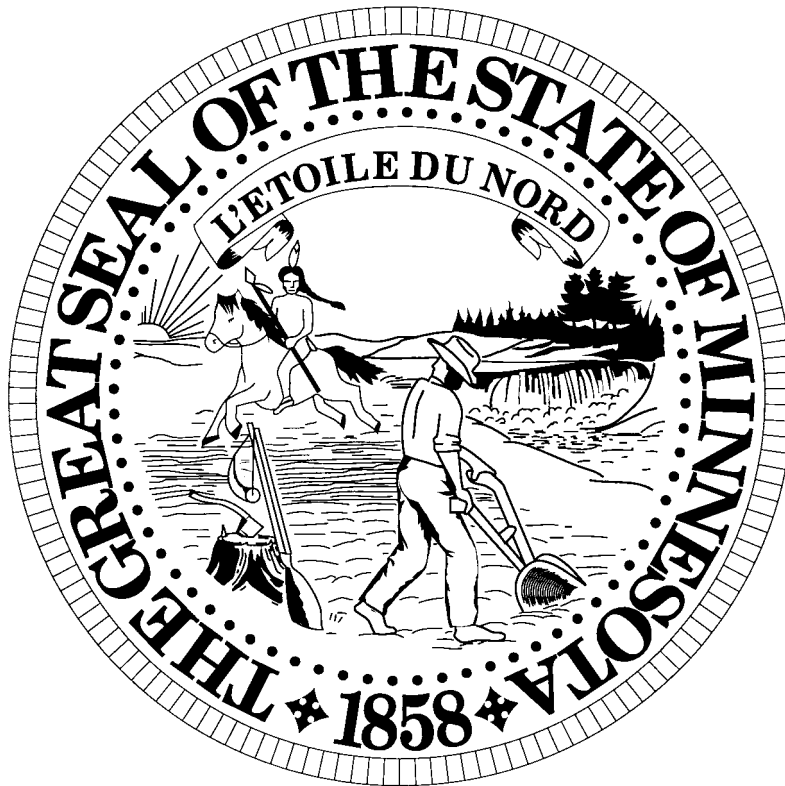


State of Minnesota

# State Register

Rules and Official Notices Edition



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# State Register

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

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- appointments
- proclamations and commendations
- commissioners' orders
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#41	Monday 12 April	Noon Tuesday 6 April	Noon Wednesday 31 March
#42	Monday 19 April	Noon Tuesday 13 April	Noon Wednesday 7 April
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St. Paul, MN 55155 **Website:** [www.courts.state.mn.us](http://www.courts.state.mn.us)

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Commodity, Service and Construction Contracts are published Tuesday and Friday in a bulletin, the *Solicitation Announcements*. Award results are available from the Materials Management Helpline (651) 296-2600. **Website:** [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)

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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. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

## Volume 28, Issue #40

### Labor and Industry Department

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### Natural Resources Department

6232.2800; .2900; .3055 (adopted expedited emergency) ..... 1213

# 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 only be used 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* 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 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 from the date of publication of the rule in the *State Register*. Rules adopted, amended or repealed under clause (3) or (4) are effective upon publication in the *State Register*.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

## Department of Labor and Industry

### Adopted Exempt Permanent Rules Relating to Workers' Compensation Medical and Surgical Procedure Codes

#### 5221.4030 MEDICAL/SURGICAL PROCEDURE CODES.

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

#### Subp. 2b. List of medical/surgical procedure codes.

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

C. Procedure code numbers 30000 to 49999 relate to respiratory, cardiovascular, lymphatic, and diaphragm procedures.

1	2	3	4	5	6	7	8	9	10	11	12
---	---	---	---	---	---	---	---	---	----	----	----

[For text of subitems (1) to (155), see M.R.]

(156) Liver, excision:

47100	A	Wedge biopsy of liver	10.35	10.35	090	2	0	2	1	0
47120	A	Partial removal	33.65	33.65	090	2	0	2	1	0
47122	A	Extensive removal	51.09	51.09	090	2	0	2	1	0
47125	A	Partial removal	47.50	47.50	090	2	0	2	1	0
47130	A	Partial removal	51.77	51.77	090	2	0	2	1	0
47133	X	Removal of donor	0.00	0.00	XXX	9	9	9	9	9
47134	R	Partial removal	57.95	57.95	XXX	2	0	2	1	2
47135	R	Transplantation	<del>31.31</del>	<del>31.31</del>	090	2	0	2	1	2
			<u>131.31</u>	<u>131.31</u>						
47136	R	Transplantation	98.93	98.93	090	2	0	2	1	2

[For text of subitems (157) to (176), see M.R.]

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

F. Procedure code numbers 70010 to 79999 relate to radiology procedures.

1	2	3	4	5	6	7	8	9	10	11	12
---	---	---	---	---	---	---	---	---	----	----	----

[For text of subitems (1) to (31), see M.R.]

# Exempt Rules

(32) Radiation oncology, clinical brachytherapy:

77750	A	Infuse radioelement	7.87	7.87	090	0	0	0	0	0
77750	26 A	Infuse radioelement	6.60	6.60	090	0	0	0	0	0
77750	TC A	Infuse radioelement	1.27	1.27	090	0	0	0	0	0
77761	A	Radioelement application	7.52	7.52	090	0	0	0	0	0
77761	26 A	Radioelement application	5.12	5.12	090	0	0	0	0	0
77761	TC A	Radioelement application	2.40	2.40	090	0	0	0	0	0
77762	A	Radioelement application	11.14	11.14	090	0	0	0	0	0
77762	26 A	Radioelement application	7.69	7.69	090	0	0	0	0	0
77762	TC A	Radioelement application	3.44	3.44	090	0	0	0	0	0
77763	A	Radioelement application	15.80	15.80	090	0	0	0	0	0
77763	26 A	Radioelement application	11.51	11.51	090	0	0	0	0	0
77763	TC A	Radioelement application	4.28	4.28	090	0	0	0	0	0
77776	A	Radioelement application	8.50	8.50	XXX	0	0	0	0	0
77776	26 A	Radioelement application	6.42	6.42	XXX	0	0	0	2	0
77776	TC A	Radioelement application	2.08	2.08	XXX	0	0	0	0	0
77777	A	Radioelement application	14.11	14.11	090	0	0	0	0	0
77777	26 A	Radioelement application	10.06	10.06	090	0	0	0	2	0
77777	TC A	Radioelement application	4.05	4.05	090	0	0	0	0	0
77778	A	Radioelement application	19.95	19.95	090	0	0	0	0	0
77778	26 A	Radioelement application	15.06	15.06	090	0	0	0	2	0
77778	TC A	Radioelement application	4.89	4.89	090	0	0	0	0	0
77781	A	High intensity	21.59	21.59	090	0	0	0	0	0
77781	26 A	High intensity	2.23	2.23	090	0	0	0	0	0
77781	TC A	High intensity	<del>9.36</del>	<del>9.36</del>	090	0	0	0	0	0
			<u>19.36</u>	<u>19.36</u>						
77782	A	High intensity	22.72	22.72	090	0	0	0	0	0
77782	26 A	High intensity	3.36	3.36	090	0	0	0	0	0
77782	TC A	High intensity	19.36	19.36	090	0	0	0	0	0
77783	A	High intensity	24.37	24.37	090	0	0	0	0	0
77783	26 A	High intensity	5.01	5.01	090	0	0	0	0	0
77783	TC A	High intensity	19.36	19.36	090	0	0	0	0	0
77784	A	High intensity	26.91	26.91	090	0	0	0	0	0
77784	26 A	High intensity	7.55	7.55	090	0	0	0	0	0
77784	TC A	High intensity	19.36	19.36	090	0	0	0	0	0
77789	A	Radioelement application	1.93	1.93	090	0	0	0	0	0
77789	26 A	Radioelement application	1.50	1.50	090	0	0	0	0	0
77789	TC A	Radioelement application	0.43	0.43	090	0	0	0	0	0
77790	A	Radioelement handling	1.92	1.92	XXX	0	0	0	0	0
77790	26 A	Radioelement handling	1.44	1.44	XXX	0	0	0	0	0
77790	TC A	Radioelement handling	0.48	0.48	XXX	0	0	0	0	0
77799	C	Radium/radioisotope	0.00	0.00	XXX	0	0	0	0	0
77799	26 C	Radium/radioisotope	0.00	0.00	XXX	0	0	0	0	0
77799	TC C	Radium/radioisotope	0.00	0.00	XXX	0	0	0	0	0

[For text of subitems (33) to (36), see M.R.]

# Exempt Rules

(37) Nuclear medicine, cardiovascular system:

78414	C	Nonimaging heart	0.00	0.00	XXX	0	0	0	0	0
78414	26 A	Nonimaging heart	0.62	0.62	XXX	0	0	0	0	0
78414	TC C	Nonimaging heart	0.00	0.00	XXX	0	0	0	0	0
78428	A	Cardiac shunt imaging	3.24	3.24	XXX	0	0	0	0	0
78428	26 A	Cardiac shunt imaging	1.08	1.08	XXX	0	0	0	0	0
78428	TC A	Cardiac shunt imaging	2.15	2.15	XXX	0	0	0	0	0
78445	A	Vascular flow imaging	2.47	2.47	XXX	0	0	0	0	0
78445	26 A	Vascular flow imaging	0.70	0.70	XXX	0	0	0	0	0
78445	TC A	Vascular flow imaging	1.77	1.77	XXX	0	0	0	0	0
78455	A	Venous thrombosis study	4.81	4.81	XXX	0	0	0	0	0
78455	26 A	Venous thrombosis study	1.01	1.01	XXX	0	0	0	0	0
78455	TC A	Venous thrombosis study	3.80	3.80	XXX	0	0	0	0	0
78457	A	Venous thrombosis imaging	3.60	3.60	XXX	0	0	0	0	0
78457	26 A	Venous thrombosis imaging	1.06	1.06	XXX	0	0	0	0	0
78457	TC A	Venous thrombosis imaging	2.54	2.54	XXX	0	0	0	0	0
78458	A	Venous thrombosis imaging	5.07	5.07	XXX	0	2	0	0	0
78458	26 A	Venous thrombosis imaging	1.24	1.24	XXX	0	2	0	0	0
78458	TC A	Venous thrombosis imaging	3.83	3.83	XXX	0	2	0	0	0
78459	I	Heart muscle imaging	0.00	0.00	XXX	9	9	9	9	9
78459	26 I	Heart muscle imaging	0.00	0.00	XXX	9	9	9	9	9
78459	TC I	Heart muscle imaging	0.00	0.00	XXX	9	9	9	9	9
78460	A	Heart muscle blood	3.45	3.45	XXX	0	0	0	0	0
78460	26 A	Heart muscle blood	1.19	1.19	XXX	0	0	0	0	0
78460	TC A	Heart muscle blood	2.26	2.26	XXX	0	0	0	0	0
78461	A	Heart muscle blood	6.19	6.19	XXX	0	0	0	0	0
78461	26 A	Heart muscle blood	1.68	1.68	XXX	0	0	0	0	0
78461	TC A	Heart muscle blood	4.51	4.51	XXX	0	0	0	0	0
78464	A	Heart image	8.24	8.24	XXX	0	0	0	0	0
78464	26 A	Heart image	1.49	1.49	XXX	0	0	0	0	0
78464	TC A	Heart image	6.75	6.75	XXX	0	0	0	0	0
78465	A	Heart image	<del>3.25</del>	<del>3.25</del>	XXX	0	0	0	0	0
			<u>13.25</u>	<u>13.25</u>						
78465	26 A	Heart image	2.01	2.01	XXX	0	0	0	0	0
78465	TC A	Heart image	<del>1.24</del>	<del>1.24</del>	XXX	0	0	0	0	0
			<u>11.24</u>	<u>11.24</u>						
78466	A	Heart infarct image	3.47	3.47	XXX	0	0	0	0	0
78466	26 A	Heart infarct image	0.96	0.96	XXX	0	0	0	0	0
78466	TC A	Heart infarct image	2.51	2.51	XXX	0	0	0	0	0
78468	A	Heart infarct image	4.59	4.59	XXX	0	0	0	0	0
78468	26 A	Heart infarct image	1.10	1.10	XXX	0	0	0	0	0
78468	TC A	Heart infarct image	3.49	3.49	XXX	0	0	0	0	0
78469	A	Heart infarct image	6.25	6.25	XXX	0	0	0	0	0
78469	26 A	Heart infarct image	1.26	1.26	XXX	0	0	0	0	0
78469	TC A	Heart infarct image	4.99	4.99	XXX	0	0	0	0	0
78472	A	Gated heart	6.61	6.61	XXX	0	0	0	0	0

# Exempt Rules

78472	26	A	Gated heart	1.35	1.35	XXX	0	0	0	0	0
78472	TC	A	Gated heart	5.26	5.26	XXX	0	0	0	0	0
78473		A	Gated heart, multiple	9.89	9.89	XXX	0	0	0	0	0
78473	26	A	Gated heart, multiple	2.02	2.02	XXX	0	0	0	0	0
78473	TC	A	Gated heart, multiple	7.87	7.87	XXX	0	0	0	0	0
78478		A	Heart wall motion	2.34	2.34	XXX	0	0	0	0	0
78478	26	A	Heart wall motion	0.86	0.86	XXX	0	0	0	0	0
78478	TC	A	Heart wall motion	1.48	1.48	XXX	0	0	0	0	0
78480		A	Heart function	2.34	2.34	XXX	0	0	0	0	0
78480	26	A	Heart function	0.86	0.86	XXX	0	0	0	0	0
78480	TC	A	Heart function	1.48	1.48	XXX	0	0	0	0	0
78481		A	Heart first pass	6.34	6.34	XXX	0	0	0	0	0
78481	26	A	Heart first pass	1.35	1.35	XXX	0	0	0	0	0
78481	TC	A	Heart first pass	4.99	4.99	XXX	0	0	0	0	0
78483		A	Heart first pass	9.52	9.52	XXX	0	0	0	0	0
78483	26	A	Heart first pass	2.02	2.02	XXX	0	0	0	0	0
78483	TC	A	Heart first pass	7.50	7.50	XXX	0	0	0	0	0
78491		I	Heart image	0.00	0.00	XXX	9	9	9	9	9
78491	26	I	Heart image	0.00	0.00	XXX	9	9	9	9	9
78491	TC	I	Heart image	0.00	0.00	XXX	9	9	9	9	9
78492		I	Heart image	0.00	0.00	XXX	9	9	9	9	9
78492	26	I	Heart image	0.00	0.00	XXX	9	9	9	9	9
78492	TC	I	Heart image	0.00	0.00	XXX	9	9	9	9	9
78499		C	Cardiovascular procedure	0.00	0.00	XXX	0	0	0	0	0
78499	26	C	Cardiovascular procedure	0.00	0.00	XXX	0	0	0	0	0
78499	TC	C	Cardiovascular procedure	0.00	0.00	XXX	0	0	0	0	0

[For text of subitems (38) to (42), see M.R.]

G. For codes 80000 through 89999, see part 5221.4040.

H. Procedure code numbers 90700 to 99199 relate to medical services.

1	2	3	4	5	6	7	8	9	10	11	12
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[For text of subitems (1) to (9), see M.R.]

(10) Dialysis, end stage renal disease services:

90918		A	ESRD related services	<del>2.34</del>	<del>2.34</del>	XXX	0	0	0	0	0
				<u>12.34</u>	<u>12.34</u>						
90919		A	ESRD related services	9.95	9.95	XXX	0	0	0	0	0
90920		A	ESRD related services	8.79	8.79	XXX	0	0	0	0	0
90921		A	ESRD related services	6.25	6.25	XXX	0	0	0	0	0
90922		A	ESRD related services	0.41	0.41	XXX	0	0	0	0	0
90923		A	ESRD related services	0.33	0.33	XXX	0	0	0	0	0
90924		A	ESRD related services	0.29	0.29	XXX	0	0	0	0	0
90925		A	ESRD related services	0.21	0.21	XXX	0	0	0	0	0

[For text of subitems (11) to (51), see M.R.]

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



# Expedited Emergency Rules

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

## Department of Natural Resources

### Adopted Expedited Emergency Game and Fish Rules: 2004 Bear Season and Permit Procedures

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, sections 97B.405 and 97B.411.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that population and harvest data needed for setting quotas and areas are not available until February and the number of excess licenses remaining after the drawing is not known until after the drawing is conducted in May.

Dated: March 23, 2004

Gene Merriam  
Commissioner of Natural Resources

#### 6232.2800 GENERAL REGULATIONS FOR TAKING BEARS.

Subpart 1. **Bag limit.** A person may not take more than one bear in quota zones or two bears in no-quota zones during any calendar year whether by firearm or archery. Bears taken may be of either sex or any age except that bear cubs may not be taken.

[For text of subs 2 to 8, see M.R.]

#### 6232.2900 BEAR PERMIT PROCEDURES.

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

Subp. 2. **Drawings.** Drawings will be conducted by the department to determine those eligible to purchase a bear license within the bear quota areas. Preference in the drawings will be given to applicants based upon the number of times they have correctly applied for a license in a quota area in previous years but have not been selected. Upon issuance of a quota area license, all accumulated preference will be lost. Obtaining a no-quota bear license will have no effect upon eligibility or preference in the drawings. In quota areas with fewer applicants than available licenses, the remaining available licenses may be ~~issued~~ first offered to unsuccessful applicants for other quota areas on a first-come, first-served basis. Remaining available licenses may be offered to unsuccessful applicants beginning at 12:00 noon on the first Monday in August. To obtain a remaining available license, an unsuccessful applicant must apply individually and in person at an electronic license system agent location or individually through the ELS-Internet or ELS-telephone system. Any remaining available licenses not purchased by unsuccessful applicants may then be issued to any eligible person on a first-come, first-served basis, beginning at 12:00 noon on the second Monday in August. Individuals who purchase these remaining available licenses will retain their accumulated preference.

[For text of subs 3 to 7, see M.R.]

#### 6232.3055 BEAR LICENSE QUOTAS.

The number of available licenses for quota areas for the 2004 bear hunting season is 16,450 and is divided as follows:

- A. Bear Quota Area 12: 700;
- B. Bear Quota Area 13: 900;
- C. Bear Quota Area 22: 150;
- D. Bear Quota Area 24: 1,200;
- E. Bear Quota Area 25: 1,900;
- F. Bear Quota Area 26: 1,500;
- G. Bear Quota Area 31: 2,100;
- H. Bear Quota Area 41: 500;
- I. Bear Quota Area 44: 2,000;
- J. Bear Quota Area 45: 1,500; and
- K. Bear Quota Area 51: 4,000.

# Expedited Emergency Rules

**EFFECTIVE PERIOD.** *Minnesota Rules*, part 6232.3055, is effective through December 31, 2004. The expedited emergency amendments to *Minnesota Rules*, parts 6232.2800 and 6232.2900, expire 18 months after adoption. After the emergency amendments expire, the permanent rules as they read prior to the amendments again take effect, except as they may be amended by permanent rule.

## Executive Orders

The governor has the authority to issue written statements of 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

### Executive Order #04-02: Providing Direction to State Agencies Regarding State Contracting Procedures

**I, TIM PAWLENTY, 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**, Minnesota state government annually purchases over a billion dollars worth of goods and services; and

**WHEREAS**, the Commissioner of Administration is responsible for implementing state contracting laws, policies, and procedures; and

**WHEREAS**, the Commissioner of Administration is required by law to award contracts based on best value which includes an evaluation of price, and may include other factors, including, but not limited to, environmental considerations, quality, and vendor performance; and

**WHEREAS**, Minnesotans are entitled to know how and where their state tax dollars are being spent, whether tax dollars are being spent on services provided by workers located in countries outside of the United States, as well as the economic costs or savings associated with use of foreign workers to provide services on behalf of the state; and

**WHEREAS**, state contracting that includes outsourcing work internationally presents complex issues regarding the short- and long-term detriments and benefits for our state and national economy, the efficient operation of state government, and the well-being of Minnesotans; and

**WHEREAS**, the Commissioner of Administration should consider the extent to which the use of workers located outside of the United States affects state contracted services, the quality of services, and the lives of workers both in the United States and abroad and should determine the appropriate extent to which these factors impact what is the best value in relation to the awarding of state contracts;

**NOW, THEREFORE**, I hereby order that:

1. Consistent with the Commissioner's responsibilities and authority under *Minnesota Statutes* Chapter 16C, the Commissioner of Administration shall develop and implement policies, procedures, and/or standards addressing the consideration of the use of workers in the United States to perform state contract services in determining the "best value" for awarding state contracts.
2. In developing these policies and procedures, the Commissioner must consider the requirements of Minnesota's contracting laws, the best interests of the State of Minnesota and its citizens, as well as federal and international contracting requirements.
3. Any other Commissioners, agencies, or employees of the executive branch who have, or have been, delegated authority in relation to awarding state contracts, shall work with the Commissioner of Administration to implement the procedures developed by the Commissioner of Administration and ensure consistency in state contract procedures.
4. Consistent with state law, the Commissioner of Administration shall develop procedures to ensure that all vendors seeking to enter into any professional and technical services contracts, service contracts, or any other contract with the State of Minnesota or one of its agencies in which the provision of services is a significant part of the contract, disclose and certify:
  - a. The location by state and country where services under the contract will be performed;
  - b. Any subcontracting of services under the contract and the location by state and country where any subcontracted services will be performed; and

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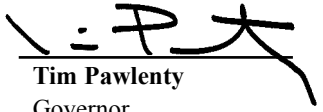
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# Executive Orders

- c. A certification that during the course of the state contract the country in which services are performed will not be changed, except with the written consent of the Commissioner of Administration.
5. On or before December 31, 2004 and annually thereafter, the Commissioner of Administration will summarize and report to the Governor regarding the use of workers in foreign countries to provide services under state contracts, including information regarding:
  - a. The number and nature of vendor proposals that propose the use or subcontracting of workers in foreign countries to perform services under state contract;
  - b. The number and nature of contracts awarded to vendors that use or subcontract the use of workers in foreign countries to perform services under state contracts;
  - c. Any estimates or other conclusions that the Commissioner can reasonably draw regarding the comparative costs of contracts employing workers in the United States versus those using foreign workers.

Pursuant to *Minnesota Statutes* 2002, section 4.035, subdivision 2, this Executive Order will be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and will remain in effect, in accordance with *Minnesota Statutes* 2002, section 4.035, subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this 24th day of March 2004.



Tim Pawlenty  
Governor

Filed According to Law:



Mary Kiffmeyer  
Secretary of State

## Office of the Governor

### Executive Order #04-03: Providing for the Assignment of Duties to State Agencies Under the Land and Water Conservation Fund Act of 1965 (P.L. 94-422); Rescinding Executive Order No. 02-02

I, TIM PAWLENTY, 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**, proper administration of the federal Land and Water Conservation Fund Act of 1965, as amended, requires the assignment of specific duties to various state agencies; and

**WHEREAS**, *Minnesota Statutes* 116P.14 (2002) designates the Department of Natural Resources as the state agency to apply for, receive, accept and disburse federal funds from this federal grant program;

**NOW, THEREFORE**, I hereby order that:

1. The Department of Natural Resources be designated the state agency to administer the Land and Water Conservation Fund Grant Program in Minnesota.
2. The Director of the Division of Parks and Recreation in the Department of Natural Resources shall serve as the State Liaison Officer and shall be ultimately responsible for overall administration and compliance of the Land and Water Conservation Fund in Minnesota. The Manager of the Grants Unit in the Department of Natural Resources' Office of Management and Budget Services shall serve as the Alternate State Liaison Officer and shall assist the state Liaison Officer in carrying out the responsibilities of this program.
3. Executive Order 02-02 is hereby rescinded.

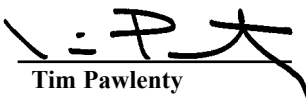
Pursuant to *Minnesota Statutes* 2002, section 4.035, subdivision 2, this Executive Order will be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and will remain in effect, in accordance with *Minnesota Statutes* 2002, section 4.035, subdivision 3.

# Executive Orders

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IN TESTIMONY WHEREOF, I have set my hand this 29th day of March 2004.

  
Tim Pawlenty  
Governor

Filed According to Law:

  
Mary Kiffmeyer  
Secretary of State

## Office of the Governor

### Executive Order #04-04: Assigning Emergency Responsibilities to State Agencies; Rescinding Executive Order 99-20

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

**WHEREAS**, natural and technological disasters have and may occur in any part of the state; and

**WHEREAS**, national and international events, such as conflict or threats of terrorism can increase the need for emergency preparedness within the state; and

**WHEREAS**, state agencies may be called upon to respond to and/or assist in the recovery from the effects of these events or disasters;

**NOW, THEREFORE**, I hereby order that:

1. Each department and independent state agency included in this Executive Order shall designate a member of its staff as its emergency preparedness response contact/coordinator (EPRC/C). Such individual shall serve as the point of contact for the Division of Homeland Security and Emergency Management and other state agencies with regard to emergency preparedness and response issues, and shall represent that agency on the Minnesota Emergency Preparedness and Response Committee (EPRC).
2. Each department, independent division, bureau, board, commission and independent institution of the state government, hereinafter referred to as "agency," shall carry out the general emergency preparedness, planning, response, recovery, hazard mitigation and continuity of operations responsibilities described in this Executive Order, the specific emergency assignments contained in the *Minnesota Emergency Operations Plan*, the *State All-Hazard Mitigation Plan* and such other duties as may be requested by the Division of Homeland Security and Emergency Management. The head of each agency shall be accountable for the execution of the responsibilities described in this Executive Order.

#### I. Emergency Preparedness/Planning

- A. The Division of Homeland Security and Emergency Management shall have overall responsibility for coordinating the development and maintenance of the all-hazard *Minnesota Emergency Operations Plan*.
- B. Each state agency shall develop and update, as necessary, its own emergency plan/procedures, including a continuity of operations (business continuation) plan. Agencies have the option of maintaining a copy of their continuity of operations plan at either their own secure offsite location or at one or more sites offered by the Department of Administration.

Each agency's continuity of operations plan/procedures must provide for:

1. protection of the agency's personnel, equipment, supplies, vital records, public records and facilities from the direct effects of a disaster at their agency or facilities; and
2. execution of the emergency responsibilities that are assigned to the agency in this Executive Order, and are elaborated upon in the *Minnesota Emergency Operations Plan*; and
3. continuity of government for sustaining time-sensitive operations and staffing, at a minimum developing and maintaining a written continuity of operations plan defining:
  - a. lines of succession,
  - b. pre-delegation of emergency authority,
  - c. emergency action steps or procedures,

- d. alternate operating sites for time-sensitive functions,
  - e. alternate facilities for resumption of normal business and the resumption of the agency's time-sensitive functions and services,
  - f. safeguarding of vital records,
  - g. protection of facilities, personnel and resources, and
  - h. preparation for returning to normal operations.
4. commitment of resources for the development and maintenance of an agency all-hazard plan, including a continuity of operations plan.

On an annual basis, each state agency shall notify the Division of Homeland Security and Emergency Management of the location of, and date of the most recent revision to, their continuity of operations plan.

## II. Emergency Response

- A. All state agencies responding to a disaster/emergency shall use the Minnesota Incident Management System (MIMS). In the event of a disaster/emergency resulting in a multiple state agency response, a unified command structure shall be established. If, due to the nature of an incident, a single state agency has a larger/primary role in the response to that incident, that agency may be referred to as the "lead agency." The Division of Homeland Security and Emergency Management shall have the coordinating role in a multiple state agency response to a disaster/emergency. All state agencies shall support this coordinated multi-agency response and carry out their specific assignments, as described in the *Minnesota Emergency Operations Plan*.
- B. All state agencies shall be responsible for assigning necessary personnel to report to the state, regional and/or on-site emergency operations center(s) and information hotline, if such are activated, in accord with the *Minnesota Emergency Operations Plan*. The responding personnel shall be prepared to direct the activities of their agency's response personnel, and shall carry out the emergency responsibilities assigned to their agency in this Executive Order and elaborated upon in the *Minnesota Emergency Operations Plan*.

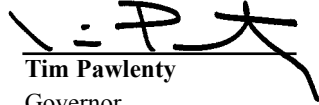
## III. Recovery/Hazard Mitigation

- A. Each state agency that has a role in emergency management shall participate in the development of hazard mitigation strategies to reduce or eliminate the vulnerability of life and property to the effects of disasters.
- B. Following a presidential declaration of a major disaster, state agencies shall be responsible for carrying out the hazard mitigation responsibility assignments contained in this Executive Order and elaborated upon in the *State All-Hazard Mitigation Plan*.
- C. State agencies shall, when requested by the Division of Homeland Security and Emergency Management, provide appropriate personnel to assist with the damage assessment activities associated with the Public Assistance, Individual Assistance, and Hazard Mitigation programs. They shall also provide personnel to serve on an Interagency Hazard Mitigation Team or Hazard Mitigation Survey Team, when requested.
- D. State agencies shall, when requested by the Division of Homeland Security and Emergency Management, provide appropriate personnel to serve on the Minnesota Recovers Disaster Task Force, and be prepared to commit and combine resources toward the long-term recovery/mitigation effort.
- E. State agencies shall, when requested by the Division of Homeland Security and Emergency Management, provide necessary personnel to staff those Disaster Recovery Centers (DRCs) that are established, following a presidential declaration of a major disaster.

Executive Order 99-20 is rescinded.

Pursuant to *Minnesota Statutes* 2002, section 4.035, subdivision 2, this Executive Order will be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and will remain in effect, in accordance with *Minnesota Statutes* 2002, section 4.035, subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this 29th day of March, 2004.

  
Tim Pawlenty  
Governor

Filed According to Law:

  
Mary Kiffmeyer

Secretary of State

(Cite 28 SR 1217)

*State Register*, Monday 5 April 2004

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### I. DEPARTMENT OF ADMINISTRATION

- Section 100** The Department of Administration shall coordinate planning and recovery of the statewide systems and provide emergency support.
- Section 101** The Department of Administration shall provide architects, engineers and/or other technically qualified personnel, when requested, to participate in the preliminary damage assessment (PDA) of public buildings damaged by disaster.
- Section 102** The Department of Administration shall administer the state self-insurance program as it relates to federal disaster assistance, as set forth under Public Law 93-288. This will be accomplished in conformance with the Federal Emergency Management Agency guidance, as it relates to insuring public buildings for eligibility for Public Assistance during a Presidential Declaration of a Major Disaster.
- Section 103** The Department of Administration shall provide administrative support to state government agencies during a

disaster. This support will include, but is not limited to, assigning administrative staff and equipment, and maintenance to state and regional emergency operations centers (EOCs).

- Section 104** The Department of Administration shall furnish computer services needed for operations and resource management in an emergency.
- Section 105** The Department of Administration shall coordinate planning and delivery of statewide telecommunications systems and services for emergency operations during an emergency, and shall provide emergency telecommunications support.
- Section 106** The Department of Administration shall be responsible for providing telephone operation support during exercises and emergencies in state and regional EOCs.
- Section 107** The Department of Administration shall provide support to state agencies in the identification of alternate sites for their systems and personnel.
- Section 108** The Department of Administration shall provide travel support to state agencies.
- Section 109** The Department of Administration shall provide state agencies access to a recovery plan development software tool.
- Section 110** The Local Planning Assistance Center shall, in conjunction with the Division of Homeland Security and Emergency Management, assist counties in developing hazard mitigation plans, as required by the Federal Emergency Management Agency.
- Section 111** The Land Management Information Center shall use its geographic information systems tools and geographic data to assist both planners and emergency responders.
- Section 112** The State Demographer shall help identify the locations of nursing homes and licensed/unlicensed group quarters.

## II. DEPARTMENT OF AGRICULTURE

- Section 200** The Department of Agriculture shall provide guidance to state and local authorities for the protection of milk, food products, and crops affected by disaster.
- Section 201** The Department of Agriculture shall be responsible for preparing plans and procedures for monitoring/sampling of agricultural land, milk, food products, and crops affected by disaster.
- Section 202** The Department of Agriculture shall, when requested, make its laboratory capabilities available for the identification and analysis of potential biological and chemical agents.
- Section 203** The Department of Agriculture shall provide qualified personnel to participate in a preliminary damage assessment (PDA) effort, following the occurrence of a disaster, when requested.
- Section 204** The Department of Agriculture shall provide a representative, when requested, to serve on the Minnesota Recovers Disaster Task Force to evaluate projects proposed for funding.

### Board of Animal Health

- Section 220** The Board of Animal Health shall develop procedures for responding to animal health emergencies. The Board shall provide leadership and technical expertise to local, state and federal authorities in the event of an animal disease emergency in order to prevent spread of the disease.
- Section 221** The Board of Animal Health shall develop fact sheets and provide other animal disease-related information to the public and other local and state agencies, in the event of an animal disease emergency.
- Section 222** The Board of Animal Health shall advise local and state officials on methods of livestock carcass disposal to control the spread of animal disease.

## III. ATTORNEY GENERAL

- Section 300** The Attorney General shall be responsible for providing legal advice and opinions in support of state emergency operations to include preparing and reviewing proclamations and special regulations issued by the governor.
- Section 301** The Attorney General shall provide materials or representation at Disaster Recovery Centers (DRCs) and public meetings, as requested by the Division of Homeland Security and Emergency Management, to provide consumer information to persons affected by a disaster.
- Section 302** The Attorney General shall provide guidance on contracting requirements to state agencies, after a major disaster.

## IV. DEPARTMENT OF COMMERCE

# Executive Orders

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- Section 400** The Department of Commerce shall provide materials or representation at Disaster Recovery Centers (DRCs) and public meetings, as requested by the Division of Homeland Security and Emergency Management, to furnish information relative to insurance claim procedures to persons affected by a disaster.
- Section 401** The Department of Commerce shall develop procedures and provide the necessary staff at the State Emergency Operations Center to support the state's responsibility in emergency banking and fiscal matters of any economic stabilization program established by the Federal Reserve Bank of Minneapolis and/or the Federal Reserve System.
- Section 402** The Department of Commerce shall coordinate with other state agencies in supporting the utility restoration by the gas and electric utilities.
- Section 403** The Department of Commerce shall identify resources and assist vulnerable individuals and families, through the energy assistance program, during and after a disaster.
- Section 404** The Department of Commerce shall identify resources and assist vulnerable individuals and families, through the weatherization program, during and after a disaster.
- Section 405** The Department of Commerce shall assist state and local government with damage assessment of private or individual dwellings and businesses, which may include seeking cooperation of insurance underwriters' adjustment resources, as requested by the Division of Homeland Security and Emergency Management.
- Section 406** The Department of Commerce shall develop and make available consumer fact sheets about disaster assistance and insurance regulations.
- Section 407** The Department of Commerce-Telecommunications Access Minnesota (DOC-TAM) shall, in coordination with the Department of Human Services-Deaf and Hard of Hearing Services Division (DHS-DHHS), provide Telecommunications Devices for the Deaf (TDD), TDD operators and American Sign Language Interpreters when the State Emergency Operations Center and Information Hotline are activated.
- Section 408** The Department of Commerce shall develop procedures for the conservation and management of energy resources during energy emergencies, in coordination with energy suppliers in the state.
- Section 409** The Department of Commerce shall coordinate their activities with the Division of Homeland Security and Emergency Management in the implementation of energy emergency procedures.
- Section 410** The Department of Commerce shall develop various public information releases for use in an energy emergency.
- Section 411** The Department of Commerce shall provide personnel, when requested, to participate in a preliminary damage assessment (PDA) effort, following the occurrence of a disaster.
- Section 412** The Department of Commerce shall provide personnel, when requested, to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of a major disaster.
- Section 413** The Department of Commerce shall provide a representative, when requested, to serve on the Minnesota Recovers Disaster Task Force, in order to assist in the evaluation of projects proposed for funding.

## V. DEPARTMENT OF EDUCATION

- Section 500** The Department of Education shall coordinate with the Division of Homeland Security and Emergency Management on the development and updating, as required, of emergency plan guidance to be provided to local schools. Such guidance shall be designed to assist schools in developing an emergency plan that provides for the protection of children in the event of a disaster/emergency. The department shall be responsible for the distribution of such planning guidance to local school districts.
- Section 501** The Department of Education shall assist local school districts in preparing and submitting a request for financial assistance from the federal government when public school facilities are damaged or destroyed by a major disaster.
- Section 502** The Department of Education shall provide technical assistance in finding appropriate alternate school facilities, which are inspected and approved by the State Fire Marshal, when local facilities are damaged or destroyed during a disaster.
- Section 503** The Department of Education shall work with schools to develop school-specific, all-hazard emergency plans compatible with local, county, state and federal all-hazard plans. The plans and response procedures developed for schools should specifically address domestic violence within the buildings and the development of "safe areas" around schools.

## VI. EMERGENCY MEDICAL SERVICES REGULATORY BOARD



- Section 600** The Emergency Medical Services Regulatory Board, with technical assistance from the Department of Transportation, shall develop a statewide emergency medical services radio communication plan.
- Section 601** The Emergency Medical Services Regulatory Board shall, in coordination with other state agencies, determine medical assistance guidance for local authorities in areas affected by accidents/incidents involving hazardous materials and explosions.
- Section 602** The Emergency Medical Services Regulatory Board shall coordinate resources for local ambulance providers including, when requested, arranging for transportation and medical services for patients requiring an ambulance, and for the evacuation of health/medical facilities.
- Section 603** The Emergency Medical Services Regulatory Board shall assign personnel, as necessary, to State, Regional, and local Emergency Operations Centers, for the purpose of coordinating pre-hospital emergency medical services.
- Section 604** The Emergency Medical Services Regulatory Board shall establish and maintain a list of the critical pre-hospital medical resources throughout the state and develop a system for rapid access to the data required to determine the availability of these resources.
- Section 605** The Emergency Medical Services Regulatory Board shall, upon request, coordinate Critical Incident Stress Debriefing (CISD) support to state and local officials. At the onset of a major disaster, the Emergency Medical Services Regulatory Board shall coordinate CISD support teams to be deployed into the areas most affected.

## VII. DEPARTMENT OF EMPLOYEE RELATIONS

- Section 700** The Department of Employee Relations shall support the Department of Economic Security in the management of personnel services at state and regional emergency operations centers during a disaster, and will assist in the development of emergency employment utilization procedures.
- Section 701** The Department of Employee Relations shall interface with union officials and appropriate representatives to develop strategies for resolving conflicts between labor organizations and state agencies during times of disaster. The Department of Employee Relations shall be proactive relative to developing options to sustain state EOC staffing and the implications thereof on labor agreements, whenever the state EOC is activated.
- Section 702** The Department of Employee Relations shall provide support to state agencies in the management of labor contracts during emergency operations, ensuring fair, uniform and consistent interpretation of contract language.

## VIII. DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT

- Section 800** The Department of Employment and Economic Development shall develop procedures to provide unemployment assistance, and dislocated worker and job training programs, to eligible individuals whose unemployment results from a disaster declared under Public Law 93-288. It will also arrange for payment of benefits, under regular unemployment compensation laws, to eligible individuals in cases where a disaster has not been declared.
- Section 801** The Department of Employment and Economic Development shall provide materials or representation at Disaster Recovery Centers (DRCs) and public meetings, as requested by the Division of Homeland Security and Emergency Management, to furnish information relative to disaster unemployment, dislocated worker, job training, and applicable programs.
- Section 802** The Commissioner of the Department of Employment and Economic Development shall, when requested by the Division of Homeland Security and Emergency Management, provide an estimate of the immediate economic impact of a disaster. Where possible and applicable, the department shall provide estimated projections of long range effects of a major disaster, using relevant data from a variety of sources including: residents, businesses, and local, state, and federal agencies, if needed.

## IX. DEPARTMENT OF FINANCE

- Section 900** The Department of Finance shall develop expedited procedures, for fiscal management of the state, during a disaster.
- Section 901** The Department of Finance shall work with the Department of Public Safety, Fiscal and Administrative Services, in establishing a funding source for the required state match costs associated with a presidential disaster declaration.
- Section 902** The Department of Finance shall assist state agencies with financial deficiencies that may result from supporting local efforts during large-scale emergencies, when federal assistance is not provided.

## X. DEPARTMENT OF HEALTH

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- Section 1000** The Department of Health shall have primary responsibility for the technical aspects of a response to an incident involving public health issues related to a disaster or an emergency, including an actual or potential terrorist incident involving biological, chemical, or radiological agents. The Department shall develop and maintain procedures for: disease surveillance, control and prevention, including protocols for quarantine, isolation, mass vaccination, and mass care clinics, in the event of a public health emergency; protection of human health from biological, chemical, or radiological agents; safe food preparation and handling; provision of training and assistance in the security of public water supply systems, and the maintenance of a potable water supply; handling, identification and safe disposition of dead human bodies in the event of mass casualties; and health assessment and training programs for health care and support personnel.
- Section 1001** The Department of Health shall be responsible for developing fact sheets and providing guidance on protective action levels and medical assistance to state and local authorities in areas affected by accidents/incidents involving radioactive or other hazardous, biological, or chemical materials. The Department shall develop procedures to accomplish this and conduct in-service training to maintain this response capability.
- Section 1002** The Department of Health shall, as needed, provide assistance to local officials, in conjunction with the local health agency, to ensure the safety of food and water for human consumption during, and immediately following, a disaster or emergency.
- Section 1003** The Department of Health shall provide personnel, as needed, to assist in the preliminary damage assessment (PDA) process for health and public water facilities damaged by a disaster or emergency. The Department will assist communities, as requested, in determining the cost to repair or replace damaged health facilities and public water distribution systems, so federal financial assistance can be requested under Public Law 93-288.
- Section 1004** The Department of Health laboratory shall be responsible for providing 24-hour analysis capability in the event of an emergency involving radioactive materials. The Department shall develop procedures to accomplish this and conduct in-service training to maintain this response capability.
- Section 1005** The Department of Health shall make its laboratory capabilities available for the analysis and identification of potential biological or chemical agents on a 24-hour basis, in the event of acts of terrorism, natural disasters, emerging health threats, and accidental or deliberate environmental contamination.
- Section 1006** The Department of Health shall, as needed, conduct food inspections at mass feeding facilities.
- Section 1007** The Governor may call upon the Department of Health, Disaster Mortuary Emergency Response Team (D-MERT), to provide mortuary or death-related services for major disasters or emergencies occurring in Minnesota.

## XI. MINNESOTA HOUSING FINANCE AGENCY

- Section 1100** The Minnesota Housing Finance Agency shall administer home improvement grants, and/or loans, available through its programs to homeowners of low and moderate incomes, who have sustained disaster-related damage to their principal residence.
- Section 1101** The Minnesota Housing Finance Agency shall immediately, upon notification of a disaster or emergency, inventory the availability of rental property suitable for temporary or long-term housing for disaster/emergency victims.
- Section 1102** The Minnesota Housing Finance Agency, in cooperation with the Division of Homeland Security and Emergency Management, shall assist with the planning and implementation of victim housing, in conjunction with the Individuals and Households Program administered by the Federal Emergency Management Agency.

## XII. DEPARTMENT OF HUMAN SERVICES

- Section 1200** The Department of Human Services shall coordinate mass care services.
- Section 1201** The Department of Human Services shall provide representation at the State Emergency Operations Center, Disaster Recovery Centers, and the disaster area itself to identify disaster victims, as deemed necessary by the Division of Homeland Security and Emergency Management.
- Section 1202** The Department of Human Services shall assist with immediate mental health services, apply for and administer special mental health program grants for disaster victims, and provide crisis-counseling training for mental health providers in the disaster area.
- Section 1203** The Department of Human Services shall coordinate the Disaster Food Stamp Program for disaster victims.
- Section 1204** The Department of Human Services, through the Emergency Food Assistance Program (TEFAP), shall provide USDA donated food to disaster relief agencies and emergency feeding programs, and assist with its distribution and storage.

- Section 1205** The Department of Human Services shall coordinate, with county social service agencies, to meet the childcare needs of disaster victims.
- Section 1206** The Department of Human Services shall coordinate with county social service agencies to meet the needs of disaster victims (food, shelter, clothing, and medical care), through state and federal income maintenance programs.
- Section 1207** The Department of Human Services shall coordinate the delivery of emergency human services with local government, voluntary agencies, and other human service agencies, following a disaster, through state and/or regional emergency operations centers.
- Section 1208** The Department of Human Services shall provide personnel to assist the state in delivering individual assistance, following a presidential disaster declaration, as requested by the Division of Homeland Security and Emergency Management.
- Section 1209** The Department of Human Services shall provide assistance in long-term disaster recovery, using existing programs, streamlining, or waiving regulatory functions where possible, and providing technical assistance and/or administrative support to stricken communities.
- Section 1210** The Department of Human Services shall designate, staff, activate, and manage the evacuee reception centers, in the event of a nuclear generating plant incident.
- Section 1211** The Department of Human Services shall assist with the provision of Telecommunication Devices for the Deaf (TDD) and operators, when the State Emergency Operations Center and Information Hotline are activated.

### XIII. DEPARTMENT OF LABOR AND INDUSTRY

- Section 1300** The Department of Labor and Industry, Occupational Safety and Health Division shall respond to a catastrophe when employee fatalities/serious injuries are involved. They shall investigate to determine the cause, so that similar hazards to workers are prevented, or minimized, in the future.
- Section 1301** The Department of Labor and Industry, Occupational Safety and Health Division shall provide support, as requested, in the detection of air contaminants caused by chemical or biological agents and in the implementation of appropriate procedures.
- Section 1302** The Department of Labor and Industry, Occupational Safety and Health Division shall assist in assessing hazards and personal protective equipment needs, as requested.

### XIV. DEPARTMENT OF MILITARY AFFAIRS

- Section 1400** The Department of Military Affairs (Minnesota National Guard) shall prepare, and maintain, plans and procedures, to support civil authorities, when an emergency exceeds local resources. As Commander-In-Chief of the National Guard, the Governor can direct the National Guard to take whatever action necessary to cope with the emergency. Upon the order of the Governor, the Adjutant General shall order to state active duty, such personnel, equipment, and facilities of the military forces of the state, as required, and for such a period of time as necessary, to assist and support civil authorities. National Guard assistance may be made available when a natural disaster, civil disturbance, hazardous materials incident, or other emergency beyond the capability of local government, occurs. Both local government and state agencies forward requests for National Guard assistance to the Minnesota Duty Officer (MDO), at the Division of Homeland Security and Emergency Management. The National Guard shall maintain 24-hour liaison with the MDO. County sheriffs, and mayors of cities of the first class, are authorized to request National Guard assistance.
- Section 1401** The Department of Military Affairs (Minnesota National Guard) shall prepare and maintain plans and procedures for responding to and supporting state and local authorities in their response to weapons of mass destruction including, but not limited to, biological, nuclear, incendiary, chemical and explosive devices, and compounds or materials. In the event of terrorist-type activity, the Department of Military Affairs shall provide support to the State Emergency Operations Center and the local incident command post. The Department of Military Affairs shall make the 55th Weapons of Mass Destruction - Civil Support Team (CST) available to support a local response to terrorist activity, as requested by the State. In response to a terrorist event, the Minnesota National Guard shall, at the state's request, deploy the 55th CST and technically qualified personnel to the affected jurisdictions to assess the extent of the situation, advise the civilian incident commander and facilitate requests for state and federal assistance, and provide policy and technical-level support in the State Emergency Operations Center Planning and Assessment Center and Operations Section.

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## XV. DEPARTMENT OF NATURAL RESOURCES

- Section 1500** The Department of Natural Resources shall be responsible for preparing plans and procedures for chemical, biological and radiological monitoring/sampling of plants, animals and water in cooperation with the Departments of Health and Agriculture.
- Section 1501** The Department of Natural Resources shall be responsible for providing technical assistance, personnel and equipment for debris and wreckage removal from state waterways and state-owned lands, subject to the availability of funds.
- Section 1502** The Department of Natural Resources shall assist in tracking plumes on waterways and monitoring shorelines, identifying wildlife populations within the ingestion pathway/vulnerable zone and providing personnel to conduct ingestion pathway sampling of fish and wildlife.
- Section 1503** The Department of Natural Resources shall provide aircraft to assist in damage assessment efforts, serve as state inspectors on federal/state damage survey teams, assist the Department of Administration in the inspection of damaged public buildings and facilities, and assist the Department of Transportation in the inspection of damaged road systems.
- Section 1504** The Department of Natural Resources shall provide technically qualified personnel to participate in a preliminary damage assessment (PDA) effort, following the occurrence of a disaster, when requested.
- Section 1505** The Department of Natural Resources shall provide personnel to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of disaster, when requested, and provide hazard mitigation information to the general public.
- Section 1506** The Department of Natural Resources shall, in the case of wildfires, work with the Department of Public Safety to fulfill public information functions and requirements, work within the Minnesota Incident Command System partnership to design communication plans, and coordinate communications with all participating agencies.
- Section 1507** The Department of Natural Resources shall keep Sheriffs apprised of evacuation forecasts.
- Section 1508** The Department of Natural Resources shall provide assistance in locating alternate water supplies, and provide equipment and/or assistance in the restoration of critical public works, if requested.
- Section 1509** The Department of Natural Resources shall pre-plan for sensitive area designation, and provide for wildlife and waterfowl rehabilitation, in cooperation with the U.S. Fish and Wildlife Service.
- Section 1510** The Department of Natural Resources shall provide pathology laboratory services, with regard to the collection of dead and injured animals and their analysis; coordinate the chemical analysis of fish and wildlife samples with the Minnesota Department of Agriculture Chemistry Laboratory; and assist the Department of Health, as needed, in assessing the long-term environmental impact of a radiological accident/incident.

### Enforcement Division

- Section 1520** The Enforcement Division and other DNR divisions shall provide personnel and equipment support to the State Patrol in emergency law enforcement, evacuation or sheltering in-place, traffic control and public alerting operations, when requested by the Division of Homeland Security and Emergency Management.
- Section 1521** The Enforcement Division shall prepare procedures for providing communications support in a disaster area.
- Section 1522** The Enforcement Division shall prepare plans and provide support to local government agencies during floods, storms and other disasters/emergencies. The Division shall assist local law enforcement with search and rescue, shall provide special equipment such as boats, ATVs, snowmobiles, etc., and provide any other needs identified, when requested by the Division of Homeland Security and Emergency Management.

### Forestry Division

- Section 1530** The Forestry Division shall provide personnel and equipment support to the State Fire Marshal in emergency operations, when requested by the Division of Homeland Security and Emergency Management.
- Section 1531** The Forestry Division shall prevent and extinguish wildland fires, coordinate fire suppression planning and direct fire suppression activities work, through agreements with the Minnesota Incident Command System partnership.
- Section 1532** The Forestry Division shall be responsible for coordinating fire suppression activities in forested and grassland areas of the state.
- Section 1533** The Forestry Division shall assist state and local governments in applying for grants from the federal government for the purpose of reimbursing expenses actually incurred by a property owner in the removal of timber damaged by a disaster.

- Section 1534** The Forestry Division shall assist local government in training for fire and rescue operations in full coordination with the State Fire Marshal Division and the Minnesota State Colleges and Universities.
- Section 1535** The Forestry Division shall assist state and local governments with tree disposal recommendations, following a major wind event.
- Section 1536** The Forestry Division shall coordinate with the Department of Public Safety, State Patrol Division, and the Department of Transportation, Aeronautics Division, for air operations and air transportation services, during disaster.

## Waters Division

- Section 1540** The Waters Division shall be responsible for coordinating the Flood Plain Management Program and the National Flood Insurance Program (NFIP) in Minnesota, including enrollment of communities in the NFIP, publicity regarding flood insurance availability and coordination of insurance agent workshops.
- Section 1541** The Waters Division shall assign staff to a (post-disaster declaration) FEMA Interagency Hazard Mitigation Team and to the Minnesota Recovers Disaster Task Force, as requested. These staff shall help implement provisions of the *State All-Hazard Mitigation Plan* and update the Plan, as necessary.
- Section 1542** The Waters Division shall assist local units of government in applying for grants, through the Department of Natural Resources, Flood Damage Reduction Grant Program.
- Section 1543** The Waters Division shall assign the state climatologist and other needed staff to prepare climatological and hydrologic reports, as well as other related hydrologic data, in support of emergency operations.
- Section 1544** The Waters Division shall provide information or personnel at Disaster Recovery Centers (DRCs) to disseminate information to, and solicit information from, flood victims.

## XVI. MINNESOTA POLLUTION CONTROL AGENCY

- Section 1600** The Minnesota Pollution Control Agency shall, upon instructions from the office of the Governor or the Governor's Authorized Representative, waive, modify or suspend selected enforcement rules of the agency for areas stricken by disaster, when statute provides for such waivers. This action will relieve or expedite recovery operations and avert an even greater disaster from occurring, while ensuring continued protection of the public.
- Section 1601** The Minnesota Pollution Control Agency shall provide technically qualified personnel to participate in a preliminary damage assessment (PDA) effort, following the occurrence of a disaster, when requested.
- Section 1602** The Minnesota Pollution Control Agency shall provide personnel to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of disaster, when requested.
- Section 1603** The Minnesota Pollution Control Agency shall provide a representative to serve on the Minnesota Recovers Disaster Task Force to evaluate projects proposed for funding, when requested.
- Section 1604** The Minnesota Pollution Control Agency shall review the environmental effects of an emergency diking project and recommend approval or disapproval before work begins.
- Section 1605** The Minnesota Pollution Control Agency shall provide technical and policy-level staff to the State Emergency Operations Center, specifically to the Planning and Assessment Center and the Operations Section, when requested by the Department of Public Safety, Division of Homeland Security and Emergency Management.
- Section 1606** The Minnesota Pollution Control Agency shall develop and provide guidelines and procedures, assisting local authorities to manage and dispose of debris after a disaster/emergency.

## XVII. DEPARTMENT OF PUBLIC SAFETY

### Bureau of Criminal Apprehension

- Section 1700** The Bureau of Criminal Apprehension shall make its field agents available, when possible, to assist other state agencies with search and rescue, evacuation and traffic control, and law enforcement, during a disaster.
- Section 1701** The Bureau of Criminal Apprehension shall lend forensics capabilities to the analysis and identification of evidence related to a potential weapons of mass destruction event.

### Capitol Complex Security Division

- Section 1710** The Capitol Complex Security Division shall be responsible for providing protection to property and equipment on the Capitol complex, during an emergency.
- Section 1711** The Capitol Complex Security Division shall provide 24-hour security for the State Emergency Operations Center (SEOC) and the Joint Public Information Center (JPIC) during an emergency, when located on the Capitol complex.

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**Section 1712** The Capitol Complex Security Division shall provide backup radio operators for duty officers operating the radio console in the SEOC, if possible.

## Office of Communications

**Section 1720** The Office of Communications shall provide emergency public information support, following the occurrence of a disaster, including disaster exercises, in coordination with the Division of Homeland Security and Emergency Management and the Governor's Office.

## State Fire Marshal/Office of Pipeline Safety

**Section 1730** The State Fire Marshal Division shall assist local jurisdictions, in coordination with the Division of Homeland Security and Emergency Management, in obtaining, through implementation of the Minnesota Fire and Rescue Mutual Aid Plan (FIREMAP), fire fighting and rescue response assistance (except for missing or lost person search and rescue), during an emergency, and providing technical expertise and general assistance with the coordination of local fire and rescue emergency response operations.

**Section 1731** The State Fire Marshal Division shall, when requested by local authorities or deemed necessary by the State Fire Marshal (in accordance with MS 299F.04), investigate fires and explosions to determine their origin and cause. Whenever the cause is determined to be other than accidental, the Division shall assist local authorities with the collection and analysis of evidence, and the preparation of criminal cases for prosecution.

**Section 1732** The State Fire Marshal Division shall, upon the request of a local jurisdiction, provide technical expertise necessary to examine major structure fires (large dollar loss or multiple fire deaths) to identify the effectiveness of fire protection systems and prevention programs in place prior to the fire. The results of such examinations shall be used in efforts to prevent similar future losses.

**Section 1733** The State Fire Marshal Division personnel shall be assigned to conduct fire and life safety inspections of jurisdictional facilities damaged or otherwise impacted during a disaster or major emergency, when requested by local authorities, or deemed necessary by the State Fire Marshal.

**Section 1734** The State Fire Marshal Division, Office of Pipeline Safety, shall act as a liaison with pipeline companies and other utilities, local units of government and federal pipeline authorities, and provide post-incident enforcement, investigation and damage prevention education.

**Section 1735** The State Fire Marshal Division, Office of Pipeline Safety, shall act as the contact with U.S. Department of Transportation, Research and Special Programs Administration, Office of Pipeline Safety for security-related pipeline issues, distribute alerts received, and participate in pipeline security inspections, as required under federal regulations 49 CFR, as adopted by the state.

## Fiscal and Administrative Services

**Section 1740** Fiscal and Administrative Services shall, within five working days, process payments received from the Department of Public Safety, Division of Homeland Security and Emergency Management, for disaster victims, if the Division is processing Other Needs Assistance for the Individuals and Households Program.

## Division of Homeland Security and Emergency Management

**Section 1750** The Director of the Division of Homeland Security and Emergency Management (HSEM) shall serve as the state coordinating officer (SCO) and the Governor's authorized representative (GAR) for all presidentially declared disasters and emergencies.

**Section 1751** The Director of the Division of Homeland Security and Emergency Management shall carry out nuclear generating plant emergency operations planning and assess the need for protective actions required to mitigate the effects of an incident at a nuclear generating plant.

**Section 1752** The Division of Homeland Security and Emergency Management shall chair and facilitate the activities of the Minnesota Emergency Preparedness and Response Committee.

**Section 1753** The Division of Homeland Security and Emergency Management shall monitor the operations of the state portion of the National Warning System (NAWAS) and coordinate any actions necessary to maintain service or extend coverage.

**Section 1754** The Division of Homeland Security and Emergency Management shall maintain the 24-hour Minnesota Duty Officer system to ensure the proper receipt and dissemination of disaster/emergency notifications and requests for emergency resources to appropriate state and local government agencies.

**Section 1755** The Division of Homeland Security and Emergency Management shall activate the State Emergency Operations Center (SEOC) when any major man-made or natural disaster threatens or occurs. When warranted, Division staff shall establish an emergency operations center (EOC) or field office in or adjacent to the dis-

- aster to coordinate field operations. When an EOC or field office is opened, the Division shall notify state agencies, so that they may provide staff to carry out their emergency responsibilities.
- Section 1756** The Division of Homeland Security and Emergency Management shall keep the Commissioner of Public Safety, Governor, Executive Council, and the Legislature, as appropriate, informed of all actual or impending emergency operations.
- Section 1757** The Division of Homeland Security and Emergency Management shall provide guidance and information sufficient to allow local government to request assistance under the provisions of *Minnesota Statutes*, Chapter 9.061 (the “Calamity Act”), and Chapter 273.123 (reassessment of Homestead Property Damaged in a Disaster). The Division shall also present such request for assistance to the state Executive Council, when appropriate.
- Section 1758** The Director of the Division of Homeland Security and Emergency Management shall designate an HSEM staff member to serve as the State Hazard Mitigation Officer (SHMO). The SHMO shall be responsible for ensuring that the hazard mitigation requirements contained in Public Law 93-288, including implementation of the Hazard Mitigation Grant Program, are carried out.
- Section 1759** The Division of Homeland Security and Emergency Management shall facilitate long-term disaster recovery/hazard mitigation efforts by: coordinating maintenance of the *State All-Hazard Mitigation Plan* and activating the Minnesota Recovers Disaster Task Force, when appropriate.
- Section 1760** The Division of Homeland Security and Emergency Management shall administer the Public Assistance, Individuals and Households and Hazard Mitigation Grant programs provided under Public Law 93-288.
- Section 1761** The Division of Homeland Security and Emergency Management shall assist local communities in the completion of all prerequisite actions needed to construct flood protection works. The Division shall also help to obtain the concurrence of the Departments of Natural Resources and Transportation, and the Minnesota Pollution Control Agency in any project, before requesting construction assistance from the U.S. Army Corps of Engineers.
- Section 1762** The Division of Homeland Security and Emergency Management shall obtain initial damage assessment information from state and local governments. If it appears that the extent of the damage is beyond state and local capabilities, the Federal Emergency Management Agency will be requested to conduct a Preliminary Damage Assessment to determine whether a request from the Governor for a presidential disaster declaration is warranted.
- Section 1763** The Division of Homeland Security and Emergency Management shall request all appropriate state agencies to provide materials or representatives to the Disaster Recovery Centers (DRCs) that are established, following a presidential declaration of disaster.
- Section 1764** The Division of Homeland Security and Emergency Management shall have overall responsibility for supporting both local government emergency operations planning and all-hazard mitigation planning. This responsibility includes the development and maintenance of prototype emergency operations plans, mitigation plans and supporting documents, as well as planning requirements guidance.
- Section 1765** The Division of Homeland Security and Emergency Management regional program coordinators shall review all county emergency operations plans to determine if they are in compliance with state and federal requirements and, when necessary, provide guidance for bringing them into compliance.
- Section 1766** The Division of Homeland Security and Emergency Management shall coordinate the development and conduct of emergency preparedness drills and exercises, involving multiple Minnesota state agencies.
- Section 1767** The Division of Homeland Security and Emergency Management shall be responsible for the administrative tasks associated with the State Hazardous Materials Regional Response Teams. HSEM is responsible for the overall coordination and implementation of this program.
- Section 1768** The Division of Homeland Security and Emergency Management shall serve as the initial state point of contact for shipments of high-level radioactive waste material being transported within or through the state of Minnesota. The Division shall make the notifications, and coordinate the state agency preparations and multiple state agency response activities associated with such shipments.
- Section 1769** The Division of Homeland Security and Emergency Management shall maintain contact with, and coordinate the state’s contracts related to response by, designated bomb squads, hazardous materials emergency response teams and hazardous materials chemical response teams. The Division shall develop a comprehensive plan, addressing how the state shall support local government response to an act of domestic or international terrorism involving chemical, biological, nuclear, incendiary, or explosive devices or products.

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- Section 1770** The Director of the Division of Homeland Security and Emergency Management shall serve as the state Senate point of contact for coordinating planning, preparedness, response and recovery, as they relate to incidents involving weapons of mass destruction.
- Section 1771** The Division of Homeland Security and Emergency Management shall coordinate flights in search and rescue missions with the Civil Air Patrol.
- Section 1772** The Division of Homeland Security and Emergency Management shall coordinate with the Federal Emergency Management Agency (FEMA) to facilitate the use of FEMA travel trailers and/or mobile homes as temporary housing for disaster victims, following a presidential declaration of disaster.
- Section 1773** The Division of Homeland Security and Emergency Management shall coordinate the deployment of Bomb Squads, Hazardous Materials Chemical Assessment Teams and Hazardous Materials Emergency Response Teams, during a disaster or major emergency. Deployment may occur at the request of local authorities or when otherwise deemed necessary by the nature and scope of the incident.
- Section 1774** The Emergency Response Commission staff shall provide state and local emergency response personnel with hazardous chemical storage information provided to the Commission by facilities subject to Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III).
- Section 1775** The Emergency Response Commission staff shall provide technical guidance and assistance to political subdivisions in meeting requirements of SARA Title III.
- Section 1776** The Emergency Response Commission, through the Regional Review Committees of the Commission, shall review the SARA Title III elements contained in local government emergency operations plans.

## State Patrol Division

- Section 1780** The State Patrol Division shall be responsible for law enforcement and traffic control on all interstate and state trunk highways in an emergency.
- Section 1781** The State Patrol Division shall use available resources to assist local police agencies with law enforcement and traffic control, when requested by proper local authority to do so.
- Section 1782** The State Patrol Division shall act as net control for the National Warning System (NAWAS) within the state for the dissemination of national and local emergency information and warnings.
- Section 1783** The State Patrol Division shall be responsible for providing assistance that may be required by the Capitol Complex Security Division to protect the personnel in the Capitol Complex during an emergency, and shall prepare plans and procedures to accomplish this.
- Section 1784** The Chief of the State Patrol Division shall be in charge of the law enforcement function and shall coordinate its emergency operations in the state, including the assignment of personnel as law enforcement representatives at the state and regional emergency operations centers.
- Section 1785** The State Patrol radio frequencies shall serve as the redundant direction and control net. The State Patrol is responsible for providing personnel to operate the radio console in the State Emergency Operations Center (SEOC), during exercises, drills and emergencies, if needed.
- Section 1786** The State Patrol Division shall provide backup radio operators to serve as duty officers to operate the radio console in the SEOC, as needed.
- Section 1787** The State Patrol Division, Air Section, shall provide immediately, at the time of a disaster or large-scale emergency, aerial photography and assessment of the disaster or emergency area. State Patrol helicopters with cameras shall be utilized to do aerial filming of the area and shall provide that information directly to the State Emergency Operations Center.
- Section 1788** The State Patrol Division, Air Section, shall request the restriction of flights and access over disaster and emergency areas, when requested by the Division of Homeland Security and Emergency Management or local authorities.
- Section 1789** The State Patrol Division, Air Section, shall provide personnel to participate in a preliminary damage assessment (PDA) effort and prepare damage survey reports (DSRs) for airports and airport facilities damaged in any type of major disaster in conjunction with the Department of Transportation, Aeronautics Division, and the Department of Natural Resources, when requested.
- Section 1790** The State Patrol Division, Air Section, shall provide transportation and/or reconnaissance, in conjunction with the Department of Transportation, Aeronautics Division, as requested by the Division of Homeland Security and Emergency Management, during a declared disaster situation.



- Section 1791** The State Patrol Division, Air Section, shall have a plan for the utilization of agency aircraft available for emergency operations, including records of agency aircraft, pilots, and available airports.
- Section 1792** The State Patrol Division, Air Section, shall coordinate with the Department of Transportation, Aeronautics Division, and the Department of Natural Resources for the provision and use of air transportation resources within state government, during a disaster.

## Warehouse

- Section 1795** The Public Safety Warehouse shall assist with the relocation of furniture, equipment, and supplies from the State Emergency Operations Center to an alternate site, when feasible.

## XVII. DEPARTMENT OF REVENUE

- Section 1800** The Department of Revenue shall provide materials or representatives at Disaster Recovery Centers (DRCs) to provide guidance to clients on how their tax burden shall be affected by their disaster losses, when requested by the Division of Homeland Security and Emergency Management.
- Section 1801** The Department of Revenue shall assist local governments and help citizens determine value of losses sustained as a result of a major disaster.
- Section 1802** The Department of Revenue shall assist local government in conducting a damage assessment of private homes and businesses, as needed.
- Section 1803** The Department of Revenue shall assist the Division of Homeland Security and Emergency Management and the Department of Commerce in the implementation of an energy plan which provides for the allocation and conservation of energy resources and provides staff for the state and regional emergency operations centers.
- Section 1804** The Department of Revenue shall assign personnel to assist with the compliance activities associated with the economic stabilization function.

## XIX. MINNESOTA STATE COLLEGES AND UNIVERSITIES

- Section 1900** The Minnesota State Colleges and Universities shall assist local government by providing training in fire, rescue and hazardous materials emergency operations, through the technical colleges located statewide.

## XX. DEPARTMENT OF TRANSPORTATION

- Section 2000** The Department of Transportation shall provide personnel to serve on an Interagency Hazard Mitigation Team/Hazard Mitigation Survey Team, following a presidential declaration of a major disaster, when requested.
- Section 2001** The Department of Transportation shall be responsible for debris and wreckage removal from all interstate and state trunk highways, and for assistance to political subdivisions on other roadways, as requested and as resources permit.
- Section 2002** The Department of Transportation shall approve emergency construction projects on the interstate and trunk highway system before work begins.
- Section 2003** The Department of Transportation shall provide technically qualified personnel to participate in preliminary damage assessment (PDA) efforts for all interstate and state trunk highways, general aviation facilities, and for other political subdivisions' roadways, when requested and with available resources. The Department shall also provide personnel for the preparation of project worksheets for general aviation facilities and other political subdivisions' roadways, as requested.
- Section 2004** The Department of Transportation shall assist in radiological emergency response and protection efforts such as evacuation, traffic control, and supporting radiological monitoring and decontamination of state highways and vital facilities performed by others, in coordination with the Department of Health and Department of Public Safety.
- Section 2005** The Department of Transportation shall prepare emergency highway traffic plans and procedures for the regulation of highway travel, during periods of emergency, in coordination with the Department of Public Safety and local law enforcement.
- Section 2006** The Department of Transportation shall process Temporary Flight Restriction (TFR) requests, through the Federal Aviation Authority (FAA), as requested by HSEM or other appropriate authority.
- Section 2007** The Department of Transportation shall coordinate air transportation and reconnaissance with the FAA, Metropolitan Airports Commission, Department of Military Affairs, Department of Natural Resources, Department of Public Safety and general aviation, as requested by HSEM. The Department shall support this effort through utilization of its aircraft for emergency operations, when feasible.

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- Section 2008** The Department of Transportation shall maintain current records of general aviation airport facilities and aircraft registered in the state. The Department shall also act as liaison with FAA for access to the FAA listing of licensed pilots.
- Section 2009** The Department of Transportation shall provide emergency engineering services in disaster operations and shall assign personnel to state and regional emergency operations centers.
- Section 2010** The Department of Transportation shall coordinate emergency relief efforts with the motor carrier industry to enlist their assistance in emergency response efforts.
- Section 2011** The Department of Transportation shall develop procedures for receiving and disseminating information to appropriate agencies, concerning the shipment of chemicals, radiological substances, and other materials that are potentially hazardous.
- Section 2012** The Department of Transportation shall assist in preparing emergency executive orders granting relief from the motor carrier safety regulations, including overweight and over-dimension permits, upon instruction from the Governor's Authorized Representative. The Department shall also coordinate state emergency declarations with the United States Department of Transportation, Federal Motor Carrier Safety Administration, to ensure consistent application of the emergency relief to interstate carriers providing direct assistance to the emergency.
- Section 2013** The Department of Transportation shall coordinate with all rail, bus and waterway transportation providers, and the federal agencies with jurisdiction over these modes, as requested by the Division of Homeland Security and Emergency Management.
- Section 2014** The Department of Transportation shall make the Maintenance Construction Communications network available for use as the Division of Homeland Security and Emergency Management's command net, should the direction and control net fail or become overloaded.
- Section 2015** The Department of Transportation shall provide technical radio communications assistance to the Division of Homeland Security and Emergency Management and incident commanders, as requested.
- Section 2016** The Department of Transportation shall provide technical assistance in developing radio capabilities for statewide emergency preparedness, when multiple state agencies or multiple levels of government need to carry out a coordinated response
- Section 2017** The Department of Transportation shall provide radio frequency spectrum management, as delegated by the Federal Communications Commission (FCC).
- Section 2018** The Department of Transportation shall provide for the maintenance of state radio communications systems essential to operations, during an emergency or disaster.

## Official Notices

*Pursuant to Minnesota Statutes § 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.*

## Department of Agriculture

### Agronomy and Plant Protection Division

#### Notice of Adoption of Water Quality Best Management Practices for the Herbicides Acetochlor and Alachlor

**NOTICE IS HERBY GIVEN** that the Minnesota Department of Agriculture (MDA) has adopted voluntary herbicide-specific BMPs to address the presence of acetochlor and alachlor, or their breakdown products, in Minnesota's groundwater or surface water from normal agricultural use.

In March 2004, the MDA adopted core BMPs to prevent water quality impacts from all agricultural herbicides. The core BMPs serve as a foundation for herbicide-specific BMPs. The MDA previously adopted specific BMPs to address the presence of atrazine, metolachlor and metribuzin, or their breakdown products, in groundwater or surface water. All BMPs were developed by the MDA and the University of Minnesota Extension Service, in consultation with other interested parties.

Draft versions of the acetochlor and alachlor BMPs were first published for comment in the Monday, November 3, 2003 *Minnesota State Register* (Volume 28, Issue 18). A second public comment period was announced in the Monday, February 23, 2004 *Minnesota State Register* (Volume 28, Issue 34). There were no comments received during the second comment period.

For information on the authorities under which the MDA developed and adopted the voluntary BMPs, and to view or obtain copies of the BMPs, refer to the MDA's Pesticide BMP webpage at <http://www.mda.state.mn.us/appd/bmps/bmps.htm>. For information on water resource monitoring results that support the development and adoption of BMPs, refer to the MDA's Monitoring and Assessment webpage at <http://www.mda.state.mn.us/appd/ace/maace.htm>.

The BMPs are final as adopted, though may be modified in the future to respond to changes in water resource concerns from herbicides. Interested parties or groups may direct inquiries about the BMPs to the State Department of Agriculture at the following address:

Gregg Regimbal  
Minnesota Department of Agriculture  
90 West Plato Boulevard, St. Paul, MN 55107-2094  
**Telephone:** (651) 297-4871  
**Fax:** (651) 297-2271  
**Electronic Mail:** [gregg.regimbal@state.mn.us](mailto:gregg.regimbal@state.mn.us)

## Minnesota Comprehensive Health Association

### Notice of Meeting of the Enrollee Appeal Committee

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Enrollee Appeal Committee will be held at 1:30 p.m. on Wednesday, April 14, 2004, at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

This meeting may be closed to the public, if so requested by the appellant(s), pursuant to *Minnesota Statutes* 62E.10, subd. 4.

For additional information, please call Lynn Gruber at (952) 593-9609.

## Minnesota Higher Education Facilities Authority

### Notice of Public Hearing on Revenue Obligations on Behalf of the College of St. Benedict

**NOTICE IS HEREBY GIVEN** that a public hearing will be held at the Mall of America Grand Hotel (Ballroom A), 7901 24th Avenue South, Bloomington, Minnesota, on Wednesday, April 21, 2004 at 1:00 p.m., by the Minnesota Higher Education Facilities Authority (the "Authority") with respect to the proposal to issue revenue bonds on behalf of the College of Saint Benedict (the "College"), as owner and operator of College of St. Benedict. Under the proposal, the Authority would issue revenue bonds or other obligations in the maximum principal amount of \$11,550,000 to finance a project generally described as (a) the renovation and improvement of West Apartments, Brian Hall, Lottie Hall, Margretta Hall, Aurora Hall, Regina Hall, Corona Hall, Murray Hall, Benedicta Arts Center, Clemens Library, Henrita Academic Building and other facilities (the "Improvements") at a total approximate cost of \$4,000,000, (b) the refunding of the Authority's Revenue Bonds, Series Three-W (College of Saint Benedict) and (c) the refunding of the Authority's Revenue Bonds, Series Four-G (College of Saint Benedict).

The Series Three-W Bonds were originally issued to (i) refund the Authority's Revenue Bonds, Series Two-Q (College of Saint Benedict) which financed the construction of Margretta Hall, renovations to St. Teresa Hall, air conditioning of Claire Lynch Hall and installation of storm sewers, (ii) finance the construction of a 242-bed residence hall and (iii) refund the Authority's Revenue Bonds, Series Three-D (College of Saint Benedict) which financed the construction of Ardolf Science Center. The Series Four-G Bonds were originally issued to finance the construction of a 120-bed residence hall and skyway. The Improvements and the other facilities described in this notice are all owned and operated by the College and located on its main campus, the principal street address of which is 37 South College Avenue, St. Joseph, Minnesota.

At said time and place the Authority shall give all parties who appear or have submitted written comments an opportunity to express their views with respect to the proposal to undertake and finance the Improvements and the refunding of the Series Three-W Bonds and the Series Four-G Bonds.

Dated: April 5, 2004

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

# Official Notices

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## Department of Human Services

### Health Care Purchasing and Delivery Systems Division, Health Care Administration Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

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

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

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

On January 13, 2003 at 27 SR 1117-1130, the Department published the MAC list, listing the federal and state MACs. Additional changes to the state MAC list were published on February 18, 2003 (27 SR 1331-1334), March 3, 2003 (27 SR 1386-1393), April 21, 2003 (27 SR 1583-1584), August 4, 2003 (28 SR 102-103), October 13, 2003 (28 SR 505-506), October 20, 2003 (28 SR 528-529), December 15, 2003 (28 SR 784-785), January 26, 2004 (28 SR 934-935), and March 8, 2004 (28 SR 1089-1090).

Effective April 6, 2004, the Department will add the following outpatient prescribed drugs to the state MAC list:

<u>GCN</u>	<u>Drug Name</u>	<u>Strength</u>	<u>MAC Price</u>
03200	Nicotine Gum	2MG	.3164
03201	Nicotine Gum	4MG	.3568
03421	Nicotine	7MG/24HR	3.1165
03422	Nicotine	14MG/24HR	3.1165
03423	Nicotine	21MG/24HR	3.1165
47450	Mupirocin	2%	1.0630

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$173,000 for the rest of State Fiscal Year 2004 (July 1, 2003 through June 30, 2004).

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

Written comments and requests for information may be sent to:

Cody Wiberg, Pharm.D., R.Ph.  
Pharmacy Program Manager  
Health Care Purchasing and Delivery Systems Division  
Minnesota Department of Human Services  
444 Lafayette Road North  
St. Paul, Minnesota 55155-3854  
**Phone:** (651) 296-8515  
**Email:** [cody.wiberg@state.mn.us](mailto:cody.wiberg@state.mn.us)

## Department of Labor and Industry

### Labor Standards Unit

#### Notice of Correction to Commercial and Highway Heavy Prevailing Wage Rates

**Corrections** have been made to the Commercial Prevailing Wage Rates certified 12/29/03 and Highway Heavy Wage Rates certified 10/06/03, for Labor Codes **417 Pipefitters - Steamfitters, and 419 Plumbers in Aitkin, Becker, Beltrami, Cass, Clay,**

**Clearwater, Crow Wing, Douglas, Grant, Hubbard, Kittson, Lake of the Woods, Mahnommen, Marshall, Norman, Ottertail, Pennington, Polk, Roseau, Traverse, Wadena and Wilkin Counties for Commercial Construction AND Regions 2, 3 and 4 for Highway Heavy Construction.**

Copies with the correction of the certified wage rates for these Counties may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at [www.doli.state.mn.us](http://www.doli.state.mn.us). Charges for the cost of copying and mailing are \$.65 per page. Make check or money order payable to the State of Minnesota.

M. Scott Brener  
Commissioner

## Minnesota Pollution Control Agency

### Amended Request for Comments on Planned Amendment to Rules Governing Hazardous Waste Fees, *Minnesota Rules*, Chapter 7046

On November 24, 2003 the Minnesota Pollution Control Agency (MPCA) published a Request for Comments on Possible Amendment to Rules Governing Hazardous Waste Fees. This notice is an amendment to that notice.

**Subject of Rules.** The MPCA requests comments on its planned amendments to rules governing hazardous waste fees (*Minnesota Rules*, Chapter 7046). These rules govern establishment and administration of fees levied on generators of hazardous wastes and on hazardous waste facilities. Specifically, the MPCA is planning to develop rules that may significantly amend the hazardous waste fee rules, including the hazardous waste fee formula in *Minnesota Rules* 7046.0060. In the process of restructuring MPCA funding, the Legislature directed the MPCA to amend the fee formula.

**Persons Affected.** The amendments to the rules would affect firms and individuals whose business activities generate, treat, store or dispose of hazardous waste and who are currently required or may be required to pay hazardous waste fees to the State of Minnesota and county governments in the Twin Cities Metropolitan Area which collect hazardous waste fees on behalf of the State of Minnesota.

**Statutory Authority.** *Minnesota Statutes* § 116.12 authorizes the MPCA to establish hazardous waste generator fees and hazardous waste facility fees to cover expenditures of amounts appropriated from the environmental fund to the MPCA for permitting, monitoring, inspection, and enforcement expenses of the hazardous waste activities of the MPCA. In addition, *Minnesota Laws 2003*, Chapter 128, Article 2, Section 54 directs the MPCA to amend the hazardous waste fee formula (contained in *Minnesota Rules* 7046.0060) to increase hazardous waste fees by \$2,000,000.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on June 5, 2004. Comments may also be submitted through the MPCA website at: <http://www.pca.state.mn.us/waste/hwrules.html>

**Rules Drafts.** The MPCA has not yet prepared a draft of the proposed rule amendments.

**MPCA Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Matt Herman at the Minnesota Pollution Control Agency, 520 Lafayette Road, St. Paul, Minnesota 55155, (651) 296-6603. TTY users may call the MPCA at (651) 282-5332.

**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 MPCA contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record when a proceeding to adopt rules is started. The MPCA is required to include in the rulemaking record only those written comments received in response to the rules after they have been proposed. If you submit comments during the development of the rules and you want to ensure that they are included in the rulemaking record, you should resubmit the comments after the rules are formally proposed.

Sheryl A. Corrigan  
Commissioner

# Official Notices

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## Department of Transportation

### State Aid for Local Transportation Division

#### Petition of the Watonwan County for a Variance from State Aid Procedural and Administrative Requirements

**NOTICE IS HEREBY GIVEN** that the Watonwan County Commissioners have made written request to the Commissioner of Transportation pursuant to *Minnesota Rules*, part 8820.9920, Local State Aid Route Standards, Financing, for a variance from rules pertaining to State Aid operations as they apply to the proposed reconstruction project of 1.5 miles of CSAH 58 from Trunk Highway 15 to Trunk Highway 60, State Aid Projects 83-658-04, located in Watonwan County, Minnesota, so as to allow the design speed of one curve, which leads to and from a railroad crossing and a stop condition at Trunk Highway 60, will be 25 mph in lieu of minimum 40 mph design speed as required.

The request is for variance from *Minnesota Rules*, part 8820.9920, adopted pursuant to *Minnesota Statutes*, chapters 161 and 162, and insofar as the rules apply to the proposed reconstruction project SAP 83-658-05, to allow the design speed of one curve, which leads to and from a railroad crossing and a stop condition at Trunk Highway 60, will be 25 mph in lieu of minimum 40 mph design speed as required.

If a written objection is received within 20 days of published date of this notice in the *State Register*, the variance can granted only after a contested case hearing has been held on the request.

Dated: March 30, 2004

Julie A. Skallman  
State Aid Engineer  
State Aid for Local Transportation

## State Grants & Loans

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

## Department of Human Services

### Notice of Request for Proposal for the Children's Trust Fund Partnerships to Prevent Child Abuse and Neglect

The Minnesota Department of Human Services is requesting proposals for the purpose of supporting and/or creating community based partnerships that create a multi-agency child/family centered service delivery program. Successful applicants will develop essential partnerships in order to provide comprehensive, integrated, multi-faceted interventions for families at risk of child abuse and neglect. The partnering agencies must demonstrate that together, they are able to more effectively increase family support that will prevent or reduce child abuse and neglect.

In order to accomplish these outcomes, applicants must have:

- Experience and expertise in providing services for parents and children at high-risk for child abuse and neglect,
- Have a history of forming and maintaining professional relationships with a client population that is often wary of working with social service, education and health agencies.

Work is proposed to start after July 1, 2004.

Proposals can be obtained online at: [http://www.dhs.state.mn.us/RFP\\_Grants/default.htm](http://www.dhs.state.mn.us/RFP_Grants/default.htm)

Or

A Request for Proposals will be available by mail from this office through April 30, 2004. A written request (by direct mail or fax) is required to receive the Request for Proposal. After April 30, 2004, the Request for Proposals must be picked up in person.

The Request for Proposals can be obtained from:

Joan Prueter  
Minnesota Department of Human Services  
Children's Trust Fund  
444 Lafayette Road North  
St. Paul, MN 55155-3839  
**Fax Number:** (651) 297-1949

Proposals submitted in response to this Request for Proposals in this advertisement must be postmarked or received at the address above no later than May 14, 2004 at 4:00 P.M. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered. This request does not obligate the State to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## Department of Human Services

### Notice of Request for Proposal for the Children's Trust Fund Targeted Child Abuse and Neglect Prevention Programming

The Minnesota Department of Human Services is requesting proposals for the purpose of establishing projects that will increase family and community support in order to improve the safety and well being of children. Successful applicants will develop, operate or expand community based and prevention focused programs and activities that will result in the prevention of child abuse and neglect.

The Targeted Child Abuse and Neglect Prevention Program grant is to prevent child abuse and neglect by improving the health and functioning of a small group of families and/or children, most at risk for child abuse and neglect. In order to accomplish these outcomes, applicants may use:

- A promising or innovative strategy designed to overcome a particular challenge or obstacle for families at high risk for child abuse and neglect,
- A strategy(s) that is based on sound research theory that might not yet be adapted to a specific high risk population,
- A promising strategy with a specific high-risk population that has previously to reach or engage.

Work is proposed to start after July 1, 2004.

Proposals can be obtained online at: [http://www.dhs.state.mn.us/RFP\\_Grants/default.htm](http://www.dhs.state.mn.us/RFP_Grants/default.htm)

Or

A Request for Proposals will be available by mail from this office through April 30, 2004. A written request (by direct mail or fax) is required to receive the Request for Proposal. After April 30, 2004, the Request for Proposals must be picked up in person.

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## State Contracts

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

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

## Administration Department Communications Media Division CORRECTION and Subscriptions

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

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

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

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

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

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

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

## Minnesota State Colleges and Universities

### Request for Proposal (RFP) for Consultant Services for Design Standards

The Minnesota State Colleges and Universities, Office of the Chancellor is requesting proposals for consultant services to assist the Director, Construction and Support Services with updating and editing the systems Design and Construction Standards for their Capital Improvement Program. The Capital Improvement Program includes more than \$250 million in ongoing design or construction projects.

The Minnesota State Colleges and Universities is the fifth-largest higher education system in the U.S. and is comprised of 32 two-year and four-year state colleges and universities at 53 campuses throughout the state. The Office of the Chancellor has oversight responsibilities for design and construction of projects throughout the system.

This RFP seeks the updating of Design and Construction Standards for projects, specifically the portion of the standards relating to the 16 Construction Specifications Institute (CSI) Divisions, including design details as appropriate. Standards will use a combination of performance and prescriptive criteria.

The full Request for Proposal is available by contacting Mailor Moua at [mailor.moua@so.mnscu.edu](mailto:mailor.moua@so.mnscu.edu) or by writing to Minnesota State Colleges and Universities, Attn: Mailor Moua, 500 Wells Fargo Place, 30 East 7th Street, St. Paul, MN 55101. Responses to this RFP are due by April 30, 2004.



## **Minnesota State Colleges and Universities**

### **Inver Hills Community College**

#### **Notice of Request for Bids to Construct Campus Mall Renovations**

Mall renovations include demolition of paving, walls and steps; removal of trees and other landscape items; construction of concrete fire lane, retaining walls, steps, and planters; installation of lighting, topsoil, and sod and other plantings.

Estimated construction cost \$300,000.

Plans available on Monday April 12th.

Bid closing on Monday, May 10 at 2 pm, at the offices of Patrick Buhl, Director of Facilities Planning and Management, Inver Hills Community College, 2500 East 80 Street, Inver Grove Heights, MN 55076-3224. There will be a pre-bid meeting on April 21 at 2:00 pm at Inver Hills Community College, Heritage Hall (room number will be posted in the lobby).

Substantial completion by August 1, 2004

Plans available for \$45 at Close Landscape Architecture, 275 East 4th Street, Suite 610, St. Paul, MN 55101 Cost of mailing (courier) will be additional.

St. Paul Builders Exchange  
445 Farrington Street  
Saint Paul, Minnesota 55103

For more information contact:

Deborah Bartels  
Close Landscape Architecture  
275 East 4th Street  
Suite 610  
St. Paul, Mn 55101  
(651) 222-5754, ext 3  
(651) 222-1017 fax  
[dbartels@closelandarch.com](mailto:dbartels@closelandarch.com)

## **Board of Electricity**

### **Notice of Request for Proposals for Providing Electrical Inspection Service for Fiscal Year 2005 (July 1, 2004 Through June 30, 2005)**

The Board of Electricity is requesting proposals to provide primary as well as supplemental electrical inspection service in areas of the state that are not provided with local electrical inspection service. In accordance with *Minnesota Statutes* section 326.241, subdivision 2(2), all persons performing electrical inspections must be licensed as journeyman or master electricians.

A detailed Request for Proposals packet has been prepared by the Board that defines available geographical inspection areas, minimum service requirements, and other related information. The packet is available by mail, or for pick-up at the board office. The packet cannot be faxed or e-mailed.

Prospective responders interested in submitting a proposal for this service should request the detailed Request for Proposal packet. Requests for the detailed Request for Proposal packet and related questions should be directed to the following person:

John I. Williamson, Assistant Executive Secretary  
Minnesota Board of Electricity  
Griggs-Midway Building, Suite S-128  
1821 University Avenue  
Saint Paul, MN 55104  
**Telephone:** (651) 642-0800  
**Facsimile:** (651) 642-0441  
**e-mail:** [john.williamson@state.mn.us](mailto:john.williamson@state.mn.us)

Completed proposals must be received at the Board office by 3:00 p.m. Central Time, Tuesday, April 27, 2004. Late proposals will not be considered.

# State Contracts

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## Department of Health

### Notice of Availability of Contract for Fiscal Intermediary Services for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program)

The Minnesota Department of Health is requesting proposals for fiscal intermediary services with respect to WIC food instruments (FIs) to be issued by the WIC Program from December 1, 2004 to November 30, 2008, inclusive. These services must include:

1. providing and shipping FI stock;
2. processing FIs for payment;
3. providing edits and review procedures to prevent improper payment of FIs;
4. accepting and transmitting daily electronic data on issued FIs, paid FIs, and returned FIs; and
5. providing a complete audit trail of all transactions processed.

Work is proposed to start after July 1, 2004.

A complete Request for Proposals will be available by United States mail or by email from this office through April 16, 2004. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** Please specify in your written request whether you would like the Request for Proposal to be sent by United States mail, email, or both. After April 16, 2004, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Rick Chiat  
WIC Program  
Minnesota Department of Health  
P.O. Box 64882  
St. Paul, MN 55164-0882  
(651) 281-9901  
**Fax:** (651) 215-8951

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:00 p.m. on May 24, 2004. **Late proposals will not be considered.** Faxed or emailed 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 Pollution Control Agency

### Notice of Availability of Contract for a State Stormwater Guidance Manual

The Minnesota Pollution Control Agency is requesting proposals for the purpose of developing a State Stormwater Guidance Manual. Development will be done in consultation with a Stormwater Steering Committee and input from stakeholders. Marketing of the final manual will include targeted training materials for at least six audience groups.

Work is proposed to start after July 2004 and to be completed within 18 months.

A complete Request for Proposal will be available by mail from the Minnesota Pollution Control Agency through April 19, 2004. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After April 19, 2004, the Request for Proposal must be picked up in person.

All questions concerning the Request for Proposal should be in writing and submitted to the address below no later than 2:30 p.m., Central Time, on April 26, 2004. Answers to questions will be published on the Minnesota Pollution Control Agency stormwater web site: <http://www.pca.state.mn.us/water/stormwater/index.html> by April 30, 2004.

The Request for Proposal can be obtained from:

Brian Livingston  
Stormwater Coordinator  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155  
**Phone:** (651) 296-5426  
**Fax:** (651) 297-8676

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the above address no later than 2:30 p.m., Central Time, May 18, 2004, as indicated by a notation made by the receptionist. **Late proposals will not be considered.** Faxed or electronic submissions will not be considered.

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

### Department of Transportation

#### Engineering Services Division

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

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

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

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of a particular category of services, applications will be accepted on a continual basis.

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

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

Send completed application material to:

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

**Note: DUE DATE:**

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

### Department of Transportation

#### Engineering Services Division

#### Notice Concerning Professional/Technical Contract Opportunities

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

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

## Non-State Contracts & Grants

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

### Metropolitan Council

#### Notice of Request for Proposals (RFP) 2003, 4, 5, A-87 Cost Allocation Report

##### Contract Number 04P031

The Metropolitan Council is requesting proposals for preparation of a Cost Allocation Plan for the years 2003, 2004, and 2005 that meets OMB A-87 requirements for filing with federal grantor agencies.

<i>Issue Request for Proposals</i>	<b>March 29 2004</b>
<i>Receive Proposals</i>	<b>April 29, 2004</b>
<i>Contract negotiated, executed, NTP</i>	<b>May, 2004</b>

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
230 East Fifth Street  
Mears Park Centre  
St. Paul, MN 55101  
**PHONE:** (651) 602-1068 **FAX:** (651) 602-1138  
**e-mail:** [harriet.simmons@metc.state.mn.us](mailto:harriet.simmons@metc.state.mn.us)

*Minnesota Statutes*, Sections 473.144 and 363.073, and *Minnesota Rules*, Parts 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. If a contract for the project is awarded in excess of \$100,000, the requirements of *Minnesota Rules* 5000.3530 will be applicable.

### Metropolitan Council

#### Notice of Request for Proposals for MCES Maintenance Management System Support

##### RFP Number 04P026

**NOTICE IS HEREBY GIVEN** that the Metropolitan Council is soliciting proposals for its Environmental Services Division for Architect/Engineer or Professional/Technical services.

The successful proposer will provide an Access database listing of all preventative maintenance instructions from vendor supplied operation and maintenance manuals for equipment added by three major sewage treatment plant improvements. The successful proposer is to provide Architect/Engineer oversight of the work.

The estimated value of this contract is in the range of \$150,000 to \$250,000 and the expected term is about one year. This contract is PFA grant funded and has M/WBE and SBRA subcontracting goals.

The *tentative* schedule for this process is:

<i>RFP Issue Date</i>	<b>March 30, 2004</b>
<i>Proposals Due</i>	<b>April 29, 2004</b>
<i>Consultant Selection</i>	<b>May, 2004</b>
<i>Contract Award</i>	<b>May - June, 2004</b>
<i>Term of Contract Ends</i>	<b>June, 2005</b>

The Metropolitan Council owns, operates and provides sewage treatment services to the seven-county Twin Cities Metro Region.

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# Non-State Contracts & Grants

All firms interested in this project should submit a written request for a copy of the RFP through:

Harriet Simmons, Administrative Assistant, Contracts and Procurement Unit  
Metropolitan Council  
Mears Park Centre  
230 E. Fifth Street  
St. Paul, MN 55101  
**Phone:** (651) 602-1086 / **Fax:** (651) 602-1138 / **E-mail:** [harriet.simmons@METC.state.mn.us](mailto:harriet.simmons@METC.state.mn.us)

Please provide the name of **one** contact person; complete company name; address / city / state / zip along with phone / fax / cell phone and pager numbers as well as e-mail information if you wish to be placed on the Solicitation List. **All other inquiries** regarding this procurement shall be directed by e-mail to Hugh McConnell at: [hugh.mcconnell@metc.state.mn.us](mailto:hugh.mcconnell@metc.state.mn.us). **Any other contact with Council employees on this matter throughout the entire solicitation process risks vendor disqualification.**

## Metropolitan Council - Metro Transit

### Purchase and Installation of Four Exterior Entrance Doors

#### Procurement No. 6574

Metro Transit, a division of the Metropolitan Council, is soliciting sealed bids for the supply and installation of two overhead doors and two service doors. The doors will be installed at Metro Transit's Operations Support Center located at 725 7th Street North, Minneapolis, MN 55411. A walk through will be conducted at that location at 10:00 a.m. on April 14, 2004.

Sealed bids are due by 2:00 p.m. on April 20, 2004. Bids must be submitted in accordance with the Invitation for Bids document available from:

Metro Council  
Metro Transit Purchasing Department  
515 N. Cleveland Avenue  
St. Paul, MN 55114  
(612) 349-5070

## University of Minnesota

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

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

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

## University of Minnesota

### Request for Proposal (RFP) for Purchase of a Bio Mass Boiler

#### Project # 754-03-1654A

#### 1. NOTICE OF REQUEST FOR PROPOSAL

The University of Minnesota is interested in purchasing a bio mass boiler (design, fabrication, delivery, installation, and startup services) for the Morris, Minnesota Campus Heating Plant, a new addition to the existing district heating and cooling facility in west central Minnesota. The intent of this Request for Proposal (RFP) is to complete the design using the current specifications and other companion documents as a reference point.

#### 2. PURPOSE AND GENERAL INSTRUCTIONS

The University of Minnesota is soliciting proposals for a biomass boiler system from manufacturers of solid fuel boilers for its Morris, Minnesota Campus. The boiler capacity is approximately 15,000 lb/hour and will be operated at two pressures, depending upon the season and to be fueled with biomass fuels.

# Non-State Contracts & Grants

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The general description of the boiler system to be provided in response to this RFP is as follows: An addition to the existing heating plant will be constructed to house the new boiler system. The system consists of a delivery area located directly above the fuel storage area. Fuel is delivered via semi-trailer truck will be deposited in the storage area where the automated fuel delivery system will collect and distribute the fuel directly to the furnace compartment. The furnace will be capable of burning as many as 4 (possibly more) types of biomass fuels. A combustion air system will be connected to the furnace chamber. The furnace will connect to the equipment to remove fly ash and a stack. An emissions monitoring system will be mounted on the stack and will sample the gases leaving the system. The boiler provided with the furnace compartment will have a capacity of 15,000 lb/hour. The boiler will connect to the district heating system already in place by the University. Boiler controls will interface with the University's existing control system. A manual ash removal system will connect to the furnace chamber where ash will be manually removed from the furnace and then transported by either a conveyor or vacuum system to an ash holding hopper located outside of the building. The ash hopper will have a chute to deposit ash into roll-off dumpsters.

The boiler's primary biomass fuel is wood chips. To support research, and in recognition of the abundance of corn derived biomass fuel in the Morris, Minnesota area, the expectations of this boiler RFP and basis for this type of boiler would be to provide smaller markets/facilities with an option to use local fuels. The boiler must be capable of burning alternative fuels such as: corn stover, corn screenings and Distiller Dry Grain and Soluable (DDGS). Corn stover is the most likely alternative fuel to be used on a continuous basis. The technical information for these three fuels are included in the appendix of the RFP package. To assure the campus of a reliable source of heat, the boiler must be equipped with a gas/oil burner, sized for 100% capacity. Stack emission performance limits are specified in the boiler specification.

The University will evaluate the proposals and will visit an installation of those respondents who, in the University's sole judgment, appear to best meet its goals. The intent of the visit is to see an installation that is similar to that being proposed and to observe its operation and understand the details of what is being offered by the manufacturer, so that important details for both parties can be incorporated into a purchase agreement. The Owner (University of Minnesota) will hold prime contracts with the successful respondent and a general contractor. The boiler manufacturer will coordinate their work with, and in response to, the overall planning/scheduling provided by the general contractor to meet the Owners published project schedule for completion and operations.

This ad description is an overview. Please read the entire RFP document carefully and respond as completely as you can. Qualify your exceptions, and describe why your technical solution is well suited to combusting these materials and to provide the University with years of reliable and cost effective operation.

E-mail or call your request for the full RFP to Chip Foster, which will be sent free of charge to interested vendors.

### 3. CONTACT FOR RFP INQUIRIES:

Refer questions to:

#### **PURCHASING SERVICES:**

Chip Foster  
Facilities Management  
400 Donhowe Building  
319 15th Ave. SE  
Minneapolis, MN 55455-1082  
**E-Mail:** [fosterc@facm.umn.edu](mailto:fosterc@facm.umn.edu)  
**Phone:** (612) 626-6080  
**FAX:** (612) 624-5796

### 4. TENTATIVE SCHEDULE OF EVENTS

(Be advised that these dates are subject to change as the University deems necessary.)

RFP Document Issued .....	Thursday, 4-1-04
RFP Advertised .....	Monday, 4-5-04
All questions / inquires deadline at 1:00 pm CST.....	Thursday, 4-15-04
RFP Responses Due at 1:00 pm CST .....	Thursday, 4-29-04
Tentative Evaluation and Selection .....	4-29-04 to 5-28-04
Tentative Interview / Site Visits * Date.....	5-13-04 to 5-25-04
Tentative Award Decision / Notification to Respondents .....	Tuesday, 6-1-04
Submittal of Shop Drawings .....	Thursday, 7-1-04
Complete and Review Contract Documents .....	Friday, 8-27-04

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## Non-State Contracts & Grants

Authorization to construct Boiler .....	Friday, 10-1-04
Start of Building Construction	
Early Start .....	Monday 11-1-04
Late Start .....	Monday, 2-28-05
Boiler available for connection to district heating .....	Monday, 5-2-05
Start up and testing .....	Friday, 7-1-05
Substantial Completion Date of Project .....	Friday, 8-5-05
Project Fully Completed .....	Friday, 9-2-05

(\*Interviews / Site Visits will be at the discretion of the University.)

The University reserves the right, in its sole discretion, to reject any and all proposals, accept any proposal, waive informalities in proposals submitted, and waive minor discrepancies between a proposal and these proposal instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these proposal instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.



# Admin MINNESOTA

Department of Administration

660 Olive Street • St. Paul, Minnesota 55155  
Metro Area 651-297-3000; FAX 651-297-8260  
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