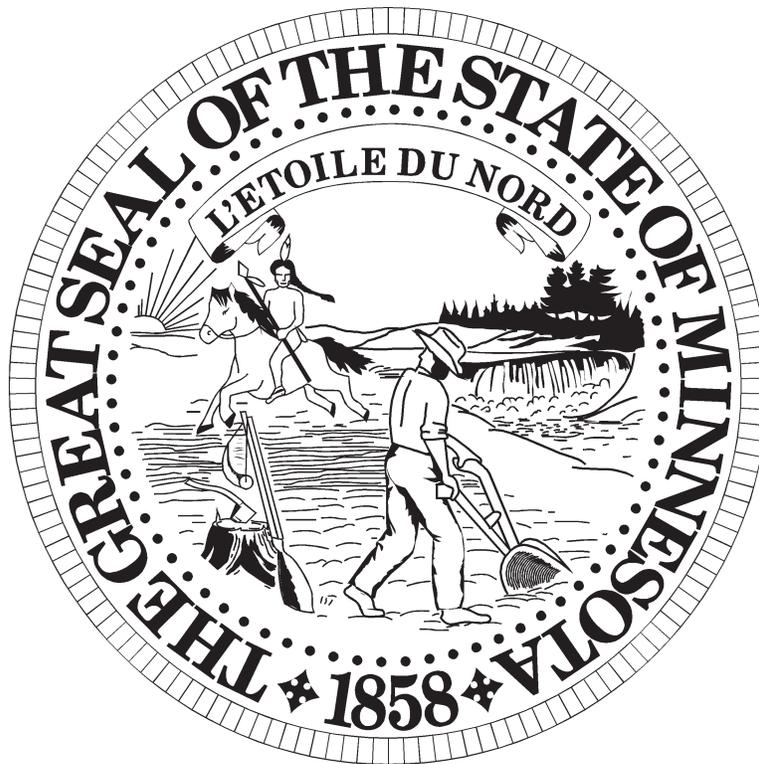


# Minnesota

# State Register

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



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  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

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# Minnesota State Register

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

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- Withdrawn Rules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

### Printing Schedule and Submission Deadlines

Vol. 38 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 21	Monday 18 November	Noon Tuesday 12 November	Noon Wednesday 6 November
# 22	Monday 25 November	Noon Tuesday 19 November	Noon Wednesday 13 November
# 23	Monday 2 December	Noon Tuesday 26 November	Noon Wednesday 20 November
# 24	Monday 9 December	Noon Tuesday 3 December	Noon Wednesday 27 November

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100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
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U.S. Government Printing Office – Fax: (202) 512-1262  
**Website:** [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

## Minnesota Rules: Amendments & Additions

Minnesota Rules Vol. 38, #15-20: Monday 7 Oct. - Tuesday 12 Nov. 2013... 604

## Proposed Rules

### Labor and Industry Department (DLI)

Proposed Permanent Rules Relating to OSHA Filing and Service..... 605

## Expedited Rules

### Education Department

Proposed Expedited Rules on Special Education Infant and Toddler Intervention Services..... 608

## Exempt Rules

### Labor and Industry Department (DLI)

Adopted Exempt Permanent Rules Adopting Federal OSHA Standards Regarding Cranes and Derricks..... 610

## Executive Orders

### Office of the Governor

Emergency Executive Order 13-12: Amending Emergency Executive Order 13-11, and Extending Relief from Regulations to Motor Carriers and Drivers Operating in the State of Minnesota..... 611

## Commissioners' Orders

### Natural Resources Department (DNR)

Commissioner's Order: Vacating Game Refuges that Have Been Open to Hunting for at Least Five Years..... 612

## Official Notices

### Comprehensive Health Association (MCHA)

Finance Committee Meeting 20 November 2013..... 613

### Executive Council

#### State Board of Investment

#### Land Exchange Board

#### Investment Advisory Council

Official Notice of Meetings 19 November 2013 and 11 December 2013..... 614

### Health Department (MDH)

Application for Essential Community Provider Status by Metropolitan Community Services..... 614

### Human Services Department (DHS)

Request for Proposals for the Home and Community Based Services Performance-based Incentive Payment Program..... 614

Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program and the MinnesotaCare Program..... 615

### Labor and Industry Department (DLI)

Request for Comments on Possible Rules Governing Long-term Use of Opioids or Other Scheduled Medication..... 616

### Metropolitan Council

Public Meeting on 2014 Unified Budget and 2013, Payable 2014, Levies... 617

### Pollution Control Agency (MPCA)

Triennial Standards Review and Request for Public Comment on the Need for Amendments and Revisions to Rules Governing Water Quality... 617

Municipal Separate Storm Sewer System (MS4) Stormwater Pollution Prevention Program (SWPPP) Document Public Notice Process..... 620

## Transportation Department (MnDOT)

Notices of Suspension and Debarment..... 621

## State Grants & Loans

### Health Department (MDH)

Loan Opportunity for the Minnesota Electronic Health Record Revolving Loan Program..... 622

### Solid Waste Management Coordinating Board (SWMCB)

Request for Proposals for Program Evaluation of the Solid Waste Management Coordinating Board's Community POWER Project..... 623

## State Contracts

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

#### Central Lakes College:

Request for Proposal for Miller Dynasty 700 Welding Equipment..... 624

#### Board of Trustees:

Request for Proposals for Designer Selection for Comstock Memorial Union Renovation and Addition..... 624

#### System Office:

Request for Proposal for Master Contract IT Forensic Investigation Services..... 625

### Health Department (MDH)

#### MN.IT Services at the Minnesota Department of Health

Request for Proposals for Electronic Messaging Services..... 625

### Minnesota Judicial Branch

#### Fourth Judicial District:

Request for Proposals for Technology Infrastructure Assessment..... 626

### Transportation Department (Mn/DOT)

#### Engineering Services Division:

Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")..... 626

Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices..... 627

## Non-State Public Bids, Contracts & Grants

### Dakota County

Request for Proposal for Worksite Wellness Intervention..... 628

## Minnesota's Bookstore

..... 628

Minnesota State Register information is available from Minnesota's Bookstore (651) 297-3000, or (800) 657-3757, Web site:

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# Minnesota Rules: Amendments and Additions

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

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

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

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

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

## Volume 38 - Minnesota Rules

Index for Rules in Volume 38 #15-20:  
Monday 7 Oct. - TUESDAY 12 Nov. 2013

### Labor & Industry Department

#### Building Codes Division

1309.0010; .0020; .0030; .0202; .0301; .0302; .0305; .0307; .0309;  
.0310; .0311; .0312; .0303; .0314; .0315; .0323; .0402; .0403; .0404;  
.0406; .0602; .0612; .7002; .0703; .0903; .0905 (proposed)..... 555

1309.0010 s. 4; 1140; 0301 s. 1,4; .0317; .0318; .0404 s. 3,4,5; .0613;  
.0703 s. 3a; .0802; .0806; .4300 (proposed repealer)..... 555

### Corrections Department

2911.0100; .0200; .0300; .0330; .0340; .0360; .0370; .0400; .0600;  
.0700; .0800; .0900; .1000; .1100; .1200; .1300; .1350; .1400; .1500;  
.1800; .1900; .2000; .2100; .2200; .2300; .2400; .2500; .2525; .2550;  
.2600; .2700; .2750; .2800; .2850; .2900; .3100; .3200; .3300; .3400;  
.3500; .3600; .3650; .3675; .3700; .3800; .3900; .4000; .4100; .4200;  
.4300; .4400; .4500; .4600; .4700; .4800; .4900; .4950; .5000; .5100;  
.5200; .5300; .5400; .5450; .5500; .5550; .5700; .5800; .5900; .6000;  
.6100; .6200; .6300; .6400; .6500; .6600; .6700; .6800; .6900; .7000;  
.7100; .7200; .7300; .7400; .7500; .7600 (adopted)..... 523

2911.0200 s. 8, 18, 21, 33, 34, 37, 43, 47, 53, 54, 63, 65, 68, 69, 70, 72;  
.0300 s. 5; .0330 s. 1; .0340 s. 2; .0350; .0400 s. 3; .0900 s. 13, 16;  
.2000; .2800 s. 3, 5; .3000; .3900 s. 5, 9; .4800 s. 2, 3, 4; .5000 s. 2;  
.5600; .6000 s. 1; .6200 s. 4; .6600 s. 13 (repealed)..... 523

### Education Department

3525.1350 (proposed exempt)..... 608

### Health Department

4604.0200; .0410; .0420; .0430; .0600; .0810; .0815; .0820; .0900;  
.1010; .1020 (adopted)..... 557

### Labor and Industry Department (DLI)

#### Occupational Safety and Health Division

5205.0010 (adopted exempt)..... 610  
5210.0007; .0536; .0539 (proposed)..... 605

### Natural Resources Department (DNR)

6216.0400; 6254.0600; 6262.0100; .0300; .0576; .0577  
(adopted expedited emergency)..... 475

6216.0400 s. 1; 6254.0600 s. 7; 6262.0100 s. 7; .0300 s. 5; .0576;  
.0577 published in the *State Register*, April 2, 2012, volume 36,  
page 1155 (repealed expedited emergency)..... 475

6232.2500; 6240.0200 (adopted expedited emergency)..... 478

6232.2500, published in the *State Register*, volume 38, page 169,  
August 5, 2013; and 6240.0200, published in the *State Register*,  
volume 38, page 300, September 3, 2013 (repealed expedited  
emergency)..... 478

### Public Safety Department (DPS)

7422.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900;  
.1000; .1100; .1200; 1300 (proposed)..... 577

### Gambling Control Board

7861.0210; .0215; .0260; .0270; .0280; .0285; .0290; .0300; .0310;  
.0320; 7863.0210; .0220; .0250; .0260; .0270; 7864.0210; .0230;  
.0235; .0240; 7865.0240 (proposed)..... 553

### Human Services Department

9533.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080;  
.0090; .0100; .0110; .0120; .0130; .0150; .0160;  
.0170; .0180 (adopted)..... 523

# Proposed Rules

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

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

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

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

## Minnesota Department of Labor and Industry (DLI)

### Division of Occupational Safety and Health

#### Proposed Permanent Rules Relating to OSHA Filing and Service

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendment to Rules Regulating the Filing and Service of Various Notices and Documents, *Minnesota Rules*, parts 5210.0007, 5210.0536, and 5210.0539; Revisor's ID Number RD4190

**Introduction.** The Department of Labor and Industry, Division of Occupational Safety and Health (the "Department"), intends to adopt rules without a public hearing following the procedures in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.22 to 14.28 and the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You may submit written comments on the proposed rules or a written request that a hearing be held on the rules, or both, until Thursday, December 12, 2013.

**Agency Contact Person.** You must submit comments or questions on the rules and written requests for a public hearing to the Department's contact person. The contact person for this rulemaking is Patricia Munkel-Olson at the Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, **phone:** (651) 284-5006, **fax:** (651) 284-5725, or **e-mail to:** [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about permitting affected parties to file with the Department notices of contest and letters of contest, progress reports, and other abatement documentation by email or other reliable method of electronic transmission. The statutory authority to adopt the rules is *Minnesota Statutes* § 182.657. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed rules are also posted on the Department's rulemaking docket, which is located at [http://www.dli.mn.gov/PDF/docket/5210\\_docket.pdf](http://www.dli.mn.gov/PDF/docket/5210_docket.pdf).

**Comments.** You have until 4:30 p.m. on Thursday, December 12, 2013, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Department encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. 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 public hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on Thursday, December 12, 2013. Your written request for a public hearing must include your name and address. 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

# Proposed Rules

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

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

**Modifications.** The Department may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the to the Department, and 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.

**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 it or obtain copies for the cost of reproduction by contacting the agency contact person. Alternatively, the statement of need and reasonableness is posted on the Department's rulemaking docket located at: [http://www.dli.mn.gov/PDF/docket/5210\\_docket.pdf](http://www.dli.mn.gov/PDF/docket/5210_docket.pdf).

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

**Adoption and Review of Rules.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will then 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 Department submits the rules to the office. If you want to be so notified, receive a copy of the adopted rules, or register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 29 October 2013

Cynthia Valentine, Director Workplace Safety  
Occupational Safety and Health Division  
Minnesota Department of Labor and Industry

## 5210.0007 FILING; FACSIMILE.

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

Subp. 2. **Filing by facsimile.** Documents may be filed by facsimile. Filing is completed at the time that the facsimile is received by the commissioner and has the same force and effect as the original. A faxed document will not be considered filed unless all pages are successfully transmitted via facsimile. Documents received by facsimile after 4:30 p.m. ~~Central Standard Time~~ are deemed filed on the next day.

~~Within five days after the commissioner has received the transmission, the party filing the document must file with the commissioner the original signed document.~~

Subp. 2a. **Filing electronically.** Notices of contest and letters of contest under parts 5210.0536 and 5210.0539 and progress reports and other abatement documentation under part 5210.0532, subpart 2, item C, may be filed electronically by e-mail or other reliable method of electronic transmission. Filing is completed at the time that the electronic transmission is received by the commissioner and has the same force and effect as the original. An electronically transmitted document will not be considered filed unless all pages are successfully transmitted electronically. Documents received electronically after 4:30 p.m. are deemed filed on the next business day.

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

## 5210.0536 EMPLOYER CONTEST.

### Subpart 1. Posting and service.

A. The employer shall, on or before the date a notice of contest is required to be filed with the commissioner, post a copy of the notice of contest form where the citation and notification of penalty or notification of failure to abate is required to be posted. The notice of contest form must remain posted until the date of the hearing or earlier final disposition of the contest.

B. If there are any affected employees who are represented by an authorized employee representative, the employer shall, on or before the date a notice of contest is required to be filed with the commissioner, serve a copy of the notice of contest form upon the representative.

C. Certification of the service and posting required by this subpart must be notarized and filed with the commissioner as provided on the notice of contest form.

Subp. 2. **Filing.** The notice of contest form must be filed within 20 calendar days of the date the employer receives the citation and notification of penalty or notification of failure to abate. The day the notice of contest form is received shall not be included in calculating the 20 calendar days. The last day of the 20-day period shall be included, unless it is a Saturday, Sunday, or state holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or state holiday. A notice of contest form may be filed with the commissioner by postage prepaid first class mail, personal delivery, or facsimile, or electronic transmission according to part 5210.0007. If the notice of contest form is not posted, served, and filed within 20 days of the date the employer receives the citation and notification of penalty or notification of failure to abate, the citation and notification of penalty or notification of failure to abate become a final order of the commissioner and is not subject to review by any court or agency.

## 5210.0539 EMPLOYEE AND AUTHORIZED EMPLOYEE REPRESENTATIVE CONTESTS.

### Subpart 1. Posting and service.

A. The employee or authorized employee representative shall, on or before the date the employee notice of contest form is filed with the commissioner, serve the fully completed employee notice of contest form upon the cited employer. Immediately upon receipt, the employer shall post a copy of the employee notice of contest form where the citation and notification of penalty or notification of failure to abate is required to be posted by part 5210.0530, subpart 3. The notice of contest form must remain posted until the date of the hearing or earlier final disposition of the contest.

B. If there are any other affected employees who are represented by another authorized employee representative, the contesting employee or authorized employee representative shall, on or before the date the employee notice of contest form is required to be filed with the commissioner, serve a copy of the notice of contest form upon that authorized employee representative.

C. The certification of posting and service required by this subpart must be notarized and filed with the commissioner as provided on the employee notice of contest form.

### Subp. 2. Filing.

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

B. Within seven days of the employee's or authorized employee representative's receipt of the employee notice of contest form, the employee or authorized employee representative shall file the fully completed form with the commissioner. The day the notice of contest form is received shall not be included in calculating the seven calendar days. The last day of the seven-day period shall be included, unless it is a Saturday, Sunday, or state holiday, in which event the period runs until the next day which is not a Saturday, Sunday, or state holiday. An employee notice of contest form may be filed with the commissioner by postage prepaid first class mail, personal delivery, or facsimile, or electronic transmission according to part 5210.0007.

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

**EFFECTIVE DATE.** The amendments to *Minnesota Rules*, parts 5210.0007 to 5210.0539, are effective five working days after the notice of adoption is published in the *State Register*, or January 1, 2014, whichever is later.

## Expedited Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited rules when conditions exist that do not allow the Commissioner to comply with the requirements for normal 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 conditions. Expedited rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain conditions.

Expedited rules are effective for the period stated or up to 18 months. Specific *Minnesota Statute* citations accompanying these expedited 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 Education

### Proposed Expedited Rules on Special Education Infant and Toddler Intervention Services

#### NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

#### Proposed Amendment to Rules Governing Special Education Infant and Toddler Intervention Services, *Minnesota Rules*, 3525.1350; Revisor's ID Number 4195.

**Introduction.** The Department of Education intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until December 15, 2013.

**Agency Contact Person.** You must submit comments or questions on the rules to: Kerstin Forsythe Hahn at the Minnesota Department of Education, 1500 Highway 36, Roseville, MN, 55113, **phone:** (651) 582-8583; **fax:** (651) 582-8725; **e-mail:** [kerstin.forsythe@state.mn.us](mailto:kerstin.forsythe@state.mn.us).

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules are about special education intervention services for infant and toddlers. The expedited rulemaking process is being used because the federal Office of Special Education Programs (OSEP) has given the department approval for our Part C application contingent on promptly modifying our state rules to reflect recent changes to federal law. New Part C of IDEA regulations were passed into law on September 28, 2011. These new regulations went into effect on July 1, 2012. OSEP wants our state rules to be in compliance with these new regulations as soon as possible following the implementation of the new Part C federal regulations. New Part C of IDEA regulations were passed into law on September 28, 2011 and went into effect on July 1, 2012. Minnesota must modify its state rules to be in compliance with these regulations to avoid any lapse in Federal Part C funding. State rules must also comply with the new regulations to ensure that Minnesota continues to provide high quality and necessary services to infant and toddlers with disabilities and their families. Minnesota has provided assurances to OSEP that the state is implementing Infant and Toddler Intervention services in a manner consistent with the federal regulations while we complete the necessary rule changes.

The statutory authority to adopt the rules under the expedited rulemaking process is 2013 Minnesota Session Law, Chapter 116, Article 5, Section 29. A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may be viewed on the Department of Education's rulemaking webpage.

**Comments.** You have until 4:30 p.m. on December 15, 2013, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also be make any comments on the legality of the proposed rules during this comment period.

**Modifications.** The agency may modify the proposed expedited rules using either of two avenues: The agency may modify the rules directly so long as the modifications do not make them substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c). Or the agency may adopt substantially different rules if it follows the procedure under *Minnesota Rules*, part 1400.2110. If the final rules are identical to the rules originally published in the State Register, the agency will publish a notice of adoption in the State Register. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy

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# Expedited Rules

of the changes in the *State Register*. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

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

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

**Adoption and Review of Expedited Rules.** The agency may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 31 October 2013

Brenda Cassellius, Commissioner  
Department of Education

## 3525.1350 INFANT AND TODDLER INTERVENTION SERVICES.

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

Subp. 2. **Criteria for birth through two years of age.** The team shall determine that a child from birth through the age of two years is eligible for infant and toddler intervention services if:

A. the child meets the criteria of one of the disability categories in United States Code, title 20, chapter 33, sections 1400, et seq., as defined in Minnesota Rules; or

B. the child meets ~~one of the criteria for developmental delay in subitem (1) or the criteria in subitem (2), or (3):~~

(1) the child has a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay regardless of whether the child has a demonstrated need or delay; ~~or~~

(2) the child is experiencing a developmental delay that is demonstrated by a score of 1.5 standard deviations or more below the mean, as measured by the appropriate diagnostic measures and procedures, in one or more of the following areas:

(a) cognitive development;

(b) physical development, including vision and hearing;

(c) communication development;

(d) social or emotional development; and

(e) adaptive development; ~~or~~

(3) the child's eligibility is established through the application of informed clinical opinion. Informed clinical opinion may be used as an independent basis to establish a child's eligibility under this part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments to establish eligibility.

Subp. 3. [Renumbered 3525.1351]

Subp. 4. **Evaluation.** ~~The evaluation used to determine whether a child is eligible for infant and toddler intervention services must be conducted within the timelines established in Code of Federal Regulations, title 34, part 303. It must be based on informed clinical opinion; must be multidisciplinary in nature, involving two or more disciplines or professions; and must be conducted by personnel trained to utilize appropriate methods and procedures. The evaluation must include:~~

~~A. a review of the child's current records related to health status and medical history;~~

# Expedited Rules

B: an evaluation of the child's levels of cognitive, physical, communication, social or emotional, and adaptive developmental functioning;

C: an assessment of the unique needs of the child in terms of each of the developmental areas in item B; and

D: at least one documented, systematic observation in the child's daily routine setting by an appropriate professional or, if observation in the daily setting is not possible, the alternative setting must be justified.

Evaluation of the child and assessment of the child and family will be conducted in a manner consistent with *Code of Federal Regulations*, title 34, section 303.321.

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

## Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

**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 Labor and Industry (DLI) Adopted Exempt Permanent Rules Adopting Federal OSHA Standards Regarding Cranes and Derricks

The rules proposed and published at *State Register*, Volume 38, Number 13, pages 398-399, September 23, 2013 (38 SR 398), are adopted as proposed.

# Executive Orders

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

## Office of the Governor

### Emergency Executive Order 13-12: Amending Emergency Executive Order 13-11, and Extending Relief from Regulations to Motor Carriers and Drivers Operating in the State of Minnesota

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

**WHEREAS**, on October 23, 2013, I issued Emergency Executive Order 13-11, and exempted motor carriers and drivers transporting propane and anhydrous ammonia to areas affected by acute shortages of propane in the state, from the regulations incorporated in *Minnesota Statutes*, section 221.0314, subdivision 9, pertaining to hours of service; and

**WHEREAS**, the late harvest of the corn crop in Minnesota and across the upper Midwest is expected to continue for at least another 15 – 20 days; and

**WHEREAS**, the corn harvest is both larger and wetter than previously known, creating a large and extended need for propane supplies; and

**WHEREAS**, the propane distribution system has not been able to recover from the large draw; and

**WHEREAS**, the Cochin Pipeline, which transports propane from Canada to the United States, will be shut down for line reversal repair operations from November 27 – December 17, 2013, stressing the distribution system further.

**NOW, THEREFORE**, I hereby order that Emergency Executive Order 13 – 11 is amended, and the following:

1. A state of emergency continues in Minnesota that requires extended relief from regulations incorporated in *Minnesota Statutes*, section 221.0314, subdivision 9, pertaining to hours of service for carriers and drivers of motor vehicles providing direct assistance in emergency relief efforts.

2. Motor carriers and drivers transporting propane and anhydrous ammonia to affected areas of the state and providing direct assistance for emergency relief efforts, are exempted from the regulations incorporated in *Minnesota Statutes*, section 221.0314, subdivision 9, pertaining to hours of service.

3. Nothing in this order shall be construed to relieve motor carriers and drivers transporting supplies and materials and providing direct assistance for emergency relief efforts from regulations pertaining to driver qualifications; driving of commercial motor vehicles; commercial drivers' licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.

4. No motor carrier operating under the terms of this order shall require or allow an ill or fatigued driver to operate a motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to service.

5. Upon the expiration of this order, or when a driver or carrier ceases to provide direct assistance to the emergency relief effort, a driver that has had at least thirty-four consecutive hours off-duty must be permitted to start his or her on-duty status hours and 60/70-hour clock at zero.

# Executive Orders

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Pursuant to *Minnesota Statutes*, section 4.035, subdivision 2, this Emergency Executive Order is effective immediately and must be filed with the Secretary of State and published in the *State Register* as soon as possible after its issuance. Emergency relief from regulations for motor carriers and drivers transporting propane and anhydrous ammonia to affected areas of the state remains in effect until November 22, 2013 or until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, whichever occurs first. For purposes of this Emergency Executive Order, direct assistance is defined in *Minnesota Statutes*, section 221.0269, subdivision 3, paragraph (c). This Emergency Executive Order may be extended in accordance with *Minnesota Statutes*, section 221.0269, subdivision 2.

In Testimony Whereof, I have set my hand on this 6th day of November, 2013.

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

Filed According to Law

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

## Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Minnesota Department of Natural Resources (DNR) Commissioner's Order: Vacating Game Refuges that Have Been Open to Hunting for at Least Five Years

Date: **November 1, 2013**  
Statutory authority: ***Minnesota Statutes*, 97A.085, subd. 9**

### BACKGROUND:

The following refuges have been open to the hunting of all species for at least the past five years under *Minnesota Rule*, chapters 6230 or 6240. None of the refuges serve the wildlife management purpose for which they were originally established. Vacating these refuges will streamline hunting regulations, reduce posting requirements and allow additional flexibility for private landowners as well as hunters.

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# Commissioner's Orders

## ORDER:

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, section 97A.085 subdivision 9, that the following refuges are vacated:

Lin Lake, Chisago County; Austin, Mower County; Swan Lake #2, Nicollet County; Sand Dunes, Sherburne County; Stearns County, Stearns County; Madelia, Watonwan County; St. Croix River, Washington County; Stillwater, Washington County; Sauk Rapids-Rice, Benton County; Douglas County, Douglas County; Otter Tail, Otter Tail County.

Date signed: 31 October 2013

Tom Landwehr, Commissioner  
Department of Natural Resources

## 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, state grants and loans, and state contracts

## Minnesota Comprehensive Health Association (MCHA) Notice of Finance Committee Meeting 20 November 2013

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Finance Committee will be held at 10:30 a.m. on Wednesday, November 20th, 2013

The meeting will be initiated at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN; it should be noted that some or all attendees will participate telephonically.

If anyone wishes to attend or participate in this meeting please contact MCHA's Executive Office at (952) 593-9609 for additional information.

# Official Notices

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## Executive Council

### State Board of Investment

### Land Exchange Board

### Investment Advisory Council

## Official Notice of Meetings 19 November 2013 and 11 December 2013

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Wednesday, December 11, 2013 at 10:00 A.M. in Room 123, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Tuesday, November 19, 2013 at 12:00 Noon at the State Board of Investment, Board Room (Main Floor), 60 Empire Drive, St. Paul, MN.

## Minnesota Department of Health (MDH)

### Division of Compliance Monitoring

### Managed Care Systems Section

## Notice of Application for Essential Community Provider Status by Metropolitan Community Services

**NOTICE IS HEREBY GIVEN** that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by Metropolitan Community Services, 5811 Cedar Lake Road, St Louis Park, MN 55416.

An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

For more information contact:

Michael McGinnis  
Managed Care Systems Section  
Division of Compliance Monitoring  
Department of Health  
P.O. Box 64882  
St. Paul, MN 55164-0882  
**Phone:** (651) 201-5174

## Minnesota Department of Human Services (DHS)

### Continuing Care Administration

## Notice of Request for Proposals for the Home and Community Based Services Performance-based Incentive Payment Program

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services (DHS), Continuing Care Administration, is seeking proposals for innovative projects ranging from 12 to 18 months with an anticipated started date of May 15, 2014, to improve the quality of life of home and community-based services participants in a measurable way, improve the quality of services in a measurable way, or deliver good quality services more efficiently. The RFP is open to any provider that serves people with disabilities and/or older adults

through at least one of the Medical Assistance (MA) HCBS Waiver Programs (*Minnesota Statutes* § 256B.0915, 256B.092, 256B.49 and 256B.5013), and/or the Alternative Care Program (*Minnesota Statutes* § 256B.0913), or is an intermediate care facility for persons with developmental disabilities provider (*Minnesota Statutes* § 256B.5013). Proposals will also be accepted from providers of MA State Plan-funded Home Care Services (*Minnesota Statutes* § 256B.0651), however no awards will be given until legislation is enacted to include them as an eligible entity.

**Funds available:** Approximately \$3.6 million state share is available, or up to \$7.2 million contingent on federal approval of matching funds.

Electronic submission of proposals via email must be received by 4:00 p.m. Central Time on Monday, January 13, 2014. Completed proposals must be emailed to: [DHS.hcbstpipp@state.mn.us](mailto:DHS.hcbstpipp@state.mn.us)

Late, faxed, or mailed proposals will not be considered.

For more information contact:

Kari Benson  
Aging and Adult Services Division  
Minnesota Department of Human Services  
[DHS.hcbstpipp@state.mn.us](mailto:DHS.hcbstpipp@state.mn.us)

**NOTE:** This is the only person designated to answer questions regarding the request for proposal and should only be contacted by email. Other department personnel are NOT allowed to discuss the Request for Proposals with anyone, including responders, before the proposal submission deadline.

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 (DHS) Health Care Administration Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program and the MinnesotaCare Program

This notice is 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 Medicaid services.

This notice corrects information published in the *State Register* on June 24, 2013, related to Medicaid reimbursement rates for drugs administered under the 340B drug pricing program.

Effective January 1, 2014, or upon federal approval, whichever is later, MA will pay the wholesale acquisition cost minus forty percent, plus a dispensing fee for drugs administered under the 340B drug pricing program. There will be a twenty percent discount for 340B drugs administered in an outpatient setting. MA will no longer pay for 340B drugs dispensed by 340B contract pharmacies. *Minnesota Laws 2013*, Chapter 108, Article 6, Sections 9 and 10.

For more information, please contact Sean Barrett at (651) 431-2298.

# Official Notices

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## Minnesota Department of Labor and Industry (DLI)

### Workers' Compensation Division

#### REQUEST FOR COMMENTS on Possible Rules Governing Long-term Use of Opioids or Other Scheduled Medication, *Minnesota Rules*, Part 5221.6600; Revisor's ID Number RD4229

**Subject of Rules.** The Minnesota Department of Labor and Industry requests comments about its possible adoption of rules governing the long-term use of opioids or other scheduled medication to alleviate intractable pain and improve function for individuals with workers' compensation injuries. The rules may include the use of written contracts between the injured worker and the health care provider who prescribes the medication.

**Persons Affected.** The rules would likely affect injured workers, health care providers who treat injured workers, employers of injured workers and workers' compensation insurers.

**Statutory Authority.** *Minnesota Statutes*, § 176.83, subd. 5 (b) (7), authorizes the commissioner of the department to adopt rules, in consultation with the Medical Services Review Board (MSRB), that establish standards and procedures for health care provider treatment. The rules must be used to determine whether a provider of health care services and rehabilitation services, is performing procedures or providing services at a level or with a frequency that is excessive, unnecessary or inappropriate under *Minnesota Statutes* § 176.135 based upon accepted medical standards for quality health care and accepted rehabilitation standards. An amendment to *Minnesota Statutes* § 176.83, subd. 5, enacted during the last legislative session, authorizes the adoption of rules governing long-term use of opioids or other scheduled medication and written contracts between the injured worker and the health care provider who prescribes the medication.

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

**Rules Drafts.** The department has drafted possible rules, which are under discussion with the MSRB. A draft of the possible rules is available on the department's rulemaking Web page at [www.dli.mn.gov/PDF/docket/5221\\_6020\\_8900TrtmPar\\_2.pdf](http://www.dli.mn.gov/PDF/docket/5221_6020_8900TrtmPar_2.pdf). The dates and agenda of MSRB meetings are on the department's website at [www.dli.mn.gov/Msrb.asp](http://www.dli.mn.gov/Msrb.asp).

**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules and requests for more information about these possible rules should be directed to: Kate Berger at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155; **phone:** (651) 284-5295; **fax:** (651) 284-5725; or **e-mail at:** [dli.rules@state.mn.us](mailto:dli.rules@state.mn.us).

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

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

Dated: Oct. 29, 2013

Ken B. Peterson, Commissioner  
Department of Labor and Industry

**Metropolitan Council****Notice of Public Meeting on 2014 Unified Budget and 2013, Payable 2014, Levies**

**Wednesday, December 11, 2013, 6:00 p.m.,  
Metropolitan Council, Chambers,  
390 N. Robert Street, St. Paul, MN 55101**

The Metropolitan Council will discuss the 2014 Unified Budget and 2013, Payable 2014, Levies and the public will be allowed to comment.

The 2014 Unified Budget, which includes the Operating Budget, Capital Program and Property Tax Levies, will be available on November 14, 2013. The documents will be available on the Council's website at: [www.metrocouncil.org](http://www.metrocouncil.org). Printed copies will be available at no charge from the Council at 390 N. Robert Street, St. Paul. Call (651) 602-1140 or e-mail: [public.info@metc.state.mn.us](mailto:public.info@metc.state.mn.us)

Upon request, the Council will provide reasonable accommodations to persons with disabilities.

- The procedure for public comment will be as follows:
- Persons will be called to speak in the order in which they have registered. Individuals may register to speak in advance by calling (651) 602-1140.
- Individuals will have 3 minutes each and designated representatives of groups will have 5 minutes. Once all speakers have presented, speakers may request additional time to make further comments.
- The chair shall have discretion in limiting or extending testimony by any person.

Comments will also be accepted prior to December 11<sup>th</sup>. To be included in the official record, comments must be received before 5:00 p.m., Tuesday, December 10, 2013. You may submit comments for the official record in one of the following ways:

- Mail: Metropolitan Council, Public Information, 390 N. Robert Street, St. Paul, MN 55101
- Public Comment Line: (651) 602-1500.
- **E-mail:** [public.info@metc.state.mn.us](mailto:public.info@metc.state.mn.us)
- **TTY:** (651) 291-0904

At the close of the public comment period, the Council will prepare a hearing summary. To request a copy of the hearing summary, call the Metropolitan Council at 651-602-1140, or 651-291-0904 (TTY).

**Minnesota Pollution Control Agency (MPCA)****Environmental Analysis and Outcomes Division****Notice of Triennial Standards Review and Request for Public Comment on the  
Need for Amendments and Revisions to Rules Governing Water Quality,  
Minnesota Rules chapters 7050 and 7052**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is conducting a Triennial Standards Review (TSR) to obtain public input on the need for amendments and revisions to rules governing state water quality standards (WQS).

The TSR is a requirement under the federal Clean Water Act (CWA) that states review their WQS every three years and amend and update them if necessary. The purpose of the TSR is to ensure an opportunity for the public to comment upon the need for revisions to state WQS. Rulemaking to implement revisions to state WQS is conducted separately from the TSR. Currently there are several on-going WQS amendment projects proceeding through rulemaking, each with its own public comment period. Information about these projects is available in the MPCA's public rulemaking docket (<http://www.pca.state.mn.us/index.php/view-document.html?gid=16321>).

For the TSR, the MPCA requests information and opinion from the public on any subject matter contained in Minnesota Rules chapters. 7050 and 7052 that should be considered for revision. In addition, the MPCA requests public comment on topics it is considering for future revisions to state WQS. This request fulfills the federal CWA requirement that states review their WQS every three years and amend and update them if necessary.

# Official Notices

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**Subjects for Comment.** The MPCA is seeking comments from all parties with an interest in or information about Minnesota's lakes, rivers, streams, wetlands and groundwater. The MPCA requests information and opinion from the public on any subject matter contained in *Minnesota Rules* chapters 7050 and 7052 that should be considered for revision.

Chapter 7050 includes provisions to protect Minnesota's waters from pollution, including:

- A classification system of designated beneficial uses for both surface and ground waters (e.g., drinking water, aquatic life and recreation, etc.), and a listing of specifically classified water bodies.
- Numeric and narrative WQS that protect those beneficial uses.
- Nondegradation provisions.
- Provisions for the protection of wetlands.
- Methods for the determination of site-specific criteria for toxic pollutants.
- Other provisions related to the protection of surface and groundwater from point and nonpoint source pollution.

Chapter 7052 provides standards specific to surface waters in the Lake Superior Basin. Chapter 7052 establishes aquatic life, human health, and wildlife WQS and criteria for Great Lakes Initiative pollutants, nondegradation standards and implementation procedures for deriving effluent limitations from these standards and criteria.

Note that *Minnesota Rules* chapters 7050 and 7052 include language regarding the issuance of variances to state WQS. The MPCA seeks comments from all parties with an interest in or information about variances to state WQS granted by the MPCA. Active variances as of September 2013 are listed on the MPCA's website: <http://www.pca.state.mn.us/mvri148b>.

The MPCA is considering the topics below for future revisions to state WQS. The MPCA particularly seeks the public's input regarding these topics, their relative importance, and any technical information relating to the WQS revisions and amendments being considered. Note that the MPCA has not decided on the exact scope of WQS revisions being considered:

1. Revision of or additions to pollutant-specific human health-based WQS, employing updated human-health based WQS methods (these methods are anticipated to be adopted into *Minnesota Rules* 7050.0222 by December 2014). The list of WQS for possible update include: any toxic pollutant listed in *Minnesota Rules* 7050.0220, 7050.0222 or 7052.0100 or any other surface water pollutant deemed a priority.
2. Revision of recreational water quality criteria for human health protection from surface water pathogens, specifically *Escherichia coli* (*E. coli*), employing 2012 U.S. Environmental Protection Agency (EPA) 304(a) Recreational Water Quality Criteria <http://water.epa.gov/scitech/swguidance/standards/criteria/health/recreation/upload/RWQC2012.pdf>.
3. Revision of the approach for Class 1, *Domestic Consumption*, designations and associated WQS for groundwater and surface water for consistency with other state regulations.
4. Additions or revisions of numeric WQS for protection of aquatic life based on EPA 304(a) Ambient Water Quality Criteria or any other EPA criteria published since 2004. Specific pollutants under consideration include cadmium\*, copper\*, nonylphenol\*, acrolein, ammonia, carbaryl, diazinon, tributyltin and selenium (in draft).
5. Revision of the Class 2 aquatic life standard for chloride\*.
6. Addition of an MPCA-derived Class 2 aquatic life WQS for nitrate\*.
7. Revision to and update of existing Class 3 (Industrial Consumption) and Class 4 (Agriculture and Wildlife) designations and associated WQS\*. (Note: this does not include update of existing Class 4 designations and WQS related to the identification of waters used for production of wild rice and possible modification of the existing sulfate standard for protection of wild rice, which is already a priority for revision.)
8. Updates to the list of outstanding resource value waters in *Minnesota Rules* 7050.0180.
9. Review of limited resource value waters (Class 7).

\* this WQS or amendment topic was selected as a priority during the 2008 TSR but for various reasons has not advanced to rulemaking; this topic is being re-prioritized as part of the 2013 TSR.

Further information about each topic being considered is available at the MPCA's website on the water quality standards webpage, under Active Projects: <http://www.pca.state.mn.us/qzqh1081>.

**Statutory Reference.** This request for comments and the associated public meeting meet the requirements for conducting a triennial standards review set forth in Section 303(c)(1) of the Clean Water Act and the *Code of Federal Regulations* in 40 CFR § 131.20, 40 CFR § 130.5(b)(6), and 40 CFR § 25.5.

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## Official Notices

**Public Comment.** Interested persons or groups may submit written comments or information on the revisions being considered by the MPCA or any other subject matter contained in *Minnesota Rules* 7050 or 7052 until 4:30 p.m. on Wednesday, January 15, 2014. All written comments submitted by this time will become part of the TSR record. Please send comments to the following address:

**By mail:** Minnesota Pollution Control Agency  
*Attn: Angela Preimesberger, WQS Technical Coordinator*  
520 Lafayette Road North  
St. Paul, MN 55155-4194

**By email:** [minnrule7050@pca.state.mn.us](mailto:minnrule7050@pca.state.mn.us)

**Public Meeting and Webcast.** The MPCA has scheduled a public meeting for interested parties to provide input on the need for amendments and revisions to rules governing WQS and the topics being considered. The public meeting will be held on **December 11, 2013** from 1:30 p.m. to 4:30 p.m. at the MPCA's office at 520 Lafayette Road North, St. Paul, MN 55155-4194.

The meeting will be webcast for viewing live by parties at off-site locations; viewers may send in questions to the speakers during the public meeting via email. After the public meeting, a recording of the webcast will be posted on the MPCA's website for review by those unable to attend.

The webcast will be available at the following location:

<http://www.pca.state.mn.us/index.php/about/mpca/mpca-news/webcasts/mpca-webcasts.html>.

More information about how to participate in the public meeting via the webcast is available from this location.

Additional information: Directions to the MPCA St. Paul office and parking information can be found at:

<http://www.pca.state.mn.us/about/regions/stpaul.html>.

Please note that access to MPCA offices is controlled and to attend the meeting you will be asked to sign in at a security desk and provide photo identification, such as a Minnesota driver's license.

### **MPCA Contacts.**

Questions regarding the scope of the TSR or technical comments or questions regarding WQS should be directed to:

Angela Preimesberger  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
**Telephone:** (651) 757-2656 or  
**TTY:** (651) 282-5332  
**Toll-free:** 1-800-657-3864  
**E-mail:** [angela.preimesberger@state.mn.us](mailto:angela.preimesberger@state.mn.us)

Questions regarding the TSR process, the December 11, 2013 public meeting or how to submit comments or questions about the TSR should be directed to:

Catherine O'Dell  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194  
**Telephone:** (651) 757-2621, or  
**TTY:** (651) 282-5332  
**Toll-free:** 1-800-657-3864  
**E-mail:** [Catherine.odell@pca.state.mn.us](mailto:Catherine.odell@pca.state.mn.us)

# State Contracts

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

Dated: 25 October 2013

John Linc Stine, Commissioner  
Minnesota Pollution Control Agency

## Minnesota Pollution Control Agency (MPCA) Municipal Division Notice for the Municipal Separate Storm Sewer System (MS4) Stormwater Pollution Prevention Program (SWPPP) Document Public Notice Process

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) intends to establish a special interest e-mail list for the purpose of providing notification to interested persons of the public notice dates for Stormwater Pollution Prevention Program (SWPPP) Documents. Pursuant to the requirements of a Minnesota Court of Appeals ruling, the MPCA is required to provide public notice and opportunity for hearing on the individual proposed Stormwater Pollution Prevention Program Documents for MS4s. The MPCA is establishing a special interest e-mail list for persons requesting to be notified of the specific date each MS4s' proposed SWPPP Document will be placed on public notice. Requests to be placed on the special interest e-mail list for public notice of MS4 SWPPP Documents should be submitted in accordance with the provisions of this public notice.

Approximately 233 MS4s will submit permit applications and SWPPP Documents for coverage under the 2013 reissuance of the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Permit (MNR040000) for MS4s. The permit requires MS4s to develop and implement a SWPPP that is designed to reduce the discharge of pollutants from their storm sewer system and to protect water quality. The SWPPPs must include Best Management Practices (BMPs) for six minimum control measures that are set forth in the NPDES Program regulations 40 *Code of Federal Regulations* § 122.34 (a) and (b).

NPDES/SDS General Permit for Small Municipal Separate Storm Sewer Systems (MS4s)

### Potential Applicants

Any small MS4 in the State of Minnesota that is located within the boundaries of a Federal Bureau of Census-delineated "urbanized area" based on the latest decennial census pursuant to 40 *Code of Federal Regulations* § 122.26 or an MS4 designated by the MPCA for permit coverage under *Minnesota Rules* Chapter 7090.

### Background

The authority to develop and issue a general permit is based on the 1979 United States Environmental Protection Agency (EPA) revisions to the NPDES Program regulations 40 *Code of Federal Regulations* § 122.28 which created a class of permits called general permits. General permits are issued by the MPCA in the State of Minnesota under *Minnesota Statutes* 115 and *Minnesota Rules* 7001.0210. General permits can be issued in states with NPDES authority if the state program includes general permit authority from the EPA. MPCA's general permit program was approved by the EPA on December 15, 1987. This general permit is based in part on federal requirements in 40 *Code of Federal Regulations* § 122.26, and state requirements in *Minnesota Rules* 7001.0210 and *Minnesota Rules* Chapter 7090.

The NPDES/SDS General Permit for small MS4s was first issued June 2002, appealed, and then reissued in 2006 for the period June 1, 2006, to May 31, 2011. The NPDES/SDS Small MS4 General Permit was reissued with an effective date of August 1, 2013, and provides a mechanism to regulate discharges of stormwater from small MS4s. Like the previous permit, the 2013 reissuance of the MS4 Permit will require the permittee to develop and implement a Stormwater Pollution Prevention Program or SWPPP that, if properly designed, reduces the discharge of pollutants to the maximum extent practicable, protects water quality, and satisfies the appropriate water quality requirements of the Clean Water Act. This general permit will provide coverage for approximately 233 small MS4s in the State, and additional MS4s if designated by the MPCA under *Minnesota Rules* Chapter 7090.

To obtain coverage under the proposed permit all current small MS4s are required to submit a complete application in accordance with the schedule identified in the 2013 reissuance of the NPDES/SDS General Permit (MNR040000). New MS4s, which may be designated

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## Official Notices

in the future by the MPCA, will be required to submit an application and SWPPP Document by the date specified in the MPCA Commissioner's designation determination.

All small MS4s are required to submit an annual report on the implementation of their Stormwater Pollution Prevention Program by June 30th of each year, or on another date if established for a MS4 by the MPCA Commissioner.

### Municipal Stormwater Pollution Prevention Program (or SWPPP) Public Notice Process

**NOTICE:** the MPCA intends to establish a special interest e-mail list for the purpose of providing notification to interested persons of the public notice dates for the Stormwater Pollution Prevention Program (SWPPP) Documents for small MS4s.

The MPCA anticipates that the individual SWPPP Documents will be placed on public notice in groups according to the schedule in the 2013 reissuance of the NPDES/SDS Small MS4 General Permit (MNR040000) starting approximately 90 days after the effective date of the permit. Persons on the special interest e-mail list will be notified via e-mail of the specific dates when each MS4 SWPPP Document or group of SWPPP Documents will be public noticed. A link to the MS4 SWPPP Documents on public notice can be retrieved from the MPCA website listed below. NOTE: All MS4 permittees will automatically receive e-mail notification of all MS4 SWPPP Document public notice dates.

To request to be placed on the special interest e-mail list for public notice of MS4 SWPPP Documents, please send an e-mail with your name, complete e-mail address, and telephone number to: [rachel.stangl@state.mn.us](mailto:rachel.stangl@state.mn.us). If you wish to be notified by United States mail of the SWPPP Documents on public notice please submit a letter with your name, complete mailing address, and telephone number to:

Rachel Stangl  
c/o: Minnesota Pollution Control Agency  
MS4 Stormwater Permit Program  
520 Lafayette Road North – 4<sup>th</sup> Floor  
St. Paul, Minnesota 55155-4194

More information about the public notice process of SWPPP Documents and the locations where paper and electronic copies of SWPPP Documents will be available for public review can be retrieved from the MPCA website at: [www.pca.state.mn.us/ms4](http://www.pca.state.mn.us/ms4).

## Minnesota Department of Transportation (MnDOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

### NOTICE OF DEBARMENT

**NOTICE IS HEREBY GIVEN** that the Department of Transportation ("MnDOT") has ordered that the following vendors be debarred for a period of thirty (30) months, effective August 22, 2011 until February 22, 2014:

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

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

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN

# Official Notices

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

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

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

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

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

## State Grants & Loans

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

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

## Minnesota Department of Health (MDH)

### Office of Rural Health and Primary Care

### Notice of Loan Opportunity for the Minnesota Electronic Health Record Revolving Loan Program

The Minnesota Department of Health (MDH) is seeking applications for the Minnesota Electronic Health Record (EHR) Revolving Loan Program to support expanded adoption and effective use of interoperable electronic health record (EHR) systems and electronic health information exchange (HIE) to improve health care outcomes and the provider-patient relationship, and to increase health service delivery efficiencies.

The total amount of funding for the EHR Loan Program is estimated at \$2,500,000. The no-interest loan is for a six-year period beginning after loan fund disbursement, with the first year deferred.

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## State Grants & Loans

A copy of the full Application will be online November 4, 2013, at <http://www.health.state.mn.us/divs/orhpc/funding/index.html#ehr>. A copy may also be obtained by contacting Anne Schloegel at (651) 201-3850 or **e-mail:** [anne.schloegel@state.mn.us](mailto:anne.schloegel@state.mn.us). Applications must be mailed to Anne Schloegel, Minnesota Department of Health, Division of Health Policy, Office of Rural Health and Primary Care, P.O. Box 64882, St. Paul, MN 55164-0882. Courier address for delivery of applications is 85 East 7<sup>th</sup> Place, Suite 220, St. Paul, MN 55101. Applications must be received by 4:30 p.m. on December 19, 2013.

### **Solid Waste Management Coordinating Board (SWMCB) Notice of Request for Proposals for Program Evaluation of the Solid Waste Management Coordinating Board's Community POWER Project**

The Solid Waste Management Coordinating Board (SWMCB) is seeking proposals from qualified firms or individuals to provide evaluation services for its grant program, Community POWER (Partners on Waste Education and Reduction). Complete specifications and details concerning submission requirements are included in the Request for Proposals. The Request for Proposals can be downloaded at [www.swmcb.org/rfps](http://www.swmcb.org/rfps)

Proposals must be received no later than 12:00 p.m. Central Standard Time (CST) on or before Tuesday, December 3, 2013. The SWMCB reserves the right to reject late proposals.

## State Contracts

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

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

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

## Minnesota State Colleges and Universities (MnSCU) Central Lakes College Request for Proposal for Miller Dynasty 700 Welding Equipment

Central Lakes College is requesting proposals for **Miller Dynasty 700 welding equipment**. A copy of the Request for Proposals may be obtained by contacting Debbie Sterriker, 1830 Airport Road, Staples, MN 56479, **phone:** (218) 894-5103.

Proposals must be submitted no later than Tuesday, November 19, 2013 at 1:00 pm CST. All proposals must be sealed and marked "RFP for Miller Dynasty 700 welding equipment". Submit proposals to:

Central Lakes College  
Attn: Debbie Sterriker  
1830 Airport Road  
Staples, MN 56479  
**E-mail:** [dsterrik@clcmn.edu](mailto:dsterrik@clcmn.edu)

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

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

## Minnesota State Colleges and Universities (MnSCU) Board of Trustees Request for Proposals (RFP) for Designer Selection for: Comstock Memorial Union Renovation and Addition

**NOTICE IS HEREBY GIVEN** that the State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Minnesota State University Moorhead (MSUM), through the MSUM Student Union and Student Activities department, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website:  
<http://www.finance.mnscu.edu/facilities/index.html>.

Click on "Announcements." A copy of a predesign is available for review at the same website. An informational meeting is scheduled for 1:00pm on November 21, 2013 in the Comstock Memorial Union Room 205 on the Minnesota State University Moorhead campus, 1104 7<sup>th</sup> Avenue South, Moorhead, MN 56563. All firms interested in this meeting should sign up to attend. To sign up, or to ask project

questions, contact Layne Anderson, Interim Director Student Union and Student Activities, at [layne.anderson@mnstate.edu](mailto:layne.anderson@mnstate.edu).

Proposals must be delivered to Layne Anderson, Minnesota State University Moorhead, Comstock Memorial Union Room 115, 1104 - 7<sup>th</sup> Ave. S., Moorhead, MN 56563, not later than 4:30pm December 4, 2013. 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 (MnSCU) System Office Request for Proposal (RFP) for Master Contract IT Forensic Investigation Services

Minnesota State Colleges and Universities (MnSCU) System Office is requesting proposals to provide forensic investigation services over the next three years. The purpose of this RFP is to have a Master Contract in place so that in the event of a security incident that requires contracted service support, the System Office or any MnSCU College or University can more rapidly acquire those services. MnSCU is seeking to determine the vendor(s) who will bring the most value to the MnSCU system.

Vendor may be engaged in instances of third-party notification where MnSCU data was found on external sources or when websites are compromised for computer crimes. Additionally, the vendor may be engaged to augment current staff in computer investigations to determine if and/or how MnSCU data has been compromised. The vendor may be required to make forensically sound images of computer systems, conduct static and dynamic analysis of malware, analyze system and network logs, and deliver a detailed report of their research and conclusions.

To request a copy of the RFP please contact Dan Duffy at MnSCU State Office, **e-mail:** [dan.duffy@so.mnscu.edu](mailto:dan.duffy@so.mnscu.edu)

All proposals must be received **no later than December 11, 2013 at 3:00 P.M. CT** at Minnesota State Colleges and Universities, System Office, 30 - 7<sup>th</sup> St. E., Suite 350, Receptionist Desk, St. Paul, MN 55101 (Attn: Dan Duffy)

## Minnesota Department of Health (MDH) MN.IT Services at the Minnesota Department of Health Notice of Request for Proposals for Electronic Messaging Services

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health (MDH) is requesting proposals for the purpose of having a vendor provide the agency with a subscription service for secure electronic information exchange based on a directed push approach using the Direct Project specifications and standards (Direct). The vendor/service provider must also have the capability or be willing to develop the capability to provide future secure electronic information exchange service to MDH, via subscription, based on a query & response approach using the CONNECT open source software solution (CONNECT). The vendor/service provider will also develop an automated, secure electronic interface between the Direct implementation and MDH's internal messaging infrastructure and have the capability to extend the interface to support query and response.

CONNECT and Direct are protocols defined and supported by the Office of the National Coordinator for Health Information Technology (ONC) at the US Department of Health and Human Services (HHS), which has created a set of standards, services, and policies that enables the secure exchange of health information over the Internet.

Work is proposed to start January 6, 2014.

Prospective responders may request a copy of the Request for Proposals via email through November 25, 2013. **A request must be**  
(Cite 38 SR 625) *Minnesota State Register*, TUESDAY 12 November 2013 Page 625

# State Contracts

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sent via e-mail to receive the Request for Proposals.

The Request for Proposals can be obtained from:

D. William O'Brien, Project Manager  
MN.IT Services at the Minnesota Department of Health  
**E-mail:** *william.obrien@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the email address above no later than 4:30 p.m., Central Standard Time, November 27, 2013. **Late 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 Judicial Branch Fourth Judicial District Notice of Request for Proposals for Technology Infrastructure Assessment

The Fourth Judicial District is seeking a highly qualified technical consultant specializing in network resource management, data infrastructure and architecture solutions and data center management that can provide an overall assessment and provide recommendations to improve the efficiency and cost-effectiveness of the current data center model; offer a technical assessment of the shared infrastructure environment between the STATE (through the 4th Judicial District) and Hennepin County Information Technology Department; and recommend infrastructure improvements leading to a more responsive and cost-effective infrastructure support model.

A copy of the full RFP is posted on the **Fourth Judicial District's website**. RFP Submission Deadline Date is **Monday, November 25, 2013**. All proposers are encouraged to thoroughly read the entire RFP solicitation.

Questions may be directed to: John Erar, Chief Information Officer, 4th Judicial District, C-1250 Government Center, 300 South Sixth Street, Minneapolis, MN 55487-0421. E-mail: *john.erar@courts.state.mn.us*

## Minnesota Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")

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

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

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

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

under the Minnesota Government Data Practices.

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

Send completed application material to:

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

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

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

New Public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice. Mn/DOT is also posting notices as required by the Taxpayers' Transportation Accountability Act on the above referenced website.

## Non-State Public Bids, Contracts & Grants

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

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

### Dakota County

#### Notice of Request for Proposal (RFP) for Worksite Wellness Intervention

**Notice is hereby given** that Dakota County is seeking a consultant to work on the Worksite Wellness intervention that is part of the State Health Improvement Program (SHIP) for Dakota County Public Health. The qualified consultant will have proven experience working on wellness initiatives in both the private and public sectors.

Examples of work include but are not limited to: working with established worksite wellness partners; recruitment of additional worksite wellness partners; facilitation of baseline assessments; establishment of worksite wellness committees, to include a wellness plan; technical assistance as necessary to guide wellness partners to make policy, environmental and social support changes in healthy eating, physical activity, tobacco cessation, and breastfeeding support; and to monitor and evaluate outcomes.

It is estimated that 1368 hours of consulting time will be needed over the 20 month SHIP grant period to complete this work. This contract will begin on the date of execution (target date mid-January) and will be in effect until October 31, 2015.

Contact: Mary Montagne, Public Health Supervisor  
Dakota County Public Health Department  
1 Mendota Road West, Suite 400  
West St. Paul, MN 55118-4773  
**Phone:** (651) 554-6119  
**E-mail:** [mary.montagne@co.dakota.mn.us](mailto:mary.montagne@co.dakota.mn.us)

The RFP will be posted on Monday, November 12, 2013 at the following website:

<http://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/default.aspx>

Questions may be answered online or by phone until Tuesday, November 19 at 12:00 noon by contacting Mary Montagne at the phone or email address listed above. Deadline for proposals is 12:00 noon (CDT) on Tuesday, December 3, 2013. Late proposals will not be considered.

## Minnesota's Bookstore

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

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

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**ANNUAL COMPILATION & STATISTICAL REPORT OF  
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\$19-95 + tax

**CHILD CARE CENTER LAWS & RULES - NEW EDITION**

Published by the Department of Human Services, 6" x 9", perfect bound, 205-pages, Stock No. 149, \$19.95 + tax

**COSMETOLOGY LAWS - NEW EDITION**

Published by the Cosmetology Board, 6" x 9", Soft binding, 17-pages, Stock No. 110, \$11.00 + tax

**CRIMINAL CODE - NEW EDITION**

Published by the Dept. of Public Safety, 6"x9", Loose leaf, three-hole punch, 730-pages, Stock No. 111, \$38.95 + tax.

**DATA PRACTICES LAWS & RULES - NEW EDITION**

Published by the Department of Administration, 6"x9", perfect bound, 196-pages, Stock No. 99, \$21.95 + tax

**DENTISTRY LAWS & RULES - NEW EDITION**

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