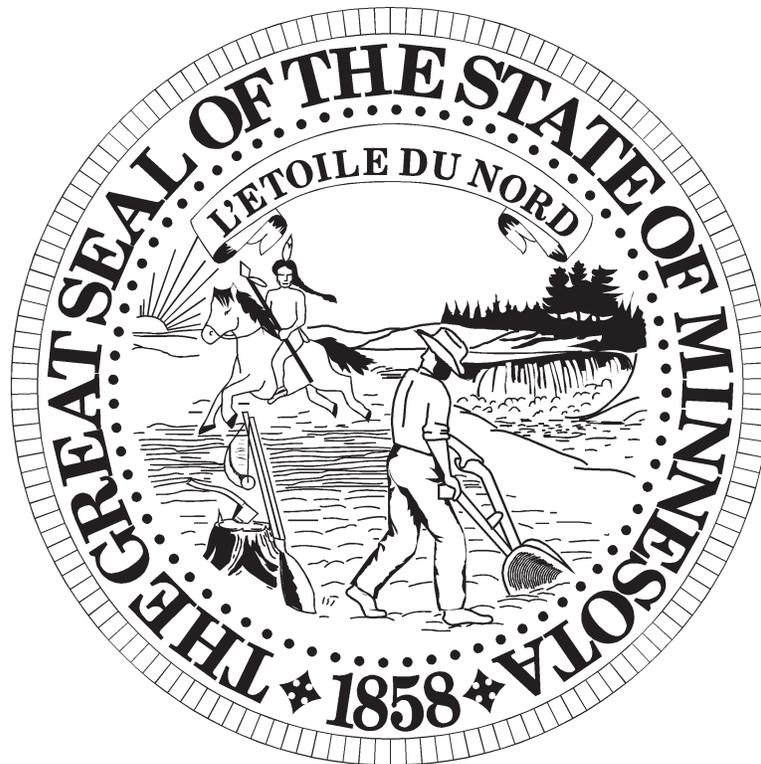


State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**
Published every Monday (Tuesday when Monday is a holiday)

**Monday 16 June 2008
Volume 32, Number 51
Pages 2199 - 2248**

State Register

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

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

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| Vol. 32 Issue Number | PUBLISH DATE (BOLDFACE shows altered publish date) | Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts | Deadline for Proposed, Adopted and Exempt RULES |
|----------------------------|---|---|---|
| # 51 | Monday 16 June | Noon Tuesday 10 June | Noon Wednesday 4 June |
| # 52 | Monday 23 June | Noon Tuesday 17 June | Noon Wednesday 11 June |
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USPS Publication Number: 326-630 (ISSN: 0146-7751)

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

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

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

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions.

Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

Expedited emergency rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited emergency rules detail the agency's rulemaking authority.

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 Natural Resources Adopted Expedited Emergency Game and Fish Rules: Fall Wild Turkey Hunting; Prairie Chicken Hunting

Notice is hereby given that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97A.434, 97A.435, 97B.711, 97B.716, and 97B.723.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that population and harvest data needed for setting quotas and areas are only available on an annual basis. Population and harvest data collected through prairie chicken registration is no longer necessary. Prairie chicken populations are stable and can be managed using data collected through annual mail surveys.

May 1, 2009
Mark Holsten
Commissioner of Natural Resources

6236.0700 FALL TURKEY SEASON.

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

Subp. 4. **Open areas.** Wild turkey permit areas are open for the fall turkey season as prescribed by the commissioner. Turkey licenses are valid for taking turkeys only in the wild turkey permit area specified on the license. Permit areas shall be identified in application materials and on electronically issued licenses by their three-digit number. Wild turkey permit areas are open for the 2008 fall season as described in subpart 6.

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

Subp. 6. **Turkey hunt quotas.** Permit quotas for the 2008 fall season are as follows:
2008 Wild Turkey Permit Area Quotas (Fall) Permit Quota by Time Period

Expedited Emergency Rules

Wild Turkey Permit Area Number

A October 15-19, 2008

B October 22-26, 2008

| | | |
|-----|-----|-----|
| 157 | 25 | 25 |
| 213 | 25 | 25 |
| 214 | 50 | 50 |
| 215 | 150 | 150 |
| 221 | 60 | 60 |
| 222 | 50 | 50 |
| 223 | 100 | 100 |
| 227 | 75 | 75 |
| 229 | 10 | 10 |
| 236 | 150 | 150 |
| 239 | 150 | 150 |
| 240 | 100 | 100 |
| 248 | 25 | 25 |
| 249 | 25 | 25 |
| 262 | 10 | 10 |
| 338 | 90 | 90 |
| 339 | 90 | 90 |
| 341 | 250 | 250 |
| 342 | 175 | 175 |
| 343 | 125 | 125 |
| 344 | 100 | 100 |
| 345 | 90 | 90 |
| 346 | 150 | 150 |
| 347 | 75 | 75 |
| 348 | 125 | 125 |
| 349 | 225 | 225 |
| 412 | 10 | 10 |
| 420 | 20 | 20 |
| 422 | 10 | 10 |
| 425 | 20 | 20 |
| 428 | 10 | 10 |
| 431 | 10 | 10 |
| 433 | 10 | 10 |
| 440 | 10 | 10 |
| 442 | 125 | 125 |
| 443 | 50 | 50 |
| 446 | 10 | 10 |
| 447 | 10 | 10 |
| 448 | 15 | 15 |
| 449 | 15 | 15 |
| 450 | 10 | 10 |
| 459 | 10 | 10 |
| 461 | 110 | 110 |
| 462 | 110 | 110 |
| 463 | 10 | 10 |
| 464 | 35 | 35 |
| 465 | 40 | 40 |
| 466 | 80 | 80 |
| 467 | 50 | 50 |
| 601 | 500 | 500 |

Subtotals

3,780

3,780

Grand Total

7,560

Expedited Emergency Rules

6237.0400 TAKING PRAIRIE CHICKENS.

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

Subp. 4. **Open areas.** Prairie chicken permit areas are open for the prairie chicken season as prescribed by the commissioner. Prairie chicken licenses are valid only in the prairie chicken permit area specified on the license. Permit areas shall be identified in application materials and on electronically issued licenses by a three-digit number plus a letter. The following prairie chicken permit areas are open with prescribed quotas for the 2008 season:

| <u>Permit Area</u> | <u>Quota</u> |
|--------------------|--------------|
| 801A | 10 |
| 802A | 10 |
| 803A | 10 |
| 804A | 17 |
| 805A | 20 |
| 806A | 17 |
| 807A | 25 |
| 808A | 20 |
| 809A | 20 |
| 810A | 27 |
| 811A | 10 |
| <u>Total</u> | <u>186</u> |

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

REPEALER. Minnesota Rules, parts 6237.0600; and 6237.0700, are repealed.

EFFECTIVE PERIOD. The emergency amendments to Minnesota Rules, parts 6236.0700, 6236.0810, and 6237.0400, expire December 31, 2008. The repeal of Minnesota Rules, parts 6237.0600 and 6237.0700, expire December 31, 2008. After the emergency amendments and repealer expire, the permanent rules as they read prior to those amendments or repealer again take effect, except as they may be amended by permanent rule.

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, mend, 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 Department of Education

Division of Academic Standards and High School Improvement

Proposed Permanent Rules Governing Mathematics Academic Standards, *Minnesota Rules*, 3501.0700-3501.0745, and Repeal of *Minnesota Rules*, 3501.0560, 3501.0565, 3501.0570, 3501.0575, 3501.0580, 3501.0585, 3501.0590, 3501.0595, 3501.0600, 3501.0605, 3501.0610

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

Introduction. The Department of Education intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on July 18, 2008, the Department will hold a public hearing in Conference Center A, Rooms 17 and 18, 1500 Highway 36 West, Roseville, Minnesota 55113, starting at 9:30 a.m. on Friday, August 1, 2008. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after July 18, 2008, and before August 1, 2008.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Kathryn Olson at Minnesota Department of Education, 1500 Hwy 36 West, Roseville, Minnesota, 55113; telephone (651) 582-8669; FAX (651) 582-8248; and e-mail: Kathryn.A.Olson@state.mn.us. TTY users may call the Department of Education at (651) 582-8201.

Subject of Rules and Statutory Authority. The proposed rules would replace Minnesota's current academic standards for mathematics with revised standards that increase academic rigor and better prepare all Minnesota students for success in college and the skilled workplace. Specifically, the proposed new standards call for all students to complete algebra I by the end of 8th grade, and to complete algebra II or its equivalent as a condition for graduation. The mathematics standards in grades kindergarten through seven, as well as the standards related to the mathematics disciplines of geometry and data analysis and probability, also were revised to assure that background knowledge is provided to support the increased rigor in eighth grade and at the high school level. The revised standards were designed with a focus on greater coherence, so that the mathematics topics are better sequenced both between grade levels and between the various mathematics disciplines. Finally, the standards were developed to promote mathematical proficiency by emphasizing not only procedural fluency, but also conceptual understanding, strategic competence, adaptive reasoning and productive disposition – or the

Proposed Rules

inclination to see mathematics as useful and worthwhile. This proposed rule amendment would repeal the existing mathematics academic standards, found at *Minnesota Rules*, 3501.0560, 3501.0565, 3501.0570, 3501.0575, 3501.0580, 3501.0585, 3501.0590, 3501.0595, 3501.0600, 3501.0605, and 3501.0610.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 120B.023, subd. 2. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Friday, July 18, 2008, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing and must be received by the agency contact person by 4:30 p.m. on July 18, 2008. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The Department will cancel the hearing scheduled for August 1, 2008, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 582-8669 after July 18, 2008, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, 600 N. Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone (651) 361-7843, and Fax: (651) 361-7936.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. 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 that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no

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later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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

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, or, you may access the statement directly on the agency's website at:

<http://education.state.mn.us/mde/Legislation/Rulemaking/index.html>

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

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

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

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

June 13, 2008

Chas Anderson, Deputy Commissioner
Department of Education

Department of Natural Resources Proposed Expedited Permanent Game and Fish Rules: Designated Spawning Beds and Fish Preserves

6264.0125 DESIGNATED SPAWNING BEDS AND FISH PRESERVES.

The following described water bodies are designated as spawning beds or fish preserves and may be posted according to part 6262.0500, subpart 4.

| | Name | Location | County |
|----|-----------------------------|--|----------|
| A. | Bass Lake | North basin on the west shore near the Pincherry Access and south basin along north shore in the Elm Point area T.56, R.26, S.18,27 | Itasca |
| B. | Basswood Lake | Portion of Pipestone Bay south of a direct line from Kosulainen Point to Gary Island to Caribou Point T.64, R.11, S.11, 12,13,14,15,22,23 | Lake |
| C. | Battle River - North Branch | From the Red Lake Indian Reservation boundary to a point 6.0 miles upstream of the Beltrami County Road 23 crossing T.152, R.32, S.10-12,15,22; T.152, R.31, S.1-7 | Beltrami |

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| D. | Battle River - South Branch | From the Beltrami-Koochiching county line downstream to the Red Lake Indian Reservation boundary T.152, R.32, S.13-15,22; T.152, R.31, S.18-22,26,27,35,36; T.152, R.30, S.31,32; T.151, R.30, S.2-5,11,12 | Beltrami |
| C. E. | Baugh's Creek | Inlet to Lake Osakis T.129, R.35, S.2 | Todd |
| D. F. | Bear Island River | Both sides of Highway 1 T.62, R.12, S.23,26 | St. Louis |
| E. G. | Beaver River | Portion upstream of Bear Island Lake T.61 T.62, R.13, S.35 | St. Louis |
| F. H. | Birch Lake Reservoir | Stony Bay from mouth of Stony River to mouth of bay near Ring Rock and lower 300 yards of Dunka River and Dunka Bay T.60, R.12, S.4; T.61, R.12, S.33 | St. Louis |
| G. I. | Birch River | Both sides of County Road 21 T.61, R.13, S.26,27 | St. Louis |
| H. J. | Blackduck River | County Road 32, north to the Red Lake Reservation boundary T.151, R.32, S.20,28,29,33; T.150, R.32, S.1; T.150, R.31, S.6-8, 15-17,22,27,34 | Beltrami |
| I. K. | Buck Lake | Bay on northeast side of lake T.58, R.22, S.6,8,22 | Itasca |
| J. L. | Burntside River | Both sides of County Road 88 at bridge T.63, R.13, S.26 | St. Louis |
| K. M. | Chub Lake | Southeast bay T.48, R.17, S.26 N1/2 of NE1/4 | Carlton |
| L. N. | Clearwater River | Below dam on Clearwater Lake T.149, R.36, S.12 | Clearwater |
| M. O. | Clearwater Creek | Downstream of County Road 49 for approximately 400 feet T.57, R.25, S.23 | Itasca |
| N. P. | Crow Wing River | Below 8th Crow Wing Lake Dam T.140, R.33, S.12 | Hubbard |
| O. Q. | Curtis Creek | Inlet to Osakis T.128, R.35, S.16 | Todd |
| P. R. | Cut Foot Sioux Lake | From State Highway 46 to Williams Narrows T.147, R.27, S.23-26,35,36 | Itasca |
| S. | Darrigan's Creek | From the outlet of Whitefish Lake to O'Brien Creek T.150, R.32, S.14,15,22,27,28,33; T.149, R.32, S.4-7 | Beltrami |
| T. | Detling Creek | From the south branch of the Cormorant River to the road crossing on Beltrami CSAH 37 T.151, R.31, S.31,32; T.150, R.31, S.4,5,9,10 | Beltrami |
| Q. U. | Dinner Creek | Inlet to Two Inlets Lake T.141, R.36, S.11 | Becker |
| R. V. | Dittberner Creek | Inlet to Lake Miltona T.130, R.38, S.14,15,23,24 | Douglas |
| W. | Domaas (Dumas) Creek | From Upper Red Lake to a point upstream 1.5 river miles T.154, R.30, S.29,31 | Beltrami |
| S. X. | Everett Creek | Between Everett Lake and Twin Lakes T.64, R.12, S.31; T.64, R.13, S.36 | St. Louis |

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| T. Y. | Gull River | Portion in city of East Gull Lake from Army Corps of Engineers dam on Gull Lake to approximately 250 feet downstream T.134, R.29, S.20 | Cass |
| U. Z. | Fall Lake | Below hydropower facility T.63, R.11, S.17,20 | Lake |
| V. AA. | Hams Creek | Connection between Lake Miltona to Lake Irene T.130, R.37, S.23,26,27 | Douglas |
| W. BB. | Hay Creek | State Highway 71 to Island Lake and below Island Lake outlet T.141, R.35, S.9,15 | Hubbard |
| CC. | Hay Creek | From the Red Lake Indian Reservation boundary to a point 1.0 river miles upstream from the State Highway 1 crossing T.151, R.32, S.19,20,30,31 | Beltrami |
| X. DD. | Horseshoe (Sandbar) Lake | Southeast bay of the west basin T.136, R.27, S.19 | Crow Wing |
| Y. EE. | Indian Creek | Inlet to Two Inlet Lake T.141, R.36, S.11 | Becker |
| Z. FF. | Jewett Lake | Southwest shore T.134, R.43, S.23 | Ottertail |
| AA. GG. | Johnson Lake | South end of lake, north bay, and small bay on west shore T.57, R.26, S.2,12,13 | Itasca |
| BB. HH. | Junco River | From the first log dam above County Road 57 downstream to Devil Track Lake, including Devil Track Lake within 300 yards of the mouth of the Junco River T.62, R.1, S.21,28 | Cook |
| CC. II. | Lake Amelia | Northwest shore T.126, R.37, S.26 | Pope |
| DD. JJ. | Lake Darling | Two bays (west and southeast) T.128, R.38, S.2,11; T.128, R.37, S.7 | Douglas |
| EE. KK. | Lake Ida | Two bays (west and northwest) T.129, R.38, S.2,3; T.128, R.38, S.11 | Douglas |
| FF. LL. | Lake Latoka | One bay (southwest) T.123 T.128, R.38, S.27 | Douglas |
| GG. MM. | Lake Le Homme Dieu | Two bays (east and northeast) T.128, R.37, S.5; T.128, R.37, S.4 | Douglas |
| NN. | Lake Maud | Southwest Bay T.138, R.42, S.21,28 | Becker |
| HH. OO. | Lake Miltona | Northeast shore and west bay T.129 T.130, R.37, S.20,21 | Douglas |
| II. PP. | Lake Osakis | East bay and northwest shore T.128, R.35,36, S.13,16; T.129, R.35, S.33,34,35 | Douglas, Todd |
| JJ. QQ. | Little Birch Lake | Inlet on east shore begins downstream of the fish barrier on Angler Drive T.126,127, R.33, S.Various | Todd |
| KK. RR. | Little Cut Foot Lake | Includes First River Lake and Egg Lake T.146, R.26, S.5-10; T.147, R.27, S.25,36; T.147, R.26, S.30,31 | Itasca |

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| LL. SS. | Little Moose Lake | South bay known as "Pothole" T.57, R.26, S.Various | Itasca |
| MM. TT. | Long Lake | Below inlet culvert south of State Highway 34 T.140, R.34, S.21 | Hubbard |
| NN. UU. | Maple Lake | Southwest shore T.127, R.37, S.29 | Douglas |
| VV. | Meadow Creek | From the north branch of the Cormorant River to a point upstream 2.0 river miles past the Beltrami County Road 103 crossing T.151, R.31, S.1-3; T.151, R.30, S.5,6,8-10 | Beltrami |
| OO. WW. | Mississippi River | Below Otter Tail Power Dam T.146, R.32, S.3 | Beltrami |
| PP. XX. | Moody's Creek | Upstream from County Road 432 approximately 0.5 mile T.53, R.25, S.16,17,20-22 | Itasca |
| YY. | Moose Creek | From Upper Red Lake to a point upstream 1.5 river miles T.155, R.31, S.25,36 | Beltrami |
| ZZ. | North Branch Cormorant River | From the Red Lake Indian Reservation boundary to a point upstream 2.0 river miles south of the State Highway 1 crossing east of Shooks T.151, R.32, S.1-3; T.152, R.32, S.35; T.151, R.30, S.7-9,15-18,22-25,36; T.152, R.32, S.36; T.151, R.29, S.30 | Beltrami |
| AAA. | O'Brien Creek | From the Beltrami County Road 23 crossing near Medicine Lake downstream to the Blackduck River T.151, R.32, S.35; T.150, R.32, S.2,11,14,23,26,35; T.149, R.32, S.2,11; T.150, R.32, S.24 | Beltrami |
| QQ. BBB. | Osakis Creek | Below Lake Osakis outlet T.128, R.35, S.16 | Todd |
| RR. CCC. | Otter Tail River | Below Highway 10 culvert near Frazee T.138, R.40, S.34 | Becker |
| SS. DDD. | Otter Tail River | Below Ottertail Lake Dam, below Rush Lake Dam, Little Pine Lake inlet T.133,135,137, R.39,40, S.4,26,35 | Ottertail |
| TT. EEE. | Pelican Lake | Two bays (east and northeast) T.130, R.41, S.19,24; T.130, R.40, S.3,18,24 | Grant |
| UU. FFF. | Pelican River | Below Bucks Mill Dam to Buck Lake T.138, R.41, S.31 and from Big Detroit Lake upstream to State Highway 34 T.139, R.41, S.26,35 | Becker |
| VV. GGG. | Pike River | Mouth up to dam T.61, R.16, S.3 | St. Louis |
| WW. HHH. | Pomme de Terre River | Below Mill Pond Dam T.130, R.42, S.14,23,24 and that reach of the river from the southern boundary of Section 7 upstream to the outlet of Barrett Lake T.127, R.41, S.7; T.128, R.41, S.7 | Grant |
| XX. III. | Pomme de Terre River | Below Morris Dam T.124, R.42, S.12,13 | Stevens |

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| YY. JJJ. | Potato River | Below Potato Lake Dam T.140, R.35, S.1 | Hubbard |
| ZZ. KKK. | Rachel Lake | One bay (southwest) T.127, R.29 R.39, S.22 | Douglas |
| AAA. LLL. | Round Lake | Two bays on south side of lake T.59, R.24, S.14,15 | Itasca |
| BBB. MMM. | Rose Lake | Southwest bay T.137, R.40, S.20 | Ottertail |
| NNN. | Sandbar (Horseshoe) Lake | Small bay on southern-most end of the west basin Crow Wing T.136, R.27, S.19 | |
| CCC. OOO. | Shagawa River | Both sides of both road crossings at Winton T.63, R.11, S.19; T.63, R.12, S.24 | Lake, St. Louis |
| DDD. PPP. | Shotley Brook | State Highway 72 to Upper Red Lake T.153, R.31, S.10,11, 12,14,24; T.153, R.30, S.19-23 | Beltrami |
| EEE. QQQ. | Tait River | From the Forest Road 339 crossing downstream to White Pine Lake, including White Pine Lake within 200 yards of the mouth of Tait River T.61, R.3, S.17,19,20 | Cook |
| FFF. RRR. | Tamarac River | From Upper Red Lake upstream to the Beltrami-Koochiching county line T.154, R.30, S.8,9,11-13,15-17 | Beltrami |
| GGG. SSS. | Toad River | Inlet to Big Pine Lake upstream to County Road 13 T.137, R.38, S.32 | Ottertail |
| HHH. TTT. | Turtle River | Below Three Island Dam T.148, R.32, S.19,20,28,29 | Beltrami |
| III. UUU. | Unnamed Connection between Lake Ida and Lake Charlie | T.129, R.39 R.38, S.25,26 | Douglas |
| JJJ. VVV. | Unnamed Connection between Lake Miltona and Lake Ida | T.130, R.37,38, S.31,36 | Douglas |
| KKK. WWW. | Unnamed Connection between Lake Miltona and State Highway 29 | T.130, R.37, S.25 S.27 | Douglas |
| LLL. XXX. | Unnamed Connection between Lake Aaron to Lake Moses | T.130, R.39, S.16 | Douglas |
| MMM. YYY. | Unnamed Connection between Lake Reno and Maple Lake | T.127, R.37, S.31 | Douglas, Pope |
| NNN. ZZZ. | Unnamed Connection between Lake Ellen and Leven Lake | T.126, R.37, S.1,2 | Pope |
| OOO. AAAA. | Unnamed Area below Lake Minnewaska outlet | T.125, R.39, S.25 | Pope |
| PPP. BBBB. | Unnamed Inlet to Two Inlets Lake | T.141, R.36, S.11 | Becker |
| QQQ. CCCC. | Unnamed Connection between Lake Emma and Big Sand Lake | T.141, R.34, S.23 | Hubbard |
| RRR. DDDD. | Vermilion Lake | Pike Bay T.61,62, R.15,16, S.Various | St. Louis |
| SSS. EEEE. | Vermillion River (Gorge) | Mouth at Crane Lake upstream to falls T.67, R.16,17, S. Various; T.68, R.16,17, S.Various | St. Louis |

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.

Department of Commerce

Adopted Permanent Rules Relating to Minnesota Thermal Insulation Standards

The rules proposed and published at *State Register*, Volume 32, Number 32, pages 1471-1479, February 4, 2008 (32 SR 1471), are adopted with the following modifications:

7640.0110 APPLICABILITY AND CONDUCT.

Subpart 1. Residential insulation products regulated.

A. This chapter applies to thermal insulation products for use in residential buildings within Minnesota. Residential buildings covered are those that are not more than three stories in height and contain no conditioned common space that is shared between dwellings, and each dwelling unit contains a separate means of egress.

Exception: insulation installed in ~~prefabricated~~ manufactured buildings constructed in accordance with *Code of Federal Regulations*, title 24, part 3280.

B. Insulation products regulated by this chapter include:

(1) insulation for walls, ceilings, floors, and foundation walls; pipe insulation; insulation beneath slabs; duct insulation; and retrofit water heater blanket insulation; and

(2) any material or assembly of materials designed to provide resistance to heat flow in residential building structures, including but not limited to mineral fibrous, mineral cellular, organic fibrous, organic and plastic cellular and reflective materials, whether in loose fill, flexible, rigid, or semirigid form, and any material advertised for use in residential buildings as having energy-saving value by virtue of its thermal resistance (R value) or emissivity properties.

Exception: insulation used in ~~prefabricated~~ manufactured buildings; constructed in accordance with *Code of Federal Regulations*, title 24, part 3280, and appliances; and doors.

Subp. 3. **Retail sales.** Retailers of residential thermal insulation products for do-it-yourself installation must make available to each purchaser the manufacturer's written instructions describing the product's recommended use, proper application methods, and required or recommended installation safety measures. "Make available to each purchaser" means either providing the required materials ~~or~~ a conspicuous posting located where customers procure products stating that the manufacturer's written instructions describing the product's recommended use, proper application methods, and required or recommended installation safety measures are immediately available on request, or identifying a Web site where these instructions can be found.

7640.0120 DEFINITIONS.

Subp. 3. **Approved laboratory.** "Approved laboratory" means any testing facility, including a facility owned or operated by a manufacturer, that has been accredited by one or more of the following agencies to perform the required test:

B. Standards Council of Canada, Ottawa, Ontario, Canada;

C. International Accreditation Service, Inc.; or

D. other accreditation body that is a signatory to the Mutual Recognition Arrangement of the International Laboratory Accreditation Cooperation.

Exception: In the event that an approved laboratory program is temporarily delayed or is not capable of being accredited to perform a test or tests, a testing laboratory possessing the appropriate equipment, facilities, and qualified personnel to perform the required testing is an approved laboratory.

Subp. 12. **Industry members.** "Industry members" means:

Adopted Rules

D. installers of insulation the manufacture of which is completed at the jobsite who ~~significantly alter~~ do not follow the manufacturer's installation instructions. These installers are considered manufacturers for the purpose of this chapter.

{For text of subp 17, see M.R.}

Subp. 17. **Manufacturer of insulation.** "Manufacturer of insulation" means:

C. an installer of an insulation product the manufacture of which is completed at the jobsite who ~~prepares or modifies~~ does not follow the product's installation instructions.

An applicator, contractor, or fabricator of insulation materials who installs, applies, or uses insulation materials for their intended uses and follows the manufacturer's installation instructions, without changing the thermal or physical properties of the insulation material is not a manufacturer of insulation.

Subp. 19a. **Quality assurance program.** "Quality assurance program" means the collective set of plans, activities, and events that are provided to ensure that the product or service will satisfy given needs. A quality assurance program must conform to ANSI/ISO/ASQ Q9001-2000: "Quality Management Systems Requirements," ICC-ES AC10, "Acceptance Criteria for Quality Documentation," or an equivalent standard.

7640.0130 STANDARDS FOR INSULATION MATERIALS AND INSTALLATION.

Subp. 2. **General requirements.**

~~B.~~ When the ASTM amends, reorganizes, or modifies a standard test method and the manufacturer or testing laboratory desires to use the new version, the department may be petitioned to adopt the new test method version. Until the department adopts or decides not to adopt the new version, the petitioner may request a temporary variance, pursuant to Minnesota Statutes, sections 14.055 and 14.056, to use the new test method version.

~~B. C.~~ Manufacturers shall have a quality assurance program in place for all regulated thermal insulation products. A quality assurance program must be in place for installers of products whose manufacture is completed at the jobsite.

Manufacturers and other industry members must maintain an in-house quality assurance program in order for products to meet the required standards.

If a manufactured product fails to meet those required standards, the department shall notify the industry member to pursue corrective measures.

~~C. D.~~ Installers must follow manufacturer's installation instructions.

Subp. 5. **Foam plastic insulation.** All foam plastic insulation must achieve stated performance at 75 degrees Fahrenheit mean temperature. For foam plastic insulations that incorporate blowing agents other than air or pentane, R-value tests must be done on specimens that have been treated in accordance with ~~ASTM C1303-07, Standard Test Method for Predicting Long-Term Thermal Resistance of Closed-Cell Foam Insulation~~ either the test method identified for the product in items A to F or the Federal Trade Commission R-Value rule, Code of Federal Regulations, title 16, part 460, to fully reflect the effect of aging on the product's R-value.

D. Spray-applied ~~urethane~~ polyurethane foam must comply with ASTM C1029-05a, Standard Specification for Spray Applied Rigid Polyurethane Thermal Insulation or item F.

F. Foam plastic insulation products that have a current ICC-Evaluation Services Report prepared according to ICC-ES AC12, Acceptance Criteria for Foam Plastic Insulation or ICC-ES AC377, Acceptance Criteria for Spray-applied Foam Plastic Insulation meet the requirements of this subpart.

Subp. 8. **Other insulation.** Insulation other than insulation specified in subparts 1 to 7 must comply with the requirements of this subpart. The thermal insulation material chosen for testing must be representative of material produced by the manufacturer during normal production runs.

Exceptions: Cotton fiber insulation products must comply with either items A to G or ICC-EG81, Evaluation Guideline for Cotton Fiber Insulation. Polyester loose-fill and blanket insulation products must comply with either items A to G or ICC-AC187, Acceptance Criteria for Polyester Loose-Fill and Blanket Insulations.

A. Thermal performance characteristics must be determined in accordance with this item.

(2) For foam plastic insulations that incorporate blowing agents other than air or pentane, R-value tests must be done on specimens that have been treated in accordance with ~~ASTM C1303-07, Standard Test Method for Predicting Long-Term Thermal Resistance of Closed-Cell Foam Insulation~~ the Federal Trade Commission R-Value rule, Code of Federal Regulations, title 16, part 460, to fully reflect the effect of aging on the product's R-value.

F. Surface burning characteristics must be determined in accordance with ASTM E84-07b-, "Standard Test Method for Surface Burning Characteristics of Building Materials," or Underwriters Laboratories Standard UL 723, "Standard for Fire Tests of Building Construction and Materials."

Minnesota Department of Health**Division of Health Policy****Notice of Adoption of Rules Regarding Uniform, Standard Companion Guides for Health Care Claims Electronic Transactions; Pursuant to *Minnesota Statutes, Section 62J.536***

Adoption: Notice is hereby given that the *Minnesota Uniform Companion Guides for the Implementation of the:*
Health Care Claim – Professional Electronic Transaction (837P);
Health Care Claim – Institutional Electronic Transaction (837I);
Health Care Claim – Dental Electronic Transaction (837D);
NCPDP Pharmacy Claim – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]; and
NCPDP Pharmacy Reversal – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]; as proposed at *State of Minnesota State Register*, Volume 32, Number 40, page 1821, dated March 31, 2008 (32 SR 1821) are adopted with the modifications listed at the end of this Notice.

Companion Guides Available: The *Minnesota Uniform Companion Guides for the Implementation of the:*
Health Care Claim – Professional Electronic Transaction (837P);
Health Care Claim – Institutional Electronic Transaction (837I);
Health Care Claim – Dental Electronic Transaction (837D);
NCPDP Pharmacy Claim – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]; and
NCPDP Pharmacy Reversal – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]; as defined by the Commissioner of Health, are available on the World Wide Web at <http://www.health.state.mn.us/asa/rules.html> and at Minnesota's Bookstore at (651) 297-3000 or (800) 657-3757. The Minnesota's Bookstore TTY relay service phone number is (800) 627-3529. If you have any questions, please email asaguides@health.state.mn.us

Description and Statutory Reference: This *Minnesota Uniform Companion Guides for the Implementation of the:*
Health Care Claim – Professional Electronic Transaction (837P);
Health Care Claim – Institutional Electronic Transaction (837I);
Health Care Claim – Dental Electronic Transaction (837D);
NCPDP Pharmacy Claim – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]; and
NCPDP Pharmacy Reversal – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]; are the single, uniform companion guides to the implementation guides described under the Code of Federal Regulations, title 45, part 162, developed pursuant to *Minnesota Statutes, Section 62J.536*. The statute requires that beginning July 15, 2009, all group purchasers must accept from health care providers the health care claims or equivalent encounter information transaction described under Code of Federal Regulations, title 45, part 162, subpart K. The statute also requires that beginning July 15, 2009, all health care providers must submit to group purchasers the health care claims or equivalent encounter information transaction described under Code of Federal Regulations, title 45, part 162, subpart K. The statute requires the Commissioner of Health to promulgate rules pursuant to section 62J.61, at least 12 months prior to the timelines required in subdivision 1 of *Minnesota Statutes, section 62J.536*. Under *Minnesota Statutes, section 62J.61*, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59. Because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of all of the proposed rules, the Commissioner of Health is publishing this notice of the adopted rule with the modifications to the proposed rules.

Development: The Commissioner of Health in consultation with the Administrative Uniformity Committee (AUC) and its Claims Data Definitions Technical Advisory Group, Dental Work Group, Pharmacy Work Group, and Medical Code Technical Advisory Group developed these rules. These rules were submitted for public comment in the *State Register*, Volume 32, Number 40, page 1821, March 31, 2008. The comment period was from March 31, 2008 until April 29, 2008. The Minnesota Department of Health collected the public comments. Comments were received from seventy two individuals and organizations. The Minnesota Department of Health in consultation with the AUC Claims Data Definitions Technical Advisory Group, Dental Work Group, Pharmacy Work Group, and Medical Code Technical Advisory Group reviewed the comments and made modifications to the rules as listed following this notice.

Required Date of Compliance: The required date of compliance is July 15, 2009.

Adopted Rules

Dated: June 16, 2008

Sanne Magnan, M.D., Ph.D.
Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975

Modifications:

The rules were adopted with modifications from the versions proposed in the *State Register*, Volume 32, Number 40, page 1821, March 31, 2008. The adopted rules differ from the rules proposed on March 31, 2008. The portions of the adopted rules which differ from the proposed rules are listed in this Notice. A complete copy of the rules showing all of the changes in a strike/underline format are available at: <http://www.health.state.mn.us/asa/rules.html>.

Interested parties may also obtain a printed copy of the rules showing all of the changes in a strike/underline format by contacting Colleen Morse by phone at 651-201-3570 or by fax at 651-201-5179.

The following sections of the adopted rule for the *Health Care Claim – Professional Electronic Transaction (837P)* differ from the proposed rule published on March 31, 2008:

- Front cover;
- Disclaimer – Page 2;
- Table of Contents – Page 3;
- 1.0 Companion Guide Revision History – Page 4;
- 2.0 Statement from the Minnesota Department of Health – Page 5;
- 3.0 Statement from the Minnesota Administrative Uniformity Committee (MN-AUC) – Page 6;
- 4.1.2 Applicability – Page 7;
- 4.2.1 Business Terminology – Pages 11, 12 and 13;
- 4.2.3.1 Formatting Requirements – Pages 14 and 15;
- 4.2.3.2 Handling Adjustments and Appeals – Pages 15 and 16;
- 4.2.3.4 Claim Attachments and Notes – Pages 16 and 17;
- 5.1 Introduction to Table – Page 19;
- 6.0 Appendices – Page 47;
- Appendix A: Code Set Supplemental Information for Minnesota Companion Guides – Pages 48 – 63;
- Appendix B: Dates Reported in the 837 Professional Transaction – Page 64;
- Appendix C: Repeating Data Segments Reported in the 837 Professional Transaction – Page 66;
- Appendix D: K3 Segment and Usage Instructions – Pages 67 – 68.

The following sections were added to the *Health Care Claim – Professional Electronic Transaction (837P)* adopted rule and were not in the proposed rule published on March 31, 2008:

- 4.1.2.1 Exceptions to Applicability – Page 8.

The following sections were added to, numbered, or revised for the *Health Care Claim – Professional Electronic Transaction (837P)* adopted rule and differ from the proposed rule published on March 31, 2008:

Appendix A Code Set Supplemental Information For Minnesota Companion Guides, Pages 48-63, including the following:

- A.1 Introduction and Overview;
- A.2 HIPAA Code Sets;
- A.3 Code Selection and Use;
- A.3.1 General Rules;
- A.3.2 Instructions for Using This Appendix and Its Accompanying Tables;
- A.3.3 When Instructions Differ From “Follow Medicare Coding Guidelines”;
- A.3.4 Additional Coding Specifications;
- A.3.4.1 Modifiers;
- A.3.4.2 Units (basis for measurement);
- A.4 Submitters and Receivers Are Responsible for Selecting And Using The Correct, Appropriate Medical Codes;
- A.5 Tables of Coding Requirements;

- A.5.1 Minnesota Coding Specifications: When to Use Codes Different From Medicare;
TABLE A.5.1 Minnesota Coding Specifications: When to Use Codes Different From Medicare;
- A.5.2 Behavioral Health Procedure Code/Modifier Combinations for Specific Benefit Packages Unique to State Government Programs;
Mental Health Modifiers;
TABLE A.5.2 Behavioral Health Procedure Code/Modifier Combinations: For Specific Benefit Packages Unique To State Government Programs;
- A.5.3 Table 3 – Substance Abuse Services;
- A.5.3 Table 3 – Substance Abuse Services.

In Section 5.2 (pages 21 through 46), of the *Health Care Claim – Professional Electronic Transaction (837P)* adopted rule the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule or were added to the proposed rule that was published on March 31, 2008:

- Loop Dividers, Page 21 Page 22; Page 23; Page 24; Page 25; Page 26; Page 31; Page 32; Page 33; Page 34; Page 35; Page 36; Page 37; Page 38; Page 42; Page 43; Page 44; Page 45; Page 46;
- 2010AA, REF01, Reference Identification Qualifier – Page 22;
- 2010AA, PER, Billing Provider Contact Information – Page 22;
- 2010AB, REF01, Reference Identification Qualifier – Page 23;
- 2000B, SBR01, Payer Responsibility Sequence Number Code – Page 23;
- 2010AB, NM102, Entity Type Qualifier – Page 24;
- 2010AB, NM103, Name Last or Organization Name – Page 24;
- 2300, CLM09, Release of Information Code – Page 27;
- 2300, CLM 11-1, Related Causes Code – Page 27;
- 2300, CLM 11-2, Related Causes Code – Page 27;
- 2300, CLM 11-3, Related Causes Code – Page 28;
- 2300, CLM 20, Delay Reason Code – Page 28;
- 2300, REF, Original Reference Number (ICN/DCN) – Page 30;
- 2300, CRC, EPSDT Referral – Page 31;
- 2310A, REF01, Reference Identification Qualifier – Page 32;
- 2310C, REF01, Reference Identification Qualifier – Page 33;
- 2310D, REF01, Reference Identification Qualifier – Page 33;
- 2320, SBR01, Payor Responsibility Sequence Number Code – Page 34;
- 2320, MOA, Medicare Outpatient Adjudication Information – Page 35;
- 2330B, NM109, Identification Code – Page 36;
- 2420A, REF01, Reference Identification Qualifier – Page 43;
- 2420B, REF01, Reference Identification Qualifier – Page 43;
- 2420C, REF01, Reference Identification Qualifier – Page 44;
- 2420E, REF01, Reference Identification Qualifier – Page 44;
- 2420F, REF01, Reference Identification Qualifier – Page 45;

Throughout the entire Manual: Formatting and punctuation changes have been made to improve readability.

The following sections of the adopted rule for the *Health Care Claim – Institutional Electronic Transaction (837I)* differ from the proposed rule published on March 31, 2008:

- Front cover;
- Disclaimer – Page 2;
- Table of Contents – Page 3;
- 1.0 Companion Guide Revision History – Page 4;
- 2.0 Statement from the Minnesota Department of Health – Page 5;
- 3.0 Statement from the Minnesota Administrative Uniformity Committee (MN-AUC) – Page 6;
- 4.1.2 Applicability – Page 7;
- 4.2.1 Business Terminology – Page 11 - Page 13;
- 4.2.3.1 Formatting Requirements - Page 14;
- 4.2.3.2 Handling Adjustments and Appeals – Page 15;
- 4.2.3.3 Claim Frequency Type Code (CFTC) Values – Page 16;

Adopted Rules

- 4.2.3.4 Claim Attachments and Notes – Page 16-Page 17;
- 5.1 Introduction to Table – Page 19;
- 6.0 Appendices – Page 40;
- Appendix A: Code Set Supplemental Information for Minnesota Companion Guides – Pages 41 – 56;
- Appendix B: Dates Reported in the 837 Institutional Transaction – Page 57;
- Appendix C: Repeating Data Segments reported in the 837 Institutional Transaction – Page 58;
- Appendix D: K3 Segment and Usage Instructions – Pages 60 – 61.

The following sections were added to the *Health Care Claim – Institutional Electronic Transaction (837I)* adopted rule and were not in the proposed rule published on March 31, 2008:

- 4.1.2.1 Exceptions to Applicability – Page 8.

The following sections were added to, numbered, or revised for the *Health Care Claim – Institutional Electronic Transaction (837I)* adopted rule and differ from the proposed rule published on March 31, 2008:

Appendix A Code Set Supplemental Information For Minnesota Companion Guides, Pages 41- 56, including the following:

- A.1 Introduction and Overview;
- A.2 HIPAA Code Sets;
- A.3 Code Selection and Use;
 - A.3.1 General Rules;
 - A.3.2 Instructions for Using This Appendix and Its Accompanying Tables;
 - A.3.3 When Instructions Differ From “Follow Medicare Coding Guidelines”;
 - A.3.4 Additional Coding Specifications;
 - A.3.4.1 Modifiers;
 - A.3.4.2 Units (basis for measurement);
- A.4 Submitters and Receivers Are Responsible for Selecting And Using The Correct, Appropriate Medical Codes;
- A.5 Tables of Coding Requirements;
 - A.5.1 Minnesota Coding Specifications: When to Use Codes Different From Medicare;
 - TABLE A.5.1 Minnesota Coding Specifications: When to Use Codes Different From Medicare;
 - A.5.2 Behavioral Health Procedure Code/Modifier Combinations for Specific Benefit Packages Unique to State Government Programs;
 - Mental Health Modifiers;
 - TABLE A.5.2 Behavioral Health Procedure Code/Modifier Combinations: For Specific Benefit Packages Unique To State Government Programs;
 - A.5.3 Table 3 – Substance Abuse Services;
 - A.5.3 Table 3 – Substance Abuse Services.

In Section 5.2 (pages 21 through 39), of the *Health Care Claim – Institutional Electronic Transaction (837I)* the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule or were added to the proposed rule that was published on March 31, 2008:

- Loop Dividers, Page 21 Page 22; Page 23; Page 24; Page 25; Page 32; Page 33; Page 35; Page 36; Page 37; Page 38; Page 39;
- 2010AA, REF01, Reference Identification Qualifier – Page 22;
- 2010AA, PER, Billing Provider Contact Information – Page 22;
- 2010AB, REF01, Reference Identification Qualifier – Page 22;
- 2000B, SBR01, Payer Responsibility Sequence Number Code – Page 22;
- 2000BA, NM102, Entity Type Qualifier – Page 23;
- 2300, CLM05-3, Claim Frequency Type Code – Page 25;
- 2300, CLM09, Release of Information Code – Page 25;
- 2300, CLM20, Delay Reason Code – Page 26;
- 2300, AMT, Patient Amount Paid – Page 26;
- 2300, REF, Original Reference Number (ICN/DCN) – Page 27
- 2300, HI, Principal, Admitting, E-code and Patient Reason for Visit Diagnosis Information – Page 28
- 2300, HI, Diagnosis Related Group (DRG) Information – Page 28;
- 2300, HI, Other Diagnosis Information – Page 28;
- 2300, HI, Principal Procedure Information – Page 28;

2300, HI, Other Procedure Information – Page 28;
2310A, NM108, Identification Code Number — Page 33;
2310A, REF01, Reference Identification Qualifier – Page 32;
2310C, REF01, Reference Identification Qualifier – Page 33;
2310E, REF01, Reference Identification Qualifier – Page 33;
2320, MIA, Medicare Inpatient Adjudication Information – Page 35;
2320, MOA, Medicare Outpatient Adjudication Information – Page 35;
2330B, NM1, Other Payer Name – Page 35;
2330B, NM109, Identification Code – Page 36;
2400, AMT, Service Tax Amount – Page 38;
2400 AMT, Facility Tax Amount – Page 38;
2410, LIN, Drug Identification – Page 39;
2410 CTP, Drug Pricing – Page 39;
2410 REF, Prescription Number – Page 39;

Throughout the entire Manual: Formatting and punctuation changes have been made to improve readability.

The following sections of the adopted rule for the *Health Care Claim – Dental Electronic Transaction (837D)* differ from the proposed rule published on March 31, 2008:

Front cover;
Disclaimer – Page 2;
Table of Contents - Page 3;
1.0 Companion Guide Revision History - Page 4;
2.0 Statement from the Minnesota Department of Health – Page 5 – Page 6;
4.1.2 Applicability – Page 7;
4.2.1 Business Terminology – Page 11- Page 13;
4.2.3.1 Formatting Requirements – Page 14;
4.2.3.2 Handling Adjustments and Appeals – Page 14 –Page 15;
4.2.3.3 Claim Frequency Type Code (CFTC) Values – Page 16;
4.2.3.4 Claim Attachments and Notes - Page 16;
5.1 Introduction to Table – Page 19;
6.0 Appendices – Page 39;
Appendix A: Code Set Supplemental Information for Minnesota Companion Guides – Page 40 – Page 43;
Appendix B: Dates Reported in the 837 Dental Transaction – Page 44;
Appendix C: Repeating Data Segments Reported in the 837 Dental Transaction – Page 45.

The following sections were added to the *Health Care Claim – Dental Electronic Transaction (837D)* adopted rule and were not in the proposed rule published on March 31, 2008:

4.1.2.1 Exceptions to Applicability – Page 8.

The following was deleted from the *Health Care Claim – Dental Electronic Transaction (837D)* adopted rule which was in the proposed rule published on March 31, 2008:

Appendix D, K3 Segment Usage Instructions – Page 46.

In Section 5.2 (pages 21 through 38), of the *Health Care Claim – Dental Electronic Transaction (837D)* adopted rule the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Element ID, differ from the proposed rule or were added to the proposed rule that was published on March 31, 2008:

Loop Dividers – Page 21, Page 23, Page 24, Page 25, Page 26, Page 30, Page 31, Page 32, Page 34, Page 35, Page 36, Page 37, Page 38;
2000A, Billing/Pay-to-Provider Specialty Information, PRV – Page 21;
2000B, Subscriber Information, SBR01, Payer Responsibility Sequence Number Code – Page 24;
2010BA, Subscriber Demographic Information, DMG01, Date Time Period Format Qualifier – Page 25;
2010BA, Demographic Information, DMG02, Date Time Period – Page 25;
2010BA, Demographic Information, DMG03, Gender Code – Page 25;
2300, Claim Information, CLM05, Health Care Service Location Information – Page 26;

Adopted Rules

2300, Claim Information, CLM05-3, Frequency Type Code – Page 26;
2300, Claim Information, CLM 20, Delay Reason Code – Page 28;
2300, Claim Identification Number for Clearing Houses and Other Transmission Intermediaries, REF – Page 29;
2310, Referring Provider Name, page 30;
2310B, Rendering Provider Specialty Information, PRV – Page 31;
2320, Other Subscriber Information, SBR01, Payer Responsibility Sequence Number Code – Page 32;
2330B, Other Payer Name, NM109, Identification Code – Page 35;
2400, Prior Placement Date, DTP – Page 36;
2400, Sales Tax Amount, AMT – Page 37;
2420, Rendering Provider Name, NM1 – Page 37;
2430, Line Adjudication Information, SVD - Page 38.

Throughout the entire Manual: Formatting and punctuation changes have been made to improve readability.

The following sections of the adopted rule for the *NCPDP Pharmacy Claim – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* differ from the proposed rule published on March 31, 2008:

Front cover;
Table of Contents – Page 3;
1.0 Companion Guide Revision History – Page 4;
2.0 Statement from the Minnesota Department of Health – Pages 5 and 6;
4.1.2 Applicability – Page 7;
4.4 General Introduction to the Companion Guide Tables – Page 13;
5.2 Companion Guide Table – Page 13;
6.2 Companion Guide Table – Page 50.

The following sections were deleted from the *NCPDP Pharmacy Claim – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* adopted rule and were in the proposed rule published on March 31, 2008:

Appendix A, NCPDP 5.1 Code Values for Selected Fields – Pages 62 - 65.

The following sections were added to the *NCPDP Pharmacy Claim – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* adopted rule and were not in the proposed rule published on March 31, 2008:

4.1.2.1 Exceptions to Applicability – Page 7
4.4.1 Compressing Data Element Rows into Segment Rows – Page 12

The following sections were renumbered in the *NCPDP Pharmacy Claim – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* adopted rule differently than in the proposed rule published on March 31, 2008:

4.4.1 Relationship Between Condition Given to Segments and Fields in HIPAA IG (Implementation Guide) and the Minnesota Usage Classification Given in the Companion Guide – Page 12.

In Section 5.0 (pages 13 through 49), of the *NCPDP Pharmacy Claim – Submission and Response Companion Guide Table [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* adopted rule the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Field, differ from the proposed rule, show data element rows compressed into segment rows, or were added to the proposed rule that was published on March 31, 2008:

Header, 102-A2, Version Release Number – Page 14;
Header, 103-A3, Transaction Code – Page 14;
Header, 109-A9, Transaction Count – Page 15;
Header, 202-B2, Service Provider ID Qualifier – Page 15;
Patient, 111-AM, Segment Identification – Page 16;
Patient, 331-CX, Patient ID Qualifier – Page 16;
Patient, 305-C5, Patient Gender Code – Page 17;
Patient, 324-C0, Patient City Address – Page 17;
Patient, 307 – C7, Patient Location – Page 18;
Patient, 334-1C, Smoker/Non-Smoker Code – Page 18;
Patient, 335-2C, Pregnancy Indicator – Page 18;
Insurance, 111-AM, Segment Identification – Page 19;

Insurance, 309-C9, Eligibility Clarification Code – Page 19;
Insurance, 306-C6, Patient Relationship Code – Page 20;
Claim, 111-AM, Segment Identification – Page 21;
Claim, 455 – EM, Prescription Service Reference Number – Page 21;
Claim, 436-E1, Product/Service ID Qualifier – Page 21;
Claim, 403-D3, Fill Number – Page 22;
Claim, 406-D6, Compound Code – Page 22;
Claim, 408-D8, Dispense as Written (DAW)/Product Selection Code – Page 23;
Claim, 415-DF, Number of Refills Authorized – Page 23;
Claim, 419-DJ, Prescription Code – Page 23,
Claim, 420-DK, Submission Clarification Code – Page 23;
Claim, 308-C8, Other Coverage Code – Page 24;
Claim, 429-DT, Unit Dose Indicator – Page 24;
Claim, 453-EJ, Originally Prescribed Product/Service Code – Page 25;
Claim, 600-28, Unit of Measure – Page 25;
Claim, 418-DI, Level of Service – Page 26;
Claim, 461-EU, Prior Authorization Type Code – Page 26;
Claim, 463-EW, Intermediary Authorization Type ID – Page 26;
Claim, 343-HD, Dispensing Status – Page 26;
Pharmacy, 111 – AM, Segment Identification – Page 28;
Pharmacy, 465-EY, Provider ID Qualifier – Page 28;
Pharmacy, 444-E9, Provider ID – Page 28;
Prescriber, 111-AM, Segment Identification – Page 28;
Prescriber, 466-EZ, Prescriber ID Qualifier – Page 29;
Prescriber, 468-2E, Primary Care Provider ID Qualifier – Page 30;
COB/Other Payments, 111-AM, Segment Identification – Page 31;
COB/Other Payments, 338-5C, Other Payer Coverage Type – Page 32;
COB/Other Payments, 339-6C, Other Payer ID Qualifier – Page 32;
COB/Other Payments, 342-HC, Other Payer Amount Paid Qualifier – Page 33;
Workers' Compensation, Header – Page 34;
Workers' Compensation, 111-AM, Segment Identification – Page 34;
Workers' Compensation, 434-DY, Date of Injury – Page 34;
Workers' Compensation, 315-CF, Employer Name – Page 34;
Workers' Compensation, 316-CG, Employer Street Address – Page 34;
Workers' Compensation, 317-CH, Employer City Address – Page 34;
Workers' Compensation, 318-CI, Employer State/Province Address – Page 34;
Workers' Compensation, 319-CJ, Employer Zip/Postal Zone – Page 34;
Workers' Compensation, 320-CK, Employer Phone Number – Page 34;
Workers' Compensation, 321-CL, Employer Contract Date – Page 34;
Workers' Compensation, 327-CR, Carrier ID – Page 35;
Workers' Compensation, 435-DZ, Claim/Reference ID – Page 35;
DUR/PPS, 111-AM, Segment Identification – Page 35;
DUR/PPS, 439-E4, Reason for Service Code – Page 36;
DUR/PPS, 440-E5, Professional Service Code – Page 36;
DUR/PPS, 441-E6, Result of Service Code – Page 36;
DUR/PPS, 474-8E, DUR/PPS Level of Effort – Page 36;
Pricing, 111-AM, Segment Identification – Page 38;
Pricing, 479-H8, Other Amount Claimed Submitted Qualifier – Page 39;
Pricing, 484-JE, Percentage Sales Tax Basis Submitted – Page 40;
Pricing, 423-DN, Basis of Cost Determination – Page 41;
Coupon, 111-AM, Segment Identification – Page 42;
Coupon, 485-KE, Coupon Type – Page 42;
Coupon, 486-ME, Coupon Number – Page 42;
Coupon, 487-NE, Coupon Value Amount – Page 42;

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Compound, 111-AM, Segment Identification – Page 43;
Compound, 450-EF, Compound Dosage Form Description Code – Page 43;
Compound, 451-EG, Compound Dispensing Unit Form Indicator – Page 43;
Compound, 452-EH, Compound Route of Administration – Page 44;
Compound, 488- RE, Compound Product ID Qualifier – Page 44;
Compound, 490-UE, Compound Ingredient Basis of Cost Determination – Page 45;
Prior Authorization, 111-AM, Segment Identification – Page 45
Prior Authorization, 498-PA, Request Type – Page 45
Prior Authorization, 498-PB, Request Period Date - Begin – Page 46
Prior Authorization, 498-PC, Request Period Date - End – Page 46
Prior Authorization, 498-PD, Basis of Request – Page 46
Prior Authorization, 498-PE, Authorized Representative First Name – Page 46
Prior Authorization, 498-PF, Authorized Representative Last Name – Page 46
Prior Authorization, 498-PG, Authorized Representative Street Address – Page 46
Prior Authorization, 498-PH, Authorized Representative City Address – Page 46
Prior Authorization, 498-PJ, Authorized Representative State/Province Address – Page 46
Prior Authorization, 498-PK, Authorized Representative Zip/Postal Zone – Page 47
Prior Authorization, 498-PY, Prior Authorization Number - Assigned – Page 47
Prior Authorization, 503-F3, Authorization Number – Page 47
Prior Authorization, 498-PP, Prior Authorization Supporting Documentation – Page 47
Clinical, 111-AM, Segment Identification – Page 48;
Clinical, 492-WE, Diagnosis Code Qualifier – Page 48;

In Section 6.0 (pages 50 through 61), of the *NCPDP Pharmacy Claim – Submission and Response Companion Guide Table [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* adopted rule the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Field, differ from the proposed rule, show data element rows compressed into segment rows, or were added to the proposed rule that was published on March 31, 2008:

Header, 102-A2, Version/Release Number – Page 50;
Header, 103-A3, Transaction Code – Page 50;
Header, 109-A9, Transaction Count – Page 50;
Header, 501- F1, Header Response Status – Page 50;
Header, 202-B2, Service Provider ID Qualifier – Page 50;
Header, 201-B1, Service Provider ID – Page 50;
Header, 401-D1, Date of Service – Page 51;
Header, 111-AM, Segment Identification – Page 51;
Header, 504-F4, Message – Page 51;
Insurance, 111-AM, Segment Identification – Page 51;
Insurance, 568-J7, Payer ID Qualifier – Page 51;
Status, 111-AM, Segment Identification – Page 52;
Status, 112-AN, Transaction Response Status – Page 52;
Status, 510-FA, Reject Count – Page 52;
Status, 548-6F, Approved Message Code – Page 53;
Status, 549-7F, Help Desk Phone Number Qualifier – Page 53;
Claim, 111-AM, Segment Identification – Page 53;
Claim, 455-EM, Prescription Service Reference Number Qualifier – Page 53;
Claim, 402-D2, Prescription Service Reference Number – Page 53;
Claim, 551-9F, Preferred Product Count – Page 53;
Claim, 552-AP, Preferred Product ID Qualifier – Page 53;
Claim, 553-AR, Preferred Product ID – Page 54;
Claim, 554-AS, Preferred Product Incentive – Page 54;
Claim, 555-AT, Preferred Product Copay Incentive – Page 54;
Claim, 556-AU, Preferred Product Description – Page 54;
Pricing, 111-AM, Segment Identification – Page 54;
Pricing, 564-J3, Other Amount Paid Qualifier – Page 56;
DUR/PPS, 111-AM, Segment Identification – Page 59;

DUR/PPS, 567-JS, DUR/PPS Response Code Counter – Page 59;
DUR/PPS, 439-E4, Reason for Service Code – Page 59;
DUR/PPS, 528-FS, Clinical Significance Code – Page 59;
DUR/PPS, 529-FT, Other Pharmacy Indicator – Page 59;
DUR/PPS, 530-FU, Previous Date of Fill – Page 59;
DUR/PPS, 531-FV, Quantity of Previous Fill – Page 59;
DUR/PPS, 532-FW, Database Indicator – Page 60;
DUR/PPS, 533-FX, Other Prescriber Indicator – Page 60;
DUR/PPS, 544-FY, DUR Free Text Message – Page 60;
Prior Authorization, 111-AM, Segment Identification – Page 60
Prior Authorization, 498-PR, Prior Authorization Processed Date – Page 60
Prior Authorization, 498-PS, Prior Authorization Effective Date – Page 60
Prior Authorization, 498-PT, Prior Authorization Expiration Date – Page 60
Prior Authorization, 498-RA, Prior Authorization Quantity – Page 60
Prior Authorization, 498-RB, Prior Authorization Dollars Authorized – Page 60
Prior Authorization, 498-PW, Prior Authorization Number of Refills Authorized – Page 61
Prior Authorization, 498-PX, Prior Authorization Quantity Accumulated – Page 61
Prior Authorization, 498-PY, Prior Authorization Number-Assigned – Page 61.
Throughout the entire Manual: Formatting and punctuation changes have been made to improve readability.

The following sections of the adopted rule for the *NCPDP Pharmacy Reversal – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* differ from the proposed rule published on March 31, 2008:

Front cover;
Table of Contents – Page 3;
1.0 Companion Guide Revision History – Page 4;
2.0 Statement from the Minnesota Department of Health – Pages 5 and 6;
4.1.2 Applicability – Page 7;
4.4 General Introduction to the Companion Guide Tables – Page 11;
5.2 Companion Guide Table – Page 13;
6.2 Companion Guide Table – Page 22.

The following sections were added to the *NCPDP Pharmacy Reversal – Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* adopted rule and were not in the proposed rule published on March 31, 2008:

4.1.2.1 Exceptions to Applicability – Page 8;
4.4.1 Compressing Data Element Rows – Page 12.

The following sections were deleted from the *NCPDP Pharmacy Reversal - Submission and Response [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* adopted rule and were in the proposed rule published on March 31, 2008:

Appendix A, NCPDP 5.1 Code Values for Selected Fields – Pages 28-30.

In Section 5.0 (pages 13 through 21), of the *NCPDP Pharmacy Reversal – Submission Companion Guide Table [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* adopted rule the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Field differ from the proposed rule, show data element rows compressed into segment rows, or were added to the proposed rule that was published on March 31, 2008:

Header, 102-A2, Version/Release Number – Page 13;
Header, 103-A3, Transaction Code – Page 14;
Header, 109-A9, Transaction Count – Page 14;
Header, 202-B2, Service Provider Qualifier – Page 15;
Patient, 111-AM, Segment Identification – Page 16;
Patient, 331-CX, Patient ID Qualifier – Page 16;
Patient, 305-C5, Patient Gender Code – Page 16;
Patient, 324, C0, Patient State/Province Address – Page 17;
Patient, 307, C7, Patient Location – Page 17;
Patient, 334-1C, Smoker/Non-Smoker Code – Page 18;
Patient, 335-2C, Pregnancy Indicator – Page 18;

Adopted Rules

Insurance, Header – Page 18;
Insurance, 111-AM, Segment Identification – Page 18;
Insurance, 302-C2, Cardholder ID – Page 18;
Claim, 111-AM, Segment Identification – Page 19;
Claim, 455-EM, Prescription/Service Reference Number Qualifier – Page 19;
Claim, 402-D2, Prescription/Service Reference Number – Page 19;
Claim, 436-E1, Product/Service ID Qualifier– Page 20;
Claim, 407-D7, Product/Service ID – Page 20;
DUR/PPS, 111-AM, Segment Identification – Page 20;
DUR/PPS, 473-7E, DUR/PPS Code Counter – Page 20
DUR/PPS, 439-E4, Reason for Service Code – Page 20;
DUR/PPS, 440-E5, Professional Service Code – Page 21;
DUR/PPS, 441-E6, Result of Service Code – Page 21;
DUR/PPS, 474-8E, DUR/PPS Level of Effort – Page 21;

In Section 6.0 (pages 22 through 27), of the *NCPDP Pharmacy Reversal – Response Companion Guide Table [NCPDP 5.1 (and the corresponding NCPDP 1.1)]* adopted rule the following rows, identified by IG Ref, Loop ID, Segment Name, and Data Field differ from the proposed rule, show data element rows compressed into segment rows, or were added to the proposed rule that was published on March 31, 2008:

Header, 102-A2, Version Release Number – Page 22;
Header, 103-A3, Transaction Code – Page 22;
Header, 109-A9, Transaction Code – Page 23;
Header, 501-F1, Header Response Status – Page 23;
Header, 202-B2, Service Provider ID Qualifier – Page 23;
Status, 111-AM, Segment Identification – Page 24;
Status, 112-AN, Transaction Response Status – Page 24;
Status, 510-FA, Reject Count – Page 24;
Status, 548-6F, Approved Message Code – Page 25;
Status, 549-7F, Help Desk Phone Number Qualifier – Page 25;
Claim, 111-AM, Segment Identification – Page 26;
Claim, 455-EM, Prescription/Service Reference Number Qualifier – Page 26;
Claim, 402-D2, Prescription/Service Reference Number – Page 26;
Claim, 551-9F, Preferred Product Count – Page 26;
Claim, 552-AP, Preferred Product ID Qualifier – Page 26;
Claim, 553-AR, Preferred Product ID – Page 26;
Claim, 554-AS, Preferred Product Incentive – Page 27;
Claim, 555-AT, Preferred Product Copay Incentive – Page 27;
Claim, 556AU, Preferred Product Description – Page 27.

Throughout the entire Manual: Formatting and punctuation changes have been made to improve readability.

Executive Orders

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

Emergency Executive Order 08-11 Declaring a State of Emergency in Fillmore and Houston Counties

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, including Minnesota Statutes 2006, Chapter 12, do hereby issue this Executive Order:

WHEREAS, on June 7 and 8, a stalled storm system dropped up to 10 inches of rain in areas of Southeastern Minnesota, resulting in flash flooding and mudslides in portions of Houston and Fillmore counties; and

WHEREAS, the flooding has required the evacuation of homes, and resulted in damage to personal property, homes, businesses and public infrastructure; and

WHEREAS, Houston and Fillmore counties have declared an emergency; and

WHEREAS, the resources of local, county and state governments must be fully utilized to insure the necessary response, damage assessment and recovery efforts.

NOW, THEREFORE, I hereby order that:

1. A State of Emergency pursuant to Minnesota Statutes 2006, Section 12.31 exists in Houston and Fillmore Counties.
2. The Department of Public Safety, Division of Homeland Security and Emergency Management will activate the Minnesota Emergency Operations Plan and provide assistance to the affected local governments in determining the need for supplementary disaster aid.
3. All state agencies, in cooperation with appropriate federal agencies, are directed to provide the assistance necessary to help local units of government respond to and recover from this emergency.

Pursuant to Minnesota Statutes 2006, Section 4.035, Subdivision 2, this Order is effective immediately and shall remain in effect until the emergency status no longer requires emergency response.

IN TESTIMONY WHEREOF, I have set my hand this 10 day of June 2008.

Tim Pawlenty
Governor

Filed according to law:
Mark Ritchie
Secretary of State

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest..

Department Of Commerce Homestead Exemption Adjustment of Dollar Amounts

The amount of homestead exemption in *Minnesota Statutes*, Section 510.02 will increase 10% effective July 1, 2008. This statute require that the dollar amounts be adjusted in even numbered years based on a percentage change in the Implicit Price Deflator for the Gross National Product.

The statute requires that the percentage of change in the reference base index be 10% or more in order to adjust the dollar amounts. The portion of the percentage change in the index in excess of a multiple of ten percent is to be disregarded, and dollar amounts shall change only in multiples of ten percent. Information obtained from the U.S. Department of Commerce, Bureau of Economic Analysis, indicates the percentage change from the revised reference base to be 110% calculated to the nearest whole percentage point as required.

| | 7-1-08 | |
|--|-----------------|---------------------|
| | <u>Original</u> | <u>10% increase</u> |
| Chapter 510.02 Homestead <i>Minnesota Statutes</i> , § 510.02, subd. 1 | \$300,000 | \$330,000 |
| Homestead for agricultural purposes <i>Minnesota Statutes</i> , § 510.02, subd. 1 | \$750,000 | \$825,000 |

The next published adjustment is scheduled on or before April 30, 2010, for July 1, 2010 based on the December 2009 index.

Minnesota Department of Health Notice of the List of Analytes Available for Certification Related to Rules Govern- ing Environmental Laboratory Certification, Minnesota Rules, 4740.2010 through 4740.2120

This notice is given to meet requirements in Minnesota Rules 4740.2050, Subpart 3.

Every six months, the Minnesota Department of Health reviews the list of analytes available for certification and publishes revisions to the list. The department revises the list based on recommendations from the state and federal agencies utilizing the environmental laboratory certification program. The department reviewed the list of analytes and required no revisions.

The list of analytes available for certification by the department will be available on the program's website <http://www.health.state.mn.us/divs/phl/cert/index.html>. To submit comments on the list or request additional information, please contact Susan Wyatt, Minnesota Department of Health, Environmental Laboratory Certification Program, 601 Robert Street North, St. Paul, MN 55164-0899, phone (651) 201-5323, email susan.wyatt@health.state.mn.us.

Department of Human Services
Children and Family Services
Updated Child Care Fund Sliding Fee Copayment Schedule

Pursuant to *Minnesota Statutes* section 119B, and *Minnesota Rules*, part 3400.0100, Subp. 5 (Publication of state median income and fee schedule in *State Register*), the Department of Human Services hereby gives notice of the updated Sliding Fee Biweekly Copayment Schedule. This schedule is based on the FFY09 state median income as published in the March 5, 2008 *Federal Register*. Use of the state median income is a change from recent years when the Copayment Schedule was based on federal poverty guidelines. The schedule published is for family sizes of two through six for a biweekly period and is effective July 1, 2008 until further notice. Please contact the Child Care Assistance Program for the schedule for larger families or for the monthly copayment schedule for all family sizes. This fee schedule replaces the schedule published June 18, 2007.

Any questions about the updated schedule should be directed to:

Child Care Assistance Program
 Department of Human Services
 Children and Family Services
 P. O. Box 64951
 St. Paul, MN 55164-0951
 651-431-4051

Child Care Assistance Program
SFY 2009
Biweekly Copayment Schedule

| <u>Two Person Household</u> | | | <u>Three Person Household</u> | | |
|-----------------------------|---------------------------|--------|-------------------------------|---------------------------|--------|
| State Median Income (SMI) | \$55,404 | | State Median Income (SMI) | \$68,441 | |
| 47% of SMI (Entrance Limit) | \$26,040 | | 47% of SMI (Entrance Limit) | \$32,167 | |
| <u>Gross Income Range</u> | <u>Biweekly Copayment</u> | | <u>Gross Income Range</u> | <u>Biweekly Copayment</u> | |
| \$0 | \$10,499 | \$ - | \$0 | \$13,199 | \$ - |
| \$10,500 | \$13,999 | \$ 2 | \$13,200 | \$17,599 | \$ 2 |
| \$14,000 | \$15,363 | \$ 15 | \$17,600 | \$18,978 | \$ 19 |
| \$15,364 | \$16,094 | \$ 16 | \$18,979 | \$19,881 | \$ 20 |
| \$16,095 | \$16,825 | \$ 17 | \$19,882 | \$20,784 | \$ 21 |
| \$16,826 | \$17,557 | \$ 18 | \$20,785 | \$21,688 | \$ 22 |
| \$17,558 | \$18,288 | \$ 20 | \$21,689 | \$22,591 | \$ 25 |
| \$18,289 | \$19,019 | \$ 21 | \$22,592 | \$23,495 | \$ 26 |
| \$19,020 | \$19,756 | \$ 22 | \$23,496 | \$24,405 | \$ 27 |
| \$19,757 | \$20,482 | \$ 23 | \$24,406 | \$25,302 | \$ 28 |
| \$20,483 | \$21,219 | \$ 26 | \$25,303 | \$26,212 | \$ 32 |
| \$21,220 | \$21,950 | \$ 27 | \$26,213 | \$27,115 | \$ 34 |
| \$21,951 | \$22,682 | \$ 28 | \$27,116 | \$28,019 | \$ 35 |
| \$22,683 | \$23,413 | \$ 35 | \$28,020 | \$28,922 | \$ 43 |
| \$23,414 | \$24,144 | \$ 36 | \$28,923 | \$29,825 | \$ 44 |
| \$24,145 | \$24,876 | \$ 42 | \$29,826 | \$30,729 | \$ 53 |
| \$24,877 | \$25,607 | \$ 47 | \$30,730 | \$31,632 | \$ 58 |
| \$25,608 | \$26,338 | \$ 51 | \$31,633 | \$32,536 | \$ 63 |
| \$26,339 | \$27,070 | \$ 59 | \$32,537 | \$33,439 | \$ 72 |
| \$27,071 | \$27,801 | \$ 64 | \$33,440 | \$34,343 | \$ 78 |
| \$27,802 | \$28,532 | \$ 68 | \$34,344 | \$35,246 | \$ 84 |
| \$28,533 | \$29,264 | \$ 77 | \$35,247 | \$36,149 | \$ 95 |
| \$29,265 | \$29,995 | \$ 87 | \$36,150 | \$37,053 | \$ 108 |
| \$29,996 | \$30,726 | \$ 98 | \$37,054 | \$37,956 | \$ 121 |
| \$30,727 | \$31,458 | \$ 111 | \$37,957 | \$38,860 | \$ 138 |
| \$31,459 | \$32,189 | \$ 125 | \$38,861 | \$39,763 | \$ 154 |
| \$32,190 | \$32,920 | \$ 138 | \$39,764 | \$40,666 | \$ 171 |
| \$32,921 | \$33,652 | \$ 150 | \$40,667 | \$41,570 | \$ 185 |

Official Notices

| | | | | | |
|----------|------------|--------|----------|------------|--------|
| \$33,653 | \$34,388 | \$ 161 | \$41,571 | \$42,480 | \$ 198 |
| \$34,389 | \$35,120 | \$ 173 | \$42,481 | \$43,384 | \$ 213 |
| \$35,121 | \$35,851 | \$ 185 | \$43,385 | \$44,287 | \$ 228 |
| \$35,852 | \$37,120 | \$ 200 | \$44,288 | \$45,854 | \$ 247 |
| \$37,121 | INELIGIBLE | | \$45,855 | INELIGIBLE | |

**Child Care Assistance Program
SFY 2009
Biweekly Copayment Schedule**

Four Person Household

State Median Income (SMI) \$81,477
47% of SMI (Entrance Limit) \$38,294

| <u>Gross Income Range</u> | <u>Biweekly Copayment</u> |
|-------------------------------|-------------------------------|
| \$0 | \$15,899 \$ - |
| \$15,900 | \$21,199 \$ 2 |
| \$21,200 | \$22,593 \$ 23 |
| \$22,594 | \$23,668 \$ 24 |
| \$23,669 | \$24,744 \$ 25 |
| \$24,745 | \$25,819 \$ 26 |
| \$25,820 | \$26,895 \$ 30 |
| \$26,896 | \$27,970 \$ 31 |
| \$27,971 | \$29,054 \$ 32 |
| \$29,055 | \$30,121 \$ 34 |
| \$30,122 | \$31,205 \$ 38 |
| \$31,206 | \$32,280 \$ 40 |
| \$32,281 | \$33,356 \$ 41 |
| \$33,357 | \$34,431 \$ 51 |
| \$34,432 | \$35,507 \$ 53 |
| \$35,508 | \$36,582 \$ 63 |
| \$36,583 | \$37,658 \$ 69 |
| \$37,659 | \$38,733 \$ 75 |
| \$38,734 | \$39,809 \$ 86 |
| \$39,810 | \$40,884 \$ 94 |
| \$40,885 | \$41,960 \$ 101 |
| \$41,961 | \$43,035 \$ 113 |
| \$43,036 | \$44,111 \$ 129 |
| \$44,112 | \$45,186 \$ 145 |
| \$45,187 | \$46,262 \$ 164 |
| \$46,263 | \$47,337 \$ 183 |
| \$47,338 | \$48,413 \$ 204 |
| \$48,414 | \$49,488 \$ 220 |
| \$49,489 | \$50,572 \$ 236 |
| \$50,573 | \$51,647 \$ 254 |
| \$51,648 | \$52,723 \$ 271 |
| \$52,724 | \$54,589 \$ 294 |
| \$54,590 | INELIGIBLE |

Five Person Household

State Median Income (SMI) \$94,513
47% of SMI (Entrance Limit) \$44,421

| <u>Gross Income Range</u> | <u>Biweekly Copayment</u> |
|-------------------------------|-------------------------------|
| \$0 | \$18,599 \$ - |
| \$18,600 | \$24,799 \$ 2 |
| \$24,800 | \$26,208 \$ 26 |
| \$26,209 | \$27,455 \$ 28 |
| \$27,456 | \$28,703 \$ 29 |
| \$28,704 | \$29,950 \$ 30 |
| \$29,951 | \$31,198 \$ 35 |
| \$31,199 | \$32,445 \$ 36 |
| \$32,446 | \$33,702 \$ 38 |
| \$33,703 | \$34,941 \$ 39 |
| \$34,942 | \$36,198 \$ 45 |
| \$36,199 | \$37,445 \$ 46 |
| \$37,446 | \$38,693 \$ 48 |
| \$38,694 | \$39,940 \$ 59 |
| \$39,941 | \$41,188 \$ 61 |
| \$41,189 | \$42,435 \$ 73 |
| \$42,436 | \$43,683 \$ 80 |
| \$43,684 | \$44,931 \$ 87 |
| \$44,932 | \$46,178 \$ 100 |
| \$46,179 | \$47,426 \$ 108 |
| \$47,427 | \$48,673 \$ 117 |
| \$48,674 | \$49,921 \$ 132 |
| \$49,922 | \$51,169 \$ 149 |
| \$51,170 | \$52,416 \$ 168 |
| \$52,417 | \$53,664 \$ 190 |
| \$53,665 | \$54,911 \$ 213 |
| \$54,912 | \$56,159 \$ 236 |
| \$56,160 | \$57,406 \$ 255 |
| \$57,407 | \$58,663 \$ 274 |
| \$58,664 | \$59,911 \$ 294 |
| \$59,912 | \$61,159 \$ 315 |
| \$61,160 | \$63,323 \$ 341 |
| \$63,324 | INELIGIBLE |

Child Care Assistance Program
SFY 2009
Biweekly Copayment Schedule

Six Person Household

State Median Income (SMI) \$107,550
47% of SMI (Entrance Limit) \$50,549

| <u>Gross Income Range</u> | | <u>Biweekly Copayment</u> |
|-------------------------------|----------|-------------------------------|
| \$0 | \$21,299 | \$ - |
| \$21,300 | \$28,399 | \$ 2 |
| \$28,400 | \$29,823 | \$ 30 |
| \$29,824 | \$31,242 | \$ 31 |
| \$31,243 | \$32,662 | \$ 33 |
| \$32,663 | \$34,081 | \$ 34 |
| \$34,082 | \$35,501 | \$ 40 |
| \$35,502 | \$36,921 | \$ 42 |
| \$36,922 | \$38,351 | \$ 43 |
| \$38,352 | \$39,760 | \$ 44 |
| \$39,761 | \$41,191 | \$ 51 |
| \$41,192 | \$42,610 | \$ 53 |
| \$42,611 | \$44,030 | \$ 54 |
| \$44,031 | \$45,449 | \$ 67 |
| \$45,450 | \$46,869 | \$ 69 |
| \$46,870 | \$48,289 | \$ 83 |
| \$48,290 | \$49,708 | \$ 91 |
| \$49,709 | \$51,128 | \$ 99 |
| \$51,129 | \$52,548 | \$ 114 |
| \$52,549 | \$53,967 | \$ 124 |
| \$53,968 | \$55,387 | \$ 133 |
| \$55,388 | \$56,807 | \$ 150 |
| \$56,808 | \$58,226 | \$ 170 |
| \$58,227 | \$59,646 | \$ 191 |
| \$59,647 | \$61,066 | \$ 216 |
| \$61,067 | \$62,485 | \$ 242 |
| \$62,486 | \$63,905 | \$ 269 |
| \$63,906 | \$65,325 | \$ 290 |
| \$65,326 | \$66,755 | \$ 312 |
| \$66,756 | \$68,175 | \$ 335 |
| \$68,176 | \$69,594 | \$ 358 |
| \$69,595 | \$72,058 | \$ 388 |
| \$72,059 | | INELIGIBLE |

Department of Human Services

Health Care Administration

Public Notice Regarding Payment Rate and Methodology Changes, And Services Under the Medical Assistance Program, the General Assistance Medical Care Program, and the MinnesotaCare Program

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of certain statutory changes made to the Medical Assistance (MA) Program, the General Assistance Medical Care (GAMC) Program, and the MinnesotaCare Program that the 2008 Minnesota Legislature enacted during the Regular Session.

This notice is published pursuant to 42 United States Code §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish final institutional payment rates, the methodologies underlying the establishment of such rates, and

Official Notices

the justification for such rates. It is also published pursuant to Code of Federal Regulations, title 42, part 447, section 205 (42 CFR §447.205), which requires publication of a notice when there is any significant proposed change in the methods and standards for setting payment rates for services. The changes to the MA Program are estimated to result in a net decrease in total MA Program expenditures of \$68,500,000 for State Fiscal Year 2009 (July 1, 2008 through June 30, 2009).

The actual text of most of these changes is contained in *Minnesota Laws 2008*, Chapters 358 and 363. These are available by calling the House of Representatives Public Information Office at (651) 296-2146 (voice) or (651) 296-9896 (TTY) or 1-800-657-3550 (Greater Minnesota) or 1-800-627-3529 (TTY); or the Senate Information Office at (651) 296-0504 (voice) or (651) 296-0250 (TTY); for Greater Minnesota call 1-888-234-1112 (voice) or 1-888-234-1216 (TTY). Also see:

<http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=H4162.3.html&session=ls84>

It is important to note that not all changes made to these programs by the 2008 legislature are mentioned in this notice.

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

http://www.dhs.state.mn.us/main/groups/business_partners/documents/pub/DHS_id_000221.hcsp

Changes were made to the following program areas:

- I. MA, GAMC and MinnesotaCare Services and Payment Rates
- II. MA Institutional Payment Rates
- III. MA Home and Community-Based Waivers and Payment Rates

I. MA, GAMC, MinnesotaCare Payment Rates

The department is authorized to delay June fee-for-service inpatient hospital payments for state fiscal years 2008 and 2009. The June 2008 payments are to be included in the first payment in July 2008 of state fiscal year 2009; and June 2009 payments are to be included in the first payment in July 2009 of state fiscal year 2010. *Minnesota Laws 2008*, Chapter 363, Article 18, Section 3, subdivision 5, paragraph b.

MA and GAMC fee-for-service inpatient hospital rates are reduced as follows: (1) 3.46 percent for admissions occurring from July 1, 2008 to June 30, 2009; (2) 1.9 percent for admissions occurring from July 1, 2009 to June 30, 2010; and (3) 1.79 percent for admissions occurring on or after July 1, 2010. These reductions apply separately to each time period and are not cumulative. Mental health services with diagnosis related groups 424 to 432 and Indian Health Service facilities are exempt. The rates paid to pre-paid health plans will be adjusted to reflect these decreases. *Minnesota Laws 2008*, Chapter 363, Article 17, Section 6.

Effective January 1, 2009, the department is authorized to eliminate the calendar years' 2009 and 2010 rebasing of fee-for-service inpatient hospital rates for MA and GAMC. *Minnesota Laws 2008*, Chapter 363, Article 17, Section 5.

Effective for services provided on or after July 1, 2008, MA and GAMC fee-for-service outpatient hospital reimbursement rates are reduced by three percent. Mental health services and Indian Health Service facilities are exempt. *Minnesota Laws 2008*, Chapter 363, Article 17, Sections 13 and 15.

Effective July 1, 2008, MA and GAMC fee-for-service pharmacy reimbursement rates are reduced from the current Average Wholesale Price (AWP) minus 12% to AWP minus 14% for prescription drugs. *Minnesota Laws 2008*, Chapter 363, Article 17, Section 9.

Effective August 1, 2008, medication therapy management services may be covered under MA and GAMC in home settings, excluding long-term care and group homes, if the service is ordered by the provider-directed care coordination team. *Minnesota Laws 2008*, Chapter 326, Article 1, Section 31.

Effective August 1, 2008, allows MA, GAMC, and MinnesotaCare coverage of care coordination and patient education services provided by community health workers if: (1) the worker has at least five years of supervised experience with an enrolled physician, registered nurse, advanced practice registered nurse, or dentist; or (2) the worker has at least five years of supervised experience by a certified public health nurse operating under the direct authority of an enrolled unit of government. Requires community health workers

to work under the supervision of a MA enrolled physician, registered nurse, advance practice registered nurse, or dentist, or work under the supervision of a certified public health nurse operating under the direct authority of an enrolled unit of government. Care coordination and patient education services covered include, but are not limited to, services relating to oral health and dental care. *Minnesota Laws 2008*, Chapter 326, Article 1, Section 32.

Effective for services provided on or after January 1, 2009, MA monthly co-payments on prescription drugs and non-emergency visits to the emergency room are limited to five percent of family income for individuals with income at or below 100 percent of the federal poverty guidelines. Prohibits provider reimbursement from being reduced by the amount of the co-payment for recipients subject to the 5% limit who have met that limit. *Minnesota Laws 2008*, Chapter 363, Article 17, Sections 10 and 11.

Effective July 1, 2008, or upon federal approval, whichever is later, the commissioner shall develop and implement a patient incentive health program to provide incentives and rewards to patients who are enrolled in MA, GAMC and MinnesotaCare. *Minnesota Laws 2008*, Chapter 286, Article 1, Section 1.

Effective July 1, 2010, clinics that meet the certification requirement under Minnesota Statutes §256B.0751 and provide care coordination services for people with complex and chronic medical conditions may be eligible to receive a care coordination payment per eligible client. This payment is in addition to MA reimbursements received under Minnesota Statutes, §§256B.0625 and 256B.76. *Minnesota Laws 2008*, Chapter 358, Article 2, Section 3.

Effective July 1, 2008, the 2 percent increase in allocations, reimbursement rates, or service rate limits as applicable is delayed three months until October 1, 2008 for services provided by the following community services providers.

- (1) nursing services and home health services under Minnesota Statutes, section 256B.0625, subdivision 6a;
- (2) personal care services and qualified professional supervision of personal care services under Minnesota Statutes, section 256B.0625, subdivision 19a;
- (3) private duty nursing services under Minnesota Statutes, section 256B.0625, subdivision 7 ;
- (4) physical therapy services under sections 256B.0625, subdivision 8, and 256D.03, subdivision 4;
- (5) occupational therapy services under sections 256B.0625, subdivision 8a, and 256D.03, subdivision 4;
- (6) speech-language therapy services under section 256D.03, subdivision 4, and Minnesota Rules, part 9505.0390;
- (7) respiratory therapy services under section 256D.03, subdivision 4, and Minnesota Rules, part 9505.0295;
- (8) adult rehabilitative mental health services under section 256B.0623;
- (9) children's therapeutic services and support services under section 256B.0943;
- (10) tier I chemical health services under Minnesota Statutes, chapter 254B.

The legislature included specific requirements for the entities that administer these community services funds on the implementation of the increases. Guidance on the implementation of the provider increases will be provided by the commissioner through instructional bulletins and technical assistance. *Minnesota Laws 2008*, Chapter 363, Article 15, Section 17.

Effective July 1, 2008 or upon federal approval, whichever is later, case management for individuals in hospitals, nursing homes or ICFs-MR may be subject to new federal limits.

The new limits will restrict the number of days these recipients can receive Mental Health Targeted Case Management, Vulnerable Adults / Developmentally Disabled Targeted Case Management and Relocation Targeted Case Management. *Minnesota Laws 2008*, Chapter 363, Article 15, Sections 1,2,3,4, 6 and 7.

Effective July 1, 2008, the state shall seek federal approval to amend the Medicaid State Plan to provide targeted case management services to children with developmental disabilities who are in need of activities that coordinate and link social and other services designed to help children gain access to needed medical, social, educational, and other services. *Minnesota Laws*, Chapter 361, Article 6, Section 57.

For questions regarding MA, GAMC and MinnesotaCare services and payment rates, contact Karen Mickelson at the Minnesota Department of Human Services, Health Care Administration, PO Box 64983, St. Paul, MN 55164-0983; phone (651) 431-2200.

II. MA Institutional Payment Rates

Official Notices

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

Effective July 1, 2008, the 2 percent increase in the operating payment rate adjustment of the operating payment rates in effect on September 30, 2008 for all ICFs/MR reimbursed under 256B.5012 is delayed three months until October 1, 2008. *Minnesota Laws 2008*, Chapter 363, Article 15, Section 13.

Nursing Facilities

Pursuant to the Governor's biennial budget, the Department proposed changes to the nursing facility rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which nursing facility residents' advocates, trade associations, providers, facility employee union representatives, and the general public was invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system as follows:

Effective upon Steele County completing asset transfers and constructing a new nursing facility, its present nursing facility will be allowed to relocate 80 beds. An increase in the property payment rate effective upon the opening of the new facility is allowed. A membership interest by Steele County in the new nonprofit that will operate the new facility is allowed. *Minnesota Laws 2008*, Chapter 285, Sections 1 and 2.

Effective following enactment, the 2003 intergovernmental transfer and nursing home payment adjustment to county-owned nursing facilities is repealed. *Minnesota Laws 2008*, Chapter 363, Article 15, Sections 8 and 9.

Effective August 1, 2008, parties under contract, provider agreement, or other arrangement with the commissioner, may be paid the costs of evacuation, transportation, or medical or remedial services provided to vulnerable residents in the event of a natural disaster. Costs eligible for payment are those necessary to ensure the health and safety of medical assistance recipients during and up to 60 days following the disaster. *Minnesota Laws 2008*, Chapter 247, Section 10.

Effective October 1, 2008, through October 1, 2015, the operating payment rates will be calculated using the statistical and cost report filed by each nursing facility for the report period ending one year prior to the rate year. *Minnesota Laws 2008*, Chapter 363, Article 15, Section 10.

Effective October 1, 2008, operating payment rates will be 87% of the September 30, 2008, rates and 13% will be rebased to cost using specific rules and limits. The operating payment rate adjustments will have a floor of 1.0 percent and a ceiling determined by the commissioner. The rate calculations for purposes of the rebasing portion of the rate will not include the performance incentive payment. *Minnesota Laws 2008*, Chapter 363, Article 15, Section 11.

Effective October 1, 2009, to October 1, 2015, no nursing facility will receive an operating payment rate less than its operating payment rate in effective on September 30, 2009. *Minnesota Laws 2008*, Chapter 363, Article 15, Section 12.

Effective October 1, 2008, nursing facilities reimbursed under section 256B.434 will receive a 1.0 percent adjustment to the operating rate based on the blended rate computed under 256B.441, subdivision 55, with 75 percent of the adjustment to be used for compensation-related costs subject to approval by the Department of Human Services. *Minnesota Laws 2008*, Chapter 363, Article 18, Section 3.

Effective October 1, 2008, nursing facilities reimbursed under section 256B.434 will receive a one-year 1.0 percent adjustment to the operating rate based on the blended rate computed under 256B.441, subdivision 55, with 75 percent of the adjustment to be used for compensation-related costs, including employee bonus payments subject to approval by the Department of Human Services. *Minnesota Laws 2008*, Chapter 363, Article 18, Section 3.

The Department anticipates adding most of these changes to its MA State plan. Individual nursing facility payment rates are available by contacting the Nursing Facility Rates and Policy Division, Minnesota Department of Human Services, PO Box 64973, St. Paul, MN 55164-0973; phone (651) 431-2280.

III. MA Home and Community-Based Waivers and Payment Rates

Effective July 1, 2008, the 2 percent increase in allocations, reimbursement rates, or service rate limits as applicable is delayed three months until October 1, 2008 for services provided by the following community services providers.

(1) home and community-based waiver services for persons with developmental disabilities or related conditions, including consumer-directed community supports, under Minnesota Statutes, section 256B.501;

(2) home and community-based waiver services for the elderly, including consumer-directed community supports, under Minnesota Statutes, section 256B.0915;

(3) waiver services under community alternatives for disabled individuals, including consumer-directed community supports, under Minnesota Statutes, section 256B.49;

(4) community alternative care waiver services, including consumer-directed community supports, under Minnesota Statutes, section 256B.49;

(5) traumatic brain injury waiver services, including consumer-directed community supports, under Minnesota Statutes, section 256B.49.

The legislature included specific requirements for the entities that administer these home and community based waiver services funds on the implementation of the increases. Guidance on the implementation of the provider increases will be provided by the commissioner through instructional bulletins and technical assistance. *Minnesota Laws 2008*, Chapter 363, Article 15, Section 17.

Effective July 1, 2008 through June 30, 2012. Traumatic brain injury (TBI) waiver annual allocations are limited to 200 and the community alternatives for disabled individuals (CADI) waiver allocations are limited to 1,500 annually. A priority for waiver allocation is given to individuals anticipated to be discharged from institutional settings or who are at imminent risk of a placement in an institutional setting. *Minnesota Laws*, Chapter 363, article 18, section 3.

The Department is required to submit a waiver plan amendment by October 2008 that will allow costs associated with a home modification that adds to the square footage of an unlicensed private residence when necessary to configure a bathroom that accommodates a wheelchair under certain conditions. Effective upon federal approval. *Minnesota Laws 2008*, Chapter 328 section 44 & 45.

Minnesota Department of Human Services

Health Care Purchasing and Delivery Systems Division

Health Care Administration

Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

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

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

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

The Department expects to apply a MAC to Carbinoxamine Maleate and Butalbital Aspirin compound no earlier than June 16, 2008. There will be a change to the reimbursement rate from the branded drug schedule to the MAC list.

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$3,000 for State Fiscal Year 2007 (July 1, 2007 through June 30, 2008).

Official Notices

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

Written comments and requests for information may be sent to:

Kristin Young
Pharmacy and Program Manager
Health Care Purchasing and Delivery Systems Division
Health Care Administration
Minnesota Department of Human Services
P.O. Box 64984
St. Paul, Minnesota 55164-0984
(651) 431-2504
kristin.c.young@state.mn.us

Minnesota Department of Natural Resources Notice of Hearing on Sale of State Land

NOTICE IS HEREBY GIVEN, that pursuant to Minnesota Statutes, section 97A.135, subd. 2a, a hearing will be held by the Department of Natural Resources, in the conference room at the DNR South Regional Office, 261 Highway 15 South, New Ulm, Minnesota, on July 15, 2008 at 10:00 a. m.

The purpose of the hearing is for public input regarding the sale of state land situated in the County of Carver, and described as:

That part of the Southwest Quarter of the Northeast Quarter of Section 36, Township 115, Range 24, Carver County, MN. Beginning at the northeast corner of said Southwest Quarter of the Northeast Quarter; thence South 0 degrees 01 minute 19 seconds West, assumed bearing along the east line of said Southwest Quarter of the Northeast Quarter, a distance of 37.15 feet; thence South 88 degrees 44 minutes 34 seconds West 620.14 feet; thence South 89 degrees 07 minutes 07 seconds West 172.72 feet; thence South 89 degrees 47 minutes 47 seconds West 116.64 feet; thence North 0 degrees 10 minutes 12 seconds West 24.04 feet to the north line of said Southwest Quarter of the Northeast Quarter; thence North 88 degrees 07 minutes 24 seconds East, along said north line 909.89 feet to the point of beginning containing 0.6237 acres. Subject to the right-of-way of County State Aid Highway No. 45.

Minnesota Statutes, section 97A.135, subd. 2a, requires that a public hearing be held before lands within a Wildlife Management Area can be disposed of through sale or exchange. The parcel is designated as part of Carver Highlands Wildlife Management Area.

It is proposed that this parcel of land be offered for sale by the Department of Natural Resources in a private sale to the adjacent landowner. This parcel is no longer needed for resource management purposes. If, after public hearing, the disposal of the land is in the public interest, the Commissioner of Natural Resources may vacate the parcel from Wildlife Management Area designation.

Questions regarding this proposal can be directed to Jodi Dehn at (651) 259-5391 or Jodi.Dehn@dnr.state.mn.us.

Dated May 27, 2008

Kathy A. Lewis, Assistant Director
Division of Lands and Minerals

Minnesota Pollution Control Agency Request for Comments: Planned Amendment to Rules Governing Air Emission and Water Quality Permit Fees, *Minnesota Rules Chapter 7002*

Subject of Rules. The Minnesota Pollution Control Agency (Agency or MPCA) is requesting comments on its planned amendment to rules governing the fees that apply to all air permits and all water permits except stormwater permits. In 2007, the Minnesota Legislature authorized a one-time funding increase to the MPCA of \$3.0 million in each year of the FY 2008-09 biennium. The additional funding will be used to address increased demands on the MPCA's regulatory programs. The Minnesota Legislature also authorized the

MPCA to amend its rules and directed the MPCA to provide recommendations to the House and Senate on water and air fee changes that will result in ongoing revenue beginning in 2010. The MPCA is seeking stakeholder input regarding changes to the air and water permit fees through the amendment of the existing air emission and water quality permit fee rules found at *Minnesota Rules*, Chapter 7002.

The Agency is initiating this rulemaking by seeking comments from all parties who have information to share or an interest in the fees that apply to the application and issuance of air emission and water quality permits.

Persons Affected. The planned amendments to the rules will affect the owners and operators of all facilities that are required to hold an air emission permit or a water quality permit and also all the citizens of Minnesota who will be affected by the fees charged to the owners and operators of these facilities, many of which are publicly owned and operated.

Statutory Authority. *Minnesota Laws* 2007, chapter 57, section 3, subdivision 2 authorizes the Agency to amend its air and water permit fee rules. *Minnesota Statutes* § 116.07, subdivision 4 also authorizes the Agency to adopt rules and subdivision 4d also authorizes the Agency to collect permit fees.

Public Comment. Interested persons or groups may submit comments or information on these planned rule amendments to the listed Agency contact until 4:30 p.m. on Friday, August 13th, 2008. In addition to this Request, the Agency is also initiating a very broad effort to obtain stakeholder input into this fee rulemaking. The Agency has established a page on its website <http://www.pca.state.mn.us/permits/airwaterfees.html> to provide information about participating in the stakeholder process and to provide a place for more information about this planned rulemaking. Although you may submit comments to the listed Agency contact at any time during this comment period, please consider consulting the Agency website for current information about when and how the Agency will be working with stakeholders.

With this Request, the Agency is initiating the rulemaking process by seeking general comments and by identifying those parties who wish to receive future notification regarding this rule. When the initial stakeholder process has been completed, proposed rules will be drafted and published in the *State Register* for public comment. If you are interested in being notified when proposed air and water fee rules are published for public comment, please advise the listed Agency contact person.

Rules Drafts. The Agency has not yet prepared a draft of the planned rule amendments. Interested parties may request to be notified when a draft rule is made available from the Agency contact person listed below or on the related rule Web page.

Agency Contact Person. Written or oral comments, questions or requests to receive a draft of the draft rules when they have been prepared, and requests for more information on these planned rule amendments should be directed to:

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road North, St. Paul, MN 55055-4194
Telephone: 651-297-8371 or TTY 651-282-5332
carol.nankivel@pca.state.mn.us

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. Make such requests to the Agency contact person listed above.

Note: The Administrative Procedures Act requires the Agency to include in the formal rulemaking record only those comments received after rules are published for public comment. If you submitted comments in response to this Request or during the development of these rules and you want to ensure that those comments become part of the official record that is considered by the Administrative Law Judge in promulgating these rules, you must resubmit the comments after the rules are formally proposed.

Brad Moore
Commissioner

Official Notices

Minnesota Pollution Control Agency

Regional Division

Notice of Availability of Draft Burandt Lake Excess Nutrients Total Maximum Daily Load Report and Request for Comment

Public Comment Period Begins: June 16, 2008

Public Comment Period Ends: July 16, 2008

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft report for the Burandt Lake Total Maximum Daily Load (TMDL). The draft TMDL report for Burandt Lake is available for review at: <http://www.pca.state.mn.us/water/tmd/tmdl-draft.html>. Following the comments, the MPCA will revise the draft TMDL report and submit it to the U.S. Environmental Protection Agency (EPA) for approval.

A TMDL is a scientific study, conducted on waters designated as impaired, required by the federal Clean Water Act. A TMDL study calculates the maximum amount of a pollutant that a water body can receive and continue to meet water quality standards for designated beneficial uses. It is a process that identifies all the sources of the pollutant causing the impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

Burandt Lake is a deep, 92-acre lake located 0.5 mile west of Waconia in Carver County, Minnesota (about 25 miles southwest of Minneapolis). The entire Burandt Lake watershed consists of 7,823 acres of land which can be divided into three subwatershed areas. The direct watershed, the area that drains directly to Burandt Lake without first passing through another lake, is 246 acres, excluding Burandt lake. The two indirect watersheds consist of 7,147 acres of land draining from Lake Waconia (3,080 acres), and another 430 acres flowing from Scheuble Lake (16 acres) (watershed area includes the lakes). Part of the City of Waconia is within the lake's watershed. Both Scheuble Lake and Lake Waconia drain directly into Burandt Lake.

Burandt Lake has been found to be impaired for aquatic recreation because of excess nutrient levels, particularly phosphorus and violates Minnesota water quality standards based on water quality monitoring conducted during the last several years. The excess phosphorus makes the waters unsuitable for aquatic recreation (swimming). As a result, it was placed on Minnesota's list of impaired waters. Because of the exceedance, Carver County conducted a Total Maximum Daily Load (TMDL) study. The TMDL study assessed the phosphorus concentration in Burandt Lake and determined the amount of phosphorus the lake could receive and still meet water quality standards. Sources of phosphorus were evaluated, including watershed runoff, internal loading, and atmospheric load.

The draft TMDL report indicated that reductions ranging from 32 - 66 percent, for phosphorus, will be needed to meet the water quality standard during summer growing season conditions, corresponding to the time when violations of the aquatic recreation standard were likely to occur. Implementation strategies in the draft TMDL report will be used to generally guide future phosphorus reduction efforts. A more detailed implementation plan is being developed to identify specific measures needed to achieve the desired reductions.

Preliminary Determination on the Draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL report to the EPA for final approval. A draft TMDL report and fact sheet are available for review at the MPCA office at the address listed below, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>.

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

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

Written comments on the draft TMDL report must be sent to the MPCA contact person listed below and received by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Suggested changes will be considered before the final TMDL

report is sent to the EPA for approval.

Agency Contact Person. Written comments and requests for more information should be directed to:

Roger Ramthun
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: 651-296-9262 (direct)
Minnesota Toll Free: 1-800-657-3864
Fax: 651-297-8676
roger.ramthun@pca.state.mn.us
TTY users may call the MPCA teletypewriter at 651-282-5332 or 1-800-657-3864.

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

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

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

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with Minn. R. 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 TMDL report; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

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

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in Minn. R. 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.

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

You may participate in the activities of the MPCA Board as provided in Minn. R. 7000.0650.

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

Official Notices

State Budget Trends Study Commission Notice of monthly meeting June 24, 2008

The State Budget Trends Study Commission, required by the Laws of Minnesota 2007, Chapter 148, Article 2, Sec. 81, will hold its June monthly meeting on Tuesday, June 24, 2008 in the Lady Slipper Conference Room, Ground Fl, Centennial Office Building, 658 Cedar St., Saint Paul, MN 55155, at 8:30 – 10:30 a.m.

For more information you may call Commissioner of Finance, Tom Hanson at 651-201-8010.

Department of Veterans Affairs Notice of Public Hearing on Leasing the Chapel Property to the Soldiers Home Foundation

Department of Veterans Affairs has announced that the public hearing about leasing the Chapel property to the Soldiers Home Foundation is set for 7 p.m. **June 17** in the Matousek Auditorium at the VA Medical Center, Milwaukee. The Soldiers Home Foundation is preparing for the public hearing presentation and looks very forward to inviting and including all stakeholders to participate in the planning process for chapel restoration and operation. We would appreciate your support at the public hearing and will provide more details via email in the coming week. Watch for more emails about the hearing and please pass along the notice to give your members and volunteers a “heads up” about the date.

State Contracts

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

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

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

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

Department of Administration Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Silver Bay Nursing Care Facility Renovation (State Designer Selection Board Project No. 08-01)

The State of Minnesota, Department of Administration 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 Department of Administration's Real Estate and Construction Services website: <http://www.admin.state.mn.us/recs/cs/cs.html>, click on “Solicitation Announcements.”

A copy of the pre-design is available for review at <http://www.admin.state.mn.us/recs/cs/cs.html>.

An informational meeting is tentatively scheduled for **10:30 a.m.**, Tuesday, June 24 at 45Banks Boulevard, Silver Bay, MN. All firms

interested in this meeting should contact Ev Wright, Program Administrator, Health Care Minnesota Department of Veterans Affairs, (651) 296-9759 or evwright@mvhmail.mvh.state.mn.us to sign up to attend the meeting. Project questions will also be taken by this individual.

Proposals must be delivered to Alisha Cowell, Executive Secretary, State Designer Selection Board, 200 Administration Building in the Commissioner's Office, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2627) not later than **1:00 P.M., Monday, June 30, 2008**. Late responses will not be considered.

The Department of Administration 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 Dakota County Technical College Bids Sought for Garbage Removal Services

NOTICE IS HEREBY GIVEN that Dakota County Technical College is seeking Bids for Garbage Removal Services. Bid specifications are available by contacting the Purchasing Department, 1300 145th St E, Rosemount, MN 55068. Phone 651-423-8236.

Sealed bids must be received by Pat Adams at Dakota County Technical College, 1300 145 ST E, Rosemount, Mn 55068 by 2:00 June 30, 2008. Dakota County Technical College reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in bids received.

Minnesota Colleges and Universities Inver Hills Community College Classroom Addition and Renovation to the Fine Arts Building

Sealed bids are sought for classroom addition and renovation to the Fine Arts Building at Inver Hills Community College, Inver Grove Heights, MN. Bids will be received by:

Mr. Patrick Buhl
Heritage Hall Room 102
Inver Hills Community College
2500 80 Street East
Inver Grove Heights, MN 55076-3224

Bids will be accepted until **1:00 P.M., Friday, June 27, 2008**, at which time the bids will be opened and publicly read aloud. **Bids Must Be Delivered to Heritage Hall Room 102**

Project Scope: Work includes building a Classroom addition to and renovation of the Fine Arts Building.

A Pre-Bid Meeting will be held at **9:00 a.m., June 12, 2008**, in the Fine Arts Building, main level. The Architect/Engineer and College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect, Lunning Wende.BVH, are on file at the offices of the:

- 1) Above named Project Architect/Engineer
- 2) Local builders exchange
- 3) McGraw Hall Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

State Contracts

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained by following this procedure:

Lunning Wende.BVH Architects
Northwestern Building Suite 620
Saint Paul Minnesota 55101
Telephone: 651-221-0915

Bidders may send a deposit of **\$140.00** (refundable) for each set provided from **Engineering Reproductions** (check made out to the Architect, Lunning Wende BVH.) Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect, Lunning Wende BVH) for \$25.00 per set for shipping & handling (in addition to the \$140.00 deposit.) Documents will be sent to street addresses only (P.O. Boxes not acceptable). **Engineering Reproductions**, can be contacted at the following location.

Engineering Repro Systems
3005 Ranchview Lane North
Plymouth MN 55447
763.694.5900
Attn: Communications Department

Each bid which totals over \$15,000.00 shall be accompanied by a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than 5% of the total base bid; or a corporate surety bond of a surety company duly authorized to do business in the state of Minnesota in the same amount; which is submitted as bid security, conditioned upon the Bidder entering into a contract with Minnesota State Colleges and Universities in accordance with the terms of the bid.

Minnesota State Colleges and Universities

Southwest Minnesota State University

Notice of Availability of Request for Proposal (RFP) for Owner Representative Services for the 2009 Residence Hall Project at Southwest Minnesota State University, Marshall, MN

The Minnesota State Colleges and Universities, acting as the owner for the State of Minnesota, is soliciting proposals from interested, qualified consultants for Owner Representative services for the above referenced project.

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

A project information meeting has been scheduled for 1:00 PM, Wednesday, June 18, 2008 in the Bellows Library building, Room BA 524 at Southwest Minnesota State University. Contact Cyndi Holm, at 507-537-7854 or holmcm@southwestmsu.edu to sign up for the meeting.

Proposals must be delivered to Cyndi Holm, Director of Facilities, Founders Hall, Room FH 223, Southwest Minnesota State University, 1501 State Street, Marshall, MN 56258, not later than 2:00 P.M., Thursday, June 26, 2008. Late responses will not be considered.

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

Minnesota State Colleges and Universities**St. Cloud State University****Notice of Availability of Request for Proposal (RFP) for Designer Selection for:
Science and Engineer Lab****State Designer Selection Board Project No. 08-07**

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

A full Request for Proposals is available on the Minnesota State Colleges Universities website, <http://www.finance.mnscu.edu/facilities/index.html> click on "Announcements." A copy of the pre-design is available for review at <http://www.finance.mnscu.edu/facilities/index.html>. An informational meeting is scheduled for 1:00 PM, Tuesday June 17, 2008 in Atwood Memorial Center, Oak Room, on the St. Cloud State University campus, 720 4th Ave. S., St. Cloud, MN 56301. All firms interested in this meeting should contact Lucie Schwartkopf, at **320-308-2286** to sign up to attend the meeting.

Proposals must be delivered to Alisha Cowell, Executive Secretary, State Designer Selection Board, 200 Administration Building in the Commissioner's Office, 50 Sherburne Ave., St. Paul, MN 55155 (651.201.2627) not later than 1:00 P.M., Monday, June 23, 2008. Late responses will not be considered.

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

Minnesota Department of Corrections**Notice of Request for Proposals for Parenting/Family Education Services**

The Minnesota Department of Corrections (DOC) requests proposals for programs to provide parenting and family skills education services to offenders in DOC correctional facilities.

The target population for parenting and family skills education programs is adult male and female offenders who are parents and/or have an interest in improving personal skills connected to being a parent and/or being a family member. Program services will take place inside nine DOC correctional facilities between August 1, 2008, and June 30, 2010. This request for proposals (RFP) may result in multiple contract awards. Respondents must offer services to offenders in one or more of the following DOC correctional facilities: Minnesota Correctional Facility (MCF)-Faribault, MCF-Lino Lakes, MCF-Moose Lake, MCF-Oak Park Heights, MCF-Rush City, MCF-St. Cloud, MCF-Shakopee, MCF-Stillwater, and MCF-Willow River (Challenge Incarceration Program).

The full RFP will be sent free-of-charge in response to written, e-mailed, or faxed requests to the contact person listed below. Other DOC personnel are NOT allowed to discuss the RFP with anyone, including responders, before the proposal submission deadline. Proposals must be submitted to and received by the contact person listed below no later than July 8, 2008, 4:00 p.m. CDT.

George Kimball, Director of Academic Affairs
Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
Saint Paul, MN 55108-5219
Phone: 651-361-7242
Fax: 651-603-0150
george.kimball@state.mn.us

State Contracts

Minnesota Department of Education Notice of Availability of Contract for Quality Compensation for Teachers Program Evaluator

The Minnesota Department of Education is soliciting proposals to develop and implement evaluation of the ongoing Quality Compensation for Teachers Program (Q Comp) which was enacted in 2005 under Minnesota Statute 122A.414-416 as an alternative method to raise the quality of teachers. The Q Comp evaluator will provide background and contextual information as well as document in-depth implementation of Q Comp. The Q Comp evaluator will gather parallel data from non-Q Comp districts in Minnesota to provide a comparison group to determine the critical features of Q Comp which impact increased student achievement and improved teacher quality. The Q Comp evaluator will be expected to organize, gather, document, and analyze data in a report format to provide a comprehensive and unbiased perspective of the effectiveness of the Q Comp program to impact school improvement.

Work is proposed to start after September 4, 2008.

The Request for Proposal can be obtained from:

JulAnn Meech
Minnesota Department of Education W-25
1500 Highway 36 West
Roseville, MN 55113
Julann.meech@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:30 PM, Central Daylight Time, July 15, 2008. **Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

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

Minnesota Department of Human Services Children's Mental Health Division Notice of Request for Proposals to increase clinical capacity for the provision of evidence-based mental health services to children in Minnesota

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services, through its Children's Mental Health Division (State), is seeking Proposals from qualified Responders to develop clinical capacity within mental health provider agencies to effectively utilize existing and emerging research to inform all treatment, and improve outcomes for children and their families.

Work is proposed to start after October 1, 2008. For more information, or to obtain a copy of the Request for Proposal, contact:

Patricia Nygaard
Department of Human Services
Children's Mental Health Division
P.O. Box 64985
444 Lafayette Road North, St. Paul, MN 551550985
Phone: (651) 431-2332, Fax: (651) 431-7418
Pat.nygaard@state.mn.us

This is the only person designated to answer questions by potential responders regarding this request.

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, Wednesday, August 20, 2008.** **Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered.

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

Minnesota Department of Natural Resources Notice of Availability of Contract for Indexing and Scanning Land Deeds, Certification 15351

Amount of proposed contract: \$100,000

The Minnesota Department of Natural Resources is requesting proposals for the purpose of completing our index table, preparing the deeds for scanning, indexing the deeds, reassembling the deeds, and hosting an EDMS site where the images can be retrieved. It is the goal of this project to make electronic versions of land deeds available at the workstations of its employees in remote locations throughout the state via an Electronic Document Management System.

Work is proposed to start after July 1, 2008.

The Request for Proposal can be obtained from:

Ray Dick
Department of Natural Resources
500 Lafayette Road, Box 11
St. Paul, MN 55155-4011
Fax number: 651-297-4946
ray.dick@dnr.state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:00 pm, June 30, 2008. **Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered.

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

Minnesota Department of Transportation Engineering Services Division, Office of Environmental Services Request for Proposals (RFP): I-90 Native Prairie Planting Site Plan and Implementation

Notice of availability of Contract to establish tall-grass prairie vegetation on existing inside and outside ditches along a seven-mile segment of I-90 near the City of Blue Earth between mileposts 113 and 120, approximately 150 acres. Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate Mn/DOT to complete the work contemplated in this notice, and Mn/DOT reserves the right to cancel this RFP. All expenses incurred in responding to this notice will be borne by the responder.

The successful responder will complete a landscape plan; a three year native vegetation establishment plan, to include site preparation, seeding, and maintenance; and implementation of the plan.

The full RFP can be viewed on the Consultant Services Web Page at <http://www.dot.state.mn.us/consult/index.html> under the P/T Notices Section.

If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Debbie Forschen
Contract Administrator
debbie.forschen@dot.state.mn.us

State Contracts

651-366-4625

Note: RESPONSES WILL BE DUE ON JULY 08, 2008 AT 2:00 PM CENTRAL DAYLIGHT TIME

Minnesota Department of Transportation 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 Juanita Voigt at (651) 366-4774 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses 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:

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

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

Minnesota Department of Transportation Engineering Services Division Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT’s Consultant Services **website** at: <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.

State Grants & Loans

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

Minnesota Department of Agriculture Notice of Availability of NextGen Energy Grants

The Minnesota Department of Agriculture will award approximately \$2.7 million in matching grants to qualified organizations for the purpose of helping Minnesota develop energy sources that displace fossil fuels with renewable energy technologies. Grants are limited to 50 percent of the cost of research, technical assistance or equipment related to bioenergy production or up to \$1 million, whichever is less. Grants to non-governmental entities for the development of business plans and structure related to community ownership of eligible bioenergy facilities together may not exceed \$150,000.

Eligible organizations include:

- Owners of Minnesota facilities producing bioenergy;
- Organizations that provide for on-station, on-farm field-scale research and outreach to develop and test the agronomic and economic requirements of diverse stands of prairie plants and other perennials for bioenergy systems; or
- Certain non-governmental entities for development of business plans and structure related to community ownership.

The grants will be issued by the Minnesota Department of Agriculture, in consultation with the NextGen Energy Board. Proposals must be received by no later than 4:00 PM July 31, 2008. Proposals will not be accepted by email or fax. For more information, contact:

Andrew H. Carter
Minnesota Department of Agriculture
625 Robert St. N
Saint Paul, MN. 55155-2538
Andrew.Carter@state.mn.us
651-201-5699

Non-State 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.

Iron Range Resources Notice of Availability of Contract for Business Recruitment Services

Iron Range Resources is requesting proposals for business recruitment services in northeastern Minnesota. The purpose of the project is to (1) develop a marketing plan to recruit businesses to northeastern Minnesota; (2) develop an inventory of viable business leads; and (3) recruit businesses to expand or relocate to northeastern Minnesota.

Work is proposed to start after July 28, 2008.

A Request for Proposals will be available by mail from this office through June 30, 2008. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After June 30, 2008 the Request for Proposal must be picked up in person.

Non-State Bids, Contracts & Grants

The Request for Proposal can be obtained from:

Jean Dolensek
Iron Range Resources
P.O. Box 441
4261 Hwy 53 S.
Eveleth, MN 55734
Fax: (218)744-7403

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than July 7, 2008 at 2:30 p.m. **Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered.

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

Metropolitan Council

Notice of Request for Proposals (RFP) for Industrial Strength Charge Formula Study for the MCES

Reference Number 08P078

The Metropolitan Council is soliciting proposals for an Industrial Strength Charge Formula Study for the MCES.

| | |
|-----------------------------|-----------------|
| Issue Request for Proposals | June 16, 2008 |
| Proposals Due | July 9, 2008 |
| Start of Services | August 19, 2008 |

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

Miriam Lopez-Rieth
Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
390 Robert Street
St. Paul, MN 55101
Fax: (651) 602-1083
miriam.lopez-rieth@metc.state.mn.us

Metropolitan Council-Metro Transit

Design and Construction Services for the Hiawatha Light Rail Transit (HLRT) Platform Extensions and Reverse Crossing Operation Signal System

Metro Transit, a division of the Metropolitan Council, is seeking the services of a qualified firm for signal design and construction services for the HLRT Platform Extensions and Reverse Crossing Operation Signal System. The project includes professional services for the 100% vital signal hardware and software design and construction, cutover, and testing support services for upgrades to the existing HLRT signal system. These upgrades consist of modifications to the existing HLRT wayside signal system and grade crossing control systems that must support the extension of ten (10) existing station platforms to support three-car train operation. In addition, reverse crossing starts and crossing island train detection will be added at seventeen (17) highway-rail grade crossings that will support the future installation of full reverse signalization. The project schedule calls for design completion by December 2008 and for construction from March 2009 to March 2010.

A Disadvantaged Business Enterprise participation goal of 17 percent has been established for this project.

Non-State Bids, Contracts & Grants

A Pre-Proposal Conference will be held at 11:00am on Thursday, June 26, 2008 in the 1st Floor Conference Room, Metro Transit Heywood Office, 560 N. 6 Street, Minneapolis, MN 55411.

Proposals are due no later than 2:00pm on July 10, 2008.

Firms interested in receiving the Request for Proposals document should contact:

Candace Osiecki
Metro Transit
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: 612-349-5070
Fax: 612-349-5069
Candace.osiecki@metc.state.mn.us

University of Minnesota (U of M) Subscribe to Bid Information Service (BIS)

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

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