication schedule -- to get to know what's coming in the next week; to prepare your plans for your submissions to grant and loan programs and RFPs, RFIs and other contracts and bids.

Subscriptions for an entire year cost \$180. The magazine is *SENT TO YOU*, as well as ONE OTHER PERSON YOU DESIGNATE, in case of vacations, or illnesses, or other absences in your office . . . and you won't have to access our website or click, click, click to find us.

Subscriptions include the most up-to-date information, including a growing index to issues in each volume, issue by issue, including the current volume, which others do not have access to until the end of the volume year.

And a subscription gets you our current listing of all OPEN bids, contracts, grants, loans, and RFPs that are still open for bid, so you don't have to hunt through each back issue to find something.

Try a subscription for one year and see if it is worth your investment. We think you'll be glad you did.

## ***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.) ***FREE PARKING***

Phone: (651) 297-3000; Fax: (651) 215-5733

E-mail: <http://www.minnesotasbookstore.com>

Order Online at: [www.minnesotasbookstore.com](http://www.minnesotasbookstore.com)



### Several convenient ways to order:

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

**PREPAYMENT REQUIRED. Prices and availability subject to change.**

**Fax and phone orders:** Credit card purchases **ONLY** (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. **Mail orders:** Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

Stock No.	Title	Quantity	Unit Price	Total

Send my order to:

Company \_\_\_\_\_

Name \_\_\_\_\_

Street Address (Not deliverable to P.O. boxes) \_\_\_\_\_

City (      ) State Zip

Daytime phone (In case we have a question about your order) \_\_\_\_\_

#### Shipping Charges

<i>If Product</i>	<i>Please</i>
<b>Subtotal is:</b>	<b>Add:</b>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
* \$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.	
More than \$1,000	Call

Product Subtotal \_\_\_\_\_

Shipping \_\_\_\_\_

Subtotal \_\_\_\_\_

Sales tax \_\_\_\_\_

(6.875% sales tax  
if shipped to MN  
address, 7.625% if  
shipped to St. Paul  
address. 7.125% MN  
transit tax or other local  
sales tax if applicable)

**TOTAL** \_\_\_\_\_

Credit card number: \_\_\_\_\_

Expiration date: \_\_\_\_\_ Signature: \_\_\_\_\_

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