

State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**

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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:

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
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# 30	Monday 26 January	Noon Tuesday 20 January	Noon Wednesday 14 January
# 31	Monday 2 February	Noon Tuesday 27 January	Noon Wednesday 21 January
# 32	Monday 9 February	Noon Tuesday 3 January	Noon Wednesday 28 January

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100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

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Website: <http://www.gpoaccess.gov/fr/index.html>

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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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

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

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

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

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

Minnesota Department of Commerce

Market Assurance Division

Proposed Rules Governing the Regulation of Securities, *Minnesota Rules*, Chapter 2876

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

A new chapter, chapter 2876, will consist of the proposed rules. Chapter 2876 will replace chapter 2875. Chapter 2875 will be repealed entirely.

Introduction. The Minnesota Department of Commerce ("department") intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until February 19, 2009.

Department Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the department contact person. The department contact person is: Brett Bordelon Minnesota Department of Commerce 85 7th Place East / Suite 500 Saint Paul, MN 55101 Telephone: (651) 297-3977 Fax: (651) 284-4106. (You may submit e-mail comments, questions, or requests for a public hearing to: brett.bordelon@state.mn.us.) TTY users may call the department at (651) 296-2860.

Subject of Rules And Statutory Authority. The proposed rules are about investor protection through the regulation of persons in the securities industry and persons issuing and reselling securities. The proposed rules will compose a new chapter of rules, chapter 2876. Chapter 2875 will be repealed in its entirety and replaced by chapter 2876. The statutory authority to adopt the proposed rules is *Minnesota Statutes*, sections 80A.82(a) and 45.023.

A copy of the proposed rules is published on Commerce's Website and is available at:

<http://www.state.mn.us/portal/mn/jsp/content.do?id=-536881351&contentid=536913588&contenttype=EDITORIAL&programid=536911810&agency=Commerce>.

However, a free copy of the rules is available upon request from the department contact person listed above. The following list is intended to provide an easily readable and understandable description of the rules' nature and effect.

Proposed Rules

List Format

Proposed Rule: Nature and Effect of Rule

- 2876.1020:** exclusion from definition of broker-dealer for depository institutions that engage only in certain specified activities
- 2876.1021:** provide citation for Regulation D
- 2876.1030:** specify effective date applicable to federal and state authorities incorporated by reference in proposed rules
- 2876.2020:** provide transactional exemption for a nonissuer transaction involving securities held for at least 90 days beforehand as long as specified information about the issuer of the securities sold in the transaction is contained in certain designated nationally recognized securities manuals
- 2876.2021:** specify factors to be considered in determining what constitutes a “single issue” under the *Minnesota Statutes*, section 80A.46(14) transactional exemption
- 2876.3020:** specify records required to satisfy notice filing requirements for offerings involving 1933 Securities Act § 18(b)(2) and § 18(b)(4) federal covered securities
- 2876.3021:** specify filings required for small corporate offerings
- 2876.3040:** require certain information and records listed in *Minnesota Statutes*, section 80A.52(b)(1)-(17) to be contained in a registration statement
- 2876.3041:** require language in registration statement for intrastate offerings
- 2876.3042:** require prospectus with specified content to be sent or given to each person to whom an offer is made
- 2876.4020:** specify standards of conduct and additional information to be filed by agents of issuers exempt from the broker-dealer registration requirement when representing an issuer in certain exempt transactions
- 2876.4021:** authorize affiliations among broker-dealers or issuers on whose behalf an agent may act
- 2876.4050:** require certain records to be filed by federal covered investment advisers in order to satisfy notice filing requirement
- 2876.4060:** designate CRD/IARD to receive and store registration-related filings by (1) broker-dealers and agents representing broker-dealers (CRD) and (2) investment advisers (IARD)
- 2876.4061:** specify filings required and effective dates for investment adviser registrations
- 2876.4062:** specify filings required and effective dates for broker-dealer and broker-dealer agent registrations
- 2876.4100:** designate amendments to existing registration requiring an order of the administrator
- 2876.4101:** define “promptly remedied” for purposes of rectifying late payment or underpayment of fees
- 2876.4110:** specify conditions under which broker-dealers or agents may accept proceeds from a distribution
- 2876.4112:** establish minimum financial requirements for investment advisers and establish net capital requirements for broker-dealers
- 2876.4113:** require investment advisers with custody and/or discretionary authority over client funds or securities to file certain financial reports
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- 2876.4115:** require investment advisers with custody or discretionary authority over client funds or securities to post a bond or letter of credit
- 2876.4116:** specify standards of conduct for investment advisers with custody of securities or funds of a client
- 2876.4117:** require investment advisers to furnish certain information to (prospective) clients—brochure rule
- 2876.4120:** examination and experience requirements for broker-dealers, agents representing broker-dealers, and investment advisers
- 2876.5021:** specify standards of conduct for broker-dealers
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- 2876.5025:** regulate use of senior-specific designations
- 2876.6052:** specify accounting rules to be used for preparation of financial statements filed under *Minnesota Statutes*, chapter 80A
- 2876.6110:** specify form to be used when filing a consent to service of process

Comments. You have until 4:30 p.m. on Friday, February 19, 2009, to submit written comments in support of or in opposition to the proposed rule(s) and any part or subpart of the rule(s). Your comments must be in writing, and the department contact person must receive them by the due date. The department encourages comment. Your comment should identify the portion of the proposed rule(s) addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rule(s) during this comment period.

Proposed Rules

Request for a Hearing. In addition to submitting comments, you may also request that the department hold a hearing on the rules. Your request for a public hearing must be in writing, and the department contact person must receive it by 4:30 p.m. on February 19, 2009. Your written request for a public hearing must include your name and address. You must identify the portion of each proposed rule that you object to or state that you oppose the entire rule. Any request that does not comply with these requirements is not valid, and the department cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rule(s).

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

Alternative Format. Upon request, the department can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the department contact person at the address or telephone number listed above.

Modifications. The department may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the department, and the adopted rules may not be substantially different than these proposed rules, unless the department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the department encourages you to participate in the rulemaking process.

Statement of Need And Reasonableness. A statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. This statement is now available from the department contact person. It is also published on the department's Website and is available at:

<http://www.state.mn.us/portal/mn/jsp/content.do?id=-536881351&contentid=536913588&contenttype=EDITORIAL&programid=536911810&agency=Commerce>.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to Campaign Finance and Public Disclosure Board 190 Centennial Office Building 658 Cedar Street Saint Paul, Minnesota 55155-1603 **Telephone:** (651) 296-5148 or (800) 657-3889.

Adoption And Review of Rules. If no hearing is required, the department may adopt the rules after the end of the comment period. The department will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the department submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the department to receive notice of future rule proceedings, submit your request to the department contact person listed above.

Dated: January 6, 2009

Signed by Glenn Wilson, Commissioner of Commerce

Minnesota Environmental Quality Board

Proposed Permanent Rules Relating to Environmental Review

NOTICE OF HEARING on Proposed Amendment to Rules Governing the Environmental Review Program, *Minnesota Rules*, chapter 4410

Public Hearing. The Environmental Quality Board (EQB) intends to adopt rules after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The EQB will hold a public hearing on the aboveentitled rules at the following times and places and continuing until the hearing is completed:

- Wednesday, February 25, 2009, at the Alexandria Technical College, Room 208, 1601 Jefferson Street, Alexandria, MN; one session beginning at 2:00 p.m. and a second session beginning at 7:00 p.m.

Proposed Rules

- Thursday, February 26, 2009, at the Fort Snelling History Center Auditorium, Fort Snelling, MN, at the junction of state highways 5 & 55; one session beginning at 2:00 p.m. and a second session beginning at 7:00 p.m.
- Monday, March 2, 2009, at the Hermantown Public Safety Training Facility, 5111 Maple Grove Road, Hermantown, MN; one session beginning at 2:00 p.m. and a second session beginning at 7:00 p.m.
- Wednesday, March 4, 2009, at the Bemidji Public Library, 509 America Avenue NW, Bemidji, MN; one session beginning at 2:00 p.m. and a second session beginning at 7:00 p.m.
- Thursday, March 5, 2009, Northland Arboretum, 14250 Conservation Drive, Baxter, MN; one session beginning at 2:00 p.m. and a second session beginning at 7:00 p.m..

To find out if a hearing has been postponed due to adverse weather conditions, please call the EQB contact person listed below.

Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. The hearing will be conducted by Administrative Law Judge Steve M. Mihalchick, who can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620; telephone: (651) 361-7844; and Fax: (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed rules would amend or add 29 subparts in Chapter 4410 regarding the Environmental Review program. These amendments consist of five topical areas:

- New mandatory EAW, EIS, and Exemption categories that would apply to certain projects located in the shoreland areas of lake and rivers;
- Amendments to how the rules handle treatment of “cumulative potential effects” in EAWs, EIS, and Alternative Urban Areawide Reviews (AUARs) in response to a 2006 Minnesota Supreme Court decision;
- Amendments to the Alternative Urban Areawide Review (AUAR) process with respect to how specific individual projects are treated or how they affect the review;
- A new mandatory EIS category for releases of genetically-engineered wild rice, in response to a legislative directive in the 2007 session; and
- Miscellaneous other amendments to clarify the meaning of certain rule provisions.

Minnesota Statutes, section 116D.04, subdivisions 2a(a), 4a, & 5a and section 116D.045 give the EQB authority adopt rules governing the Environmental Review program. One specific amendment, the creation of a mandatory EIS category for release of genetically engineered wild rice, is also authorized by *Laws of 2007*, chapter 57, article 1, section 140. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed rule is also available at the EQB website: www.eqb.state.mn.us. A free copy of the rules is available upon request from the agency contact person.

The agency contact person is: Gregg Downing, EQB Environmental Review Program, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155; phone, (651) 201-2476; Fax: (651) 296-3698; and e-mail: gregg.downing@state.mn.us. TTY users may call the Department of Administration at 1-800-627-3529.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available for review. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The document is available for review at the EQB website (www.eqb.state.mn.us), EQB offices and at the Office of Administrative Hearings. Copies may be obtained at the cost of reproduction by contacting the agency contact person.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This fiveday comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing.

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Following the comment period, there is a five working day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

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

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

Modifications. The proposed rules may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate.

Adoption Procedure After the Hearing. After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and the rules are filed with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and can make these requests at the hearing or in writing to the agency contact person stated above.

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

Order. I order that the rulemaking hearing be held at the dates, times, and locations listed above.

Dated: December 19, 2008

Signed by EQB Chair Gene Hugoson

4410.0200 DEFINITIONS AND ABBREVIATIONS.

[For text of subs 1 to 9, see M.R.]

Subp. 9a. **Common open space.** "Common open space" means a portion of a development permanently set aside to preserve elements of the natural landscape for public or private use, which will not be developed or subdivided and is either owned in common by the individual owners in the development or by a permanently established management entity. Common open space does not include the area within 25 feet of any structure, any impervious surface, or the area between buildings within an individual cluster of buildings when the development is designed using clustered compact lots or clustered units or sites to create and preserve green space, such as in a conservation subdivision, planned unit development, or resort.

Subp. ~~9a.~~ **9b. Compost facility.** "Compost facility" means a facility used to compost or co-compost solid waste, including:

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

Subp. ~~9b.~~ **9c. Connected actions.** Two projects are "connected actions" if a responsible governmental unit determines they are related in any of the following ways:

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

Subp. 11a. **Cumulative potential effects.** "Cumulative potential effects" means the effect on the environment that results from the incremental effects of a project in addition to other projects in the environmentally relevant area that might reasonably be expected to affect the same environmental resources, including future projects actually planned or for which a basis of expectation has been laid, regardless of what person undertakes the other projects or what jurisdictions have authority over the projects. Significant cumulative potential effects can result from individually minor projects taking place over a period of time. In analyzing the contributions of past projects to

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cumulative potential effects, it is sufficient to consider the current aggregate effects of past actions. It is not required to list or analyze the impacts of individual past actions, unless such information is necessary to describe the cumulative potential effects. In determining if a basis of expectation has been laid for a project, an RGU must determine whether a project is reasonably likely to occur and, if so, whether sufficiently detailed information is available about the project to contribute to the understanding of cumulative potential effects. In making these determinations, the RGU must consider: whether any applications for permits have been filed with any units of government; whether detailed plans and specifications have been prepared for the project; whether future development is indicated by adopted comprehensive plans or zoning or other ordinances; whether future development is indicated by historic or forecasted trends; and any other relevant factors.

[For text of subps 12 to 55, see M.R.]

Subp. 55a. **Ordinary high water level.** “Ordinary high water level” has the meaning given in part 6120.2500, subpart 11.

Subp. 55a. 55b. **Organism.** “Organism” has the meaning given in part 4420.0010, subpart 18.

[For text of subps 56 to 79, see M.R.]

Subp. 79a. **Sensitive shoreland area.** “Sensitive shoreland area” means shoreland designated as a special protection district pursuant to part 6120.3200 and shoreland riparian to any of the following types of public waters:

A. lakes or bays of lakes classified as natural environment pursuant to part 6120.3000;

B. trout lakes and streams designated pursuant to part 6264.0050;

C. wildlife lakes designated pursuant to *Minnesota Statutes*, section 97A.101, subdivision 2;

D. migratory waterfowl feeding and resting lakes designated pursuant to *Minnesota Statutes*, section 97A.095, subdivision 2; or

E. outstanding resource value waters designated pursuant to part 7050.0180.

[For text of subp 80, see M.R.]

Subp. 81. **Sewered area.** “Sewered area” means an area:

A. that is serviced by a wastewater treatment facility or a ~~publicly owned, operated, or supervised~~ centralized septic system servicing the entire development; or

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

Subp. 81a. **Shore impact zone.** “Shore impact zone” means land located between the ordinary high water level of a public water and a line parallel to it at 50 percent of the structure setback distance as established by part 6120.3300, subpart 3, or by local ordinance, whichever distance is greater.

[For text of subps 82 to 96, see M.R.]

4410.0400 GENERAL RESPONSIBILITIES.

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

Subp. 4. **Appeal of final decisions.** Decisions by a RGU on the need for an EAW, the need for an EIS ~~and~~ the adequacy of an EIS, ~~and the adequacy of an alternative urban areawide review document~~ are final decisions and may be reviewed by a declaratory judgment action initiated within 30 days of the RGU’s decision in the district court of the county where the proposed project, or any part thereof, would be undertaken.

4410.1000 PROJECTS REQUIRING AN EAW.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Change in proposed project; new EAW.** If, after a negative declaration has been issued but before the proposed project has received all approvals or been implemented, the RGU determines that a substantial change has been made in the proposed project or has occurred in the RGU’s project’s circumstances, which change may affect the potential for significant adverse environmental effects that were not addressed in the existing EAW, a new EAW is required.

4410.1100 PETITION PROCESS.

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

Subp. 2. **Content.** The petition shall also include:

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

E. material evidence indicating that, because of the nature or location of the proposed project, there may be potential for significant environmental effects. The material evidence must physically accompany the petition. It is not sufficient to merely provide a reference or citation to where the evidence may be found.

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Determination of RGU.** The EQB's chair or designee shall determine whether the petition complies with the requirements of subparts 1 and 2. If the petition complies, the chair or designee shall designate an RGU pursuant to part 4410.0500 and forward the petition to the RGU within five days of receipt of the petition. If the petition fails to comply, the chair or designee shall return the petition to the petitioner's representative within five days of receipt of the petition with a written explanation of why it fails to comply.

[For text of subps 6 to 9, see M.R.]

4410.1200 EAW CONTENT.

The EAW shall address at least the following major categories in the form provided on the worksheet:

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

E. major issues sections identifying potential environmental impacts and issues that may require further investigation before the project is commenced, including identification of cumulative potential effects;

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

4410.1700 DECISION ON NEED FOR EIS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Distribution of decision.** The RGU's decision shall be provided, within five days, to all persons on the EAW distribution list pursuant to part 4410.1500, to all persons that commented in writing during the 30-day review period, and to any person upon written request. All persons who submitted timely and substantive comments on the EAW shall be sent a copy of the RGU's response to those comments prepared under subpart 4. Upon notification, the EQB staff shall publish the RGU's decision in the EQB Monitor. ~~If the decision is a positive declaration, the RGU shall also indicate in the decision the date, time, and place of the scoping review meeting.~~

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

Subp. 7. **Criteria.** In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

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

B. cumulative potential effects ~~of related or anticipated future projects.~~ The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;

C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and

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

[For text of subps 8 and 9, see M.R.]

4410.2300 CONTENT OF EIS.

An EIS shall be written in plain and objective language. An RGU shall use a format for an EIS that will encourage good analysis and clear presentation of the proposed action including alternatives to the project. The standard format shall be:

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

H. Environmental, economic, employment, and sociological impacts: for the proposed project and each major alternative there shall be a thorough but succinct discussion of potentially significant ~~direct or indirect,~~ adverse; or beneficial effects generated, be they direct, indirect, or cumulative. Data and analyses shall be commensurate with the importance of the impact and the relevance of the information to a reasoned choice among alternatives and to the consideration of the need for mitigation measures; the RGU shall consider the relationship between the cost of data and analyses and the relevance and importance of the information in determining the level of detail of information to be prepared for the EIS. Less important material may be summarized, consolidated, or simply referenced. The EIS shall

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identify and briefly discuss any major differences of opinion concerning significant impacts of the proposed project on the environment.

[For text of items I and J, see M.R.]

4410.3100 PROHIBITION ON FINAL GOVERNMENTAL DECISIONS.

[For text of subs 1 and 2, see M.R.]

Subp. 2a. **Concurrent review of draft permits not prohibited.** Subpart 1 does not prohibit a governmental unit from issuing notice of and receiving public comments on a draft permit prior to completion of environmental review.

[For text of subs 3 to 9, see M.R.]

4410.3610 ALTERNATIVE URBAN AREAWIDE REVIEW PROCESS.

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

Subp. 2. **Relationship to specific development projects.**

A. Upon completion of review under this part, residential, commercial, warehousing, and light industrial development projects and associated infrastructure within the boundaries established under subpart 3 that are consistent with development assumptions established under subpart 3 are exempt from review under parts 4410.1100 to 4410.1700 and 4410.2100 to 4410.3000 as long as the approval and construction of the project complies with the conditions of the plan for mitigation developed under subpart 5.

B. The prohibitions of part 4410.3100, subparts 1 and 2, apply to all projects for which review under this part substitutes for review under parts 4410.1100 to 4410.1700 or 4410.2100 to 4410.3000. These prohibitions terminate upon the adoption by the RGU of the environmental analysis document and plan for mitigation under subpart 5.

C. If a specific residential, commercial, warehousing, light industrial, or associated infrastructure project, that is subject to an EAW or EIS, is proposed within the boundaries of an area for which an alternative review under this part is planned or is in preparation but has not yet been completed, the RGU may, at its discretion, review the specific project either through the alternative areawide review procedures or through the EAW or EIS procedures. If the project is reviewed through the alternative areawide review procedures, at least one set of development assumptions used in the process must be consistent with the proposed project, and the project must incorporate the applicable mitigation measures developed through the process.

The prohibitions of part 4410.3100, subparts 1 to 3, apply to all projects for which review under this part substitutes for review under parts 4410.1100 to 4410.1700 or 4410.2100 to 4410.3000. These prohibitions terminate upon the adoption by the RGU of the environmental analysis document and plan for mitigation under subpart 5.

D. The ordering of a review pursuant to subpart 3 does not constitute a finding by the RGU that each potential project within the designated boundary has or may have the potential for significant environmental effects. After an order for review has been adopted under subpart 3, if a specific project for which an EAW or EIS is not mandatory is proposed within the boundaries of the review area, the RGU may exclude the project from the review process and proceed with its approval by using the following process. The RGU must provide notice of the intended exclusion and the reasons for the intended exclusion in the same manner as for distribution of an EAW pursuant to part 4410.1500. Agencies and interested persons shall have ten days from the date of the notice in the EQB Monitor to file comments with the RGU about the proposed removal of the project from the review. If no adverse comments are received within the comment period, the project is automatically excluded from the review and the prohibitions under part 4410.3100 do not apply to the project without further action by the RGU. If adverse comments are received, the RGU must consider the comments and determine whether to include the project in the review or to exclude it within 30 days of the end of the comment period based on whether the project may have the potential for significant environmental effects, taking into account the comments received and the interaction of the project with other anticipated development in its surrounding area.

E. If a specific project will be reviewed through the procedures of this part rather than through the EAW or EIS procedures and the project itself would otherwise require preparation of an EIS pursuant to part 4410.4400 or will comprise at least 50 percent of the geographic area to be reviewed, the RGU must follow the additional procedures of subpart 5a in the review.

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

Subp. 4. **Environmental analysis document; form and content.** The content and format must be similar to that of the EAW, but must provide for a level of analysis comparable to that of an EIS for impacts direct, indirect, and cumulative potential effects typical of urban residential, commercial, warehousing, and light industrial development and associated infrastructure. The content and format must provide for a certification by the RGU that the comprehensive plan requirements of subpart 1 are met.

Subp. 5. **Procedures for review.** The procedures in items A to H must be used for review under this part.

A. The RGU shall prepare a draft environmental analysis document addressing each of the development scenarios selected under subpart 3 using the standard content and format provided by the EQB under subpart 4. A draft version of the mitigation plan as described

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under item C must be included. The geographic extent of the analyses of direct, indirect, and cumulative potential effects conducted in preparing the document is not to be limited by the boundaries set in the order for review under subpart 3. The draft document must be distributed and noticed in accordance with part 4410.1500.

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

Subp. 5a. Additional procedures required when certain large specific projects reviewed.

A. The procedures of this subpart must be followed in addition to those of subpart 5 if a specific project will be reviewed according to this part and the project would otherwise require preparation of an EIS pursuant to part 4410.4400 or will comprise at least 50 percent of the geographic area to be reviewed.

B. Prior to final approval of the order for review pursuant to subpart 3, the RGU must conduct a public process to receive comments about the scope of the review. The RGU shall prepare a draft order for review and distribute and provide notice of its availability in the same manner as for an EAW pursuant to part 4410.1500. The draft order for review must include the information specified in subpart 3 and a description of the specific large project or projects to be included in the review comparable to that of a scoping EAW pursuant to part 4410.2100, subpart 2.

C. Government units and interested persons shall participate in the public comment process in accordance with part 4410.1600, except that the purpose of the comments is to suggest additional development scenarios and relevant issues to be analyzed in the review. Comments may suggest additional development scenarios that include alternatives to the specific large project or projects proposed to be included in the review, including development at sites outside of the proposed geographic boundary. The comments must provide reasons why a suggested development scenario or alternative to a specific project is potentially environmentally superior to those identified in the RGU's draft order.

D. The RGU must consider all timely and substantive comments received when finalizing the order for review. The RGU shall apply the criteria for excluding an alternative from analysis found under part 4410.2300, item G, in determining if a suggested additional scenario or alternative to a specific project should be included or excluded and must explain its reasoning in a written record of decision.

E. The RGU shall adopt the final order for review within 15 days of the end of the comment period. A copy of the order and the RGU's record of decision must be sent within ten days of the decision to the EQB and to anyone who submitted timely and substantive comments.

[For text of subps 6 to 8, see M.R.]

4410.4300 MANDATORY EAW CATEGORIES.

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

Subp. 12. **Nonmetallic mineral mining.** Items A ~~and B~~ C designate the RGU for the type of project listed:

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

C. For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 20 or more acres of forested or other naturally vegetated land in a sensitive shoreland area or 40 acres of forested or other naturally vegetated land in a nonsensitive shoreland area, the local governmental unit shall be the RGU.

[For text of subps 13 to 19, see M.R.]

Subp. 19a. Residential development in shoreland.

A. The local governmental unit is the RGU for construction of a permanent or potentially permanent residential development located wholly or partially in shoreland of a type listed in items B to E. For purposes of this subpart, "riparian unit" means a unit in a development that abuts a public water or, in the case of a development where units are not allowed to abut the public water, is located in the first tier of the development as provided under part 6120.3800, subpart 4, item A.

B. A development containing 15 or more unattached or attached units for a sensitive shoreland area or 25 or more unattached or attached units for a nonsensitive shoreland area, if any of the following conditions is present:

(1) less than 50 percent of the area in shoreland is common open space;

(2) the number of riparian units exceeds by at least 15 percent the number of riparian lots that would be allowable calculated according to the applicable lot area and width standards for riparian unsewered single lots under part 6120.3300, subparts 2a and 2b; or

(3) if any portion of the project is in an unincorporated area, the number of nonriparian units in shoreland exceeds by at least 15 percent the number of lots that would be allowable on the parcel calculated according to the applicable lot area standards for nonriparian unsewered single lots under part 6120.3300, subparts 2a and 2b.

C. A development containing 25 or more unattached or attached units for a sensitive shoreland area or 50 or more unattached or attached units for a nonsensitive shoreland area, if none of the conditions listed in item B is present.

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D. A development in a sensitive shoreland area that provides permanent mooring space for at least one nonriparian unattached or attached unit.

E. A development containing at least one unattached or attached unit created by the conversion of a resort, motel, hotel, recreational vehicle park, or campground, if either of the following conditions is present:

(1) the number of nonriparian units in shoreland exceeds by at least 15 percent the number of lots that would be allowable on the parcel calculated according to the applicable lot area standards for nonriparian unsewered single lots under part 6120.3300, subparts 2a and 2b; or

(2) the number of riparian units exceeds by at least 15 percent the number of riparian lots that would be allowable calculated according to the applicable lot area and width standards for riparian unsewered single lots under part 6120.3300, subparts 2a and 2b.

F. An EAW is required for residential development if the total number of units that may ultimately be developed on all contiguous land owned or under an option to purchase by the proposer, except land identified by an applicable comprehensive plan, ordinance, resolution, or agreement of a local governmental unit for a future use other than residential development, equals or exceeds a threshold of this subpart. In counting the total number of ultimate units, the RGU shall include the number of units in any plans of the proposer. For land for which the proposer has not yet prepared plans, the RGU shall use as the number of units the number of acres multiplied by the maximum number of units per acre allowable under the applicable zoning ordinance or, if the maximum number of units allowable per acre is not specified in an applicable zoning ordinance, by the overall average number of units per acre indicated in the plan of the proposer for those lands for which plans exist.

[For text of subp 20, see M.R.]

Subp. 20a. **Resorts, campgrounds, and RV parks in shorelands.** The local governmental unit is the RGU for construction or expansion of a resort or other seasonal or permanent recreational development located wholly or partially in shoreland, accessible by vehicle, of a type listed in item A or B:

A. construction or addition of 25 or more units or sites in a sensitive shoreland area or 50 units or sites in a nonsensitive shoreland area if at least 50 percent of the area in shoreland is common open space; or

B. construction or addition of 15 or more units or sites in a sensitive shoreland area or 25 or more units or sites in a nonsensitive shoreland area, if less than 50 percent of the area in shoreland is common open space.

[For text of subps 21 to 36, see M.R.]

Subp. 36a. **Land conversions in shoreland.**

A. For a project that alters 800 feet of the shoreline in a sensitive shoreland area or 1,320 feet of shoreline in a nonsensitive shoreland area, the local governmental unit is the RGU.

B. For a project that alters more than 50 percent of the shore impact zone if the alteration measures at least 5,000 square feet, the local governmental unit is the RGU.

C. For a project that permanently converts 20 or more acres of forested or other naturally vegetated land in a sensitive shoreland area or 40 or more acres of forested or other naturally vegetated land in a nonsensitive shoreland area, the local governmental unit is the RGU.

[For text of subp 37, see M.R.]

4410.4400 MANDATORY EIS CATEGORIES.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **Nonmetallic mineral mining.** Items A and B to C designate the RGU for the type of project listed:

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

C. For development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of forested or other naturally vegetated land in a sensitive shoreland area or 80 or more acres of forested or other naturally vegetated land in a nonsensitive shoreland area, the local governmental unit is the RGU.

[For text of subps 10 to 14, see M.R.]

Subp. 14a. **Residential development in shoreland.**

A. The local governmental unit is the RGU for construction of a permanent or potentially permanent residential development located wholly or partially in shoreland of a type listed in items B to D. For purposes of this subpart, "riparian unit" means a unit in a development that abuts a public water or, in the case of a development where units are not allowed to abut the public water, is located in the first tier of the development as provided under part 6120.3800, subpart 4, item A.

B. A development containing 50 or more unattached or attached units for a sensitive shoreland area or 100 or more unattached or

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attached units for a nonsensitive shoreland area, if any of the following conditions is present:

- (1) less than 50 percent of the area in shoreland is common open space;
- (2) the number of riparian units exceeds by at least 15 percent the number of riparian lots that would be allowable calculated according to the applicable lot area and width standards for riparian unsewered single lots under part 6120.3300, subparts 2a and 2b; or
- (3) any portion of the project is in an unincorporated area.

C. A development of 100 or more unattached or attached units for a sensitive shoreland area or 200 or more unattached or attached units for a nonsensitive shoreland area, if none of the conditions listed in item B is present.

D. A development creating 20 or more unattached or attached units for a sensitive shoreland area or 40 or more unattached or attached units for a nonsensitive shoreland area by the conversion of a resort, motel, hotel, recreational vehicle park, or campground, if either of the following conditions is present:

(1) the number of nonriparian units in shoreland exceeds by at least 15 percent the number of lots that would be allowable on the parcel calculated according to the applicable lot area and width standards for nonriparian unsewered single lots under part 6120.3300, subparts 2a and 2b; or

(2) the number of riparian units exceeds by at least 15 percent the number of riparian lots that would be allowable calculated according to the applicable lot area and width standards for riparian unsewered single lots under part 6120.3300, subparts 2a and 2b.

E. An EIS is required for residential development if the total number of units that the proposer may ultimately develop on all contiguous land owned by the proposer or for which the proposer has an option to purchase, except land identified by an applicable comprehensive plan, ordinance, resolution, or agreement of a local governmental unit for a future use other than residential development, equals or exceeds a threshold of this subpart. In counting the total number of ultimate units, the RGU shall include the number of units in any plans of the proposer. For land for which the proposer has not yet prepared plans, the RGU shall use as the number of units the number of acres multiplied by the maximum number of units per acre allowable under the applicable zoning ordinance or, if the maximum number of units allowable per acre is not specified in an applicable zoning ordinance, by the overall average number of units per acre indicated in the plans of the proposer for those lands for which plans exist.

[For text of subps 15 to 25, see M.R.]

Subp. 26. **Resorts, campgrounds, and RV parks in shorelands.** For construction or expansion of a resort or other seasonal or permanent recreational development, accessible by vehicle, adding 100 or more units or sites in a sensitive shoreland area or 200 or more units or sites in a nonsensitive shoreland area, the local governmental unit is the RGU.

Subp. 27. **Land conversion in shorelands.** For a project that permanently converts 40 or more acres of forested or other naturally vegetated land in a sensitive shoreland area or 80 or more acres of forested or other naturally vegetated land in a nonsensitive shoreland area, the local governmental unit is the RGU.

Subp. 28. **Genetically engineered wild rice.** For the release and a permit for a release of genetically engineered wild rice for which an EIS is required by Minnesota Statutes, section 116C.94, subdivision 1, paragraph (b), the EQB is the RGU.

4410.4600 EXEMPTIONS.

Subpart 1. **Scope of exemption.** Projects within subparts 2 and ~~27~~ 26 are exempt from parts 4410.0200 to 4410.6500. Projects within subparts 3 to 25 ~~and 27~~ are exempt from parts 4410.0200 to 4410.6500, unless they have characteristics which meet or exceed any of the thresholds specified in part 4410.4300 or 4410.4400.

[For text of subps 2 to 6, see M.R.]

Subp. 7. **Storage facilities.** Construction of a facility designed for or capable of storing less than 750 tons of coal ~~or more~~, with an annual throughput of less than 12,500 tons of coal, or the expansion of an existing facility by these respective amounts, is exempt.

[For text of subps 8 to 11, see M.R.]

Subp. 12. **Residential development.** The following projects are exempt:

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

B. Construction of less than ten residential units located in shoreland, provided all land in the development that lies within 300 feet of the ordinary high water level of the lake or river, or edge of any wetland adjacent to the lake or river, is preserved as common open space.

C. Construction of a single residence or multiple residence with four dwelling units or less and accessory appurtenant structures and utilities is exempt.

[For text of subps 13 to 25, see M.R.]

Subp. 26. **Governmental activities.** Proposals and enactments of the legislature, rules or orders of governmental units, adoption and

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amendment of comprehensive and other plans, zoning ordinances, or other official controls by local governmental units, rezoning actions by a local governmental unit unless the action would be primarily for the benefit of a specific project or projects, adoption and amendment of plans by state agencies, executive orders of the governor or their implementation by governmental units, judicial orders, and submissions of proposals to a vote of the people of the state are exempt.

[For text of subp 27, see M.R.]

Exempt Rules

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

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

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

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

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

Department of Human Services

Adopted Exempt Temporary Rules Relating to Medical Assistance Payments for Mental Health Services

9505.0323 MENTAL HEALTH SERVICES.

Subpart 1. **Definitions.** For this part, the following terms have the meanings given them.

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

M. "Hour" means a 60-minute session of mental health service other than a diagnostic assessment. At least 45 minutes of the period must be spent in face-to-face contact with the client. The other 15 minutes may be spent in client-related activities. Examples of client-related activities are scheduling, maintaining clinical records, consulting with others about the client's mental health status, preparing reports, receiving the clinical supervision directly related to the client's psychotherapy session, and revising the client's individual treatment plan. If the period of service is longer or shorter than one hour, up to one-fourth of the time may be spent in client-related

activities:

~~N. M.~~ “Hypnotherapy” means psychotherapeutic treatment through hypnosis induced by a mental health professional trained in hypnotherapy.

~~O. N.~~ “Individual psychotherapy” means psychotherapy designed for one client. For purposes of this part, hypnotherapy and biofeedback are individual psychotherapy.

~~P. O.~~ “Individual treatment plan” has the meaning given it in *Minnesota Statutes*, section 245.462, subdivision 14, for an adult, or section 245.4871, subdivision 21, for a child.

~~Q. P.~~ “Mental health services” means the services defined in items A, B, F, G, H, J, K, L, ~~M, N, O, S, U, R, T, V, W, and X, and Y~~ and subpart 30, and mental health case management services as specified in part 9505.0322.

~~R. Q.~~ “Mental illness” has the meaning given it in *Minnesota Statutes*, section 245.462, subdivision 20.

~~S. R.~~ “Multiple family group psychotherapy” means psychotherapy as specified in subpart 28.

~~T. S.~~ “Neurological examination” means an examination of a person’s nervous system by or under the supervision of a physician skilled in the diagnosis and treatment of disorders of the nervous system.

~~U. T.~~ “Partial hospitalization” or “partial hospitalization program” means a time-limited, structured program of psychotherapy and other therapeutic services as defined in *United States Code*, title 42, chapter 7, subchapter XVIII, section 1395x, (ff), and provided in an outpatient hospital facility or community mental health center that meets Medicare requirements to provide partial hospitalization services, and which submits proof of Medicare enrollment to the department. Partial hospitalization is an appropriate alternative or adjunct to inpatient hospitalization for a client who is experiencing an acute episode of mental illness that meets the criteria for an inpatient hospital admission as specified in part 9505.0540, subpart 1, and who has the family and community resources necessary and appropriate to support the client’s residence in the community. Partial hospitalization consists of multiple and intensive therapeutic services provided by a multidisciplinary staff to treat the client’s mental illness. The goal of partial hospitalization is to resolve or stabilize an acute episode of mental illness.

~~V. U.~~ “Primary caregiver” means a person who has primary responsibility for providing the recipient with food, clothing, shelter, direction, guidance, and nurturance. A primary caregiver is someone other than the recipient’s parent or a shift or facility staff member in a facility or institution where the recipient is residing or receiving a health service. An example of a primary caregiver is a recipient’s relative who is not the recipient’s parent and with whom the recipient lives.

~~W. V.~~ “Psychological testing” means the use of tests or other psychometric instruments to determine the status of the recipient’s mental, intellectual, and emotional functioning. A face-to-face interview sufficient to validate the psychological test is a required component of psychological testing.

~~X. W.~~ “Psychotherapy” means a health service for the face-to-face treatment of a client or clients with mental illness through the psychological, psychiatric, or interpersonal method most appropriate to the needs of the client and in conformity with prevailing community standards of mental health practice. The treatment is a planned structured program or other intervention based on a diagnosis of mental illness resulting from a diagnostic assessment and is directed to accomplish measurable goals and objectives specified in the client’s individual treatment plan. Individual, family, and group psychotherapy are the types of psychotherapy. Examples of psychotherapy goals and objectives are relieving subjective distress, alleviating specific existing symptoms, modifying specific patterns of disturbed behavior, stabilizing the level of functioning attainable by the client, and enhancing the ability of the client to adapt to and cope with specific internal and external stressors.

~~Y. X.~~ “Psychotherapy session” means a planned and structured face-to-face treatment episode between the vendor or provider of psychotherapy and one or more individuals. A psychotherapy session may consist of individual psychotherapy, family psychotherapy, or group psychotherapy.

~~Z. Y.~~ “Special mental health consultant” means the mental health practitioner or professional defined in *Minnesota Statutes*, section 245.4871, subdivision 33a.

[For text of subps 2 and 3, see M.R.]

Subp. 4. Eligibility for payment; diagnostic assessment. To be eligible for medical assistance payment, a diagnostic assessment must be conducted by a provider who is a mental health professional. Additionally, to be eligible for medical assistance payment, a diagnostic assessment must comply with the requirements in items A to ~~E, K.~~

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

~~C.~~ Except as set forth in subparts 5 and 6, medical assistance payment for a diagnostic assessment is limited to two hours per assessment.

~~D. C.~~ A recipient may choose another provider of a diagnostic assessment but the limit in item B shall apply.

~~E. D.~~ The limits in this subpart apply whether all components of the diagnostic assessment are carried out by one mental health professional, by more than one mental health professional, or in a multiple provider setting. Examples of a multiple provider setting are

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outpatient hospitals, group practices, and community mental health centers.

F. E. The activities necessary to complete a recipient's diagnostic assessment may be spread out over more than one day but the billing for a diagnostic assessment must be dated as of the date the diagnostic assessment is completed.

G. F. A diagnostic assessment carried out by a mental health professional in a multiple provider setting must be available to other mental health professionals, or other providers in the same setting who need the diagnostic assessment to provide mental health services to the recipient. Additional diagnostic assessments of the recipient in the same multiple provider setting are subject to the limit specified in item A.

H. G. Medical assistance does not pay for a recipient's diagnostic assessment performed on a day during which a recipient participates in a psychotherapy session unless the psychotherapy session is necessary because of an emergency or unless the psychotherapy session occurs as specified in subpart 3.

F. H. The mental health professional conducting the diagnostic assessment must:

- (1) address the components in subpart 1, item H;
- (2) conduct a face-to-face interview with the recipient;
- (3) conduct a mental status examination which describes the recipient's appearance, general behavior, motor activity, speech, alertness, mood, cognitive functioning, and attitude toward his or her symptoms;

(4) review pertinent records;

(5) consider the recipient's need for referral for psychological testing, psychiatric consultation, a neurological examination, a physical examination, a determination of the need for prescribed drugs, the evaluation of the effectiveness of prescribed drugs, and a chemical dependency assessment as specified in part 9530.6615. The mental health professional must refer the recipient to a psychiatrist for a psychiatric consultation or medication evaluation if:

(a) the recipient has not had a psychiatric consultation or medication evaluation within the 180 days before the current diagnostic assessment; and

(b) in the case of an adult, the recipient is given a diagnosis of schizophrenia, bipolar disorder, major depression, or borderline personality disorder as specified in the definition of serious and persistent mental illness in *Minnesota Statutes*, section 245.462, subdivision 20, paragraph (c), clause (3)(i); or

(c) in the case of a child, the recipient is given a diagnosis of mood disorder or obsessive compulsive disorder or, as specified in the definition of severe emotional disturbance in *Minnesota Statutes*, section 245.4871, subdivision 6, clause (3)(i) or (ii), a diagnosis of psychosis or clinical depression, risk of harming self or others as a result of emotional disturbance; or

(d) in the case of a child, the recipient's treatment plan may include the use of medication or residential treatment.

The mental health professional must refer the recipient who is a child and who is given a diagnosis of attention deficit hyperactivity disorder or undifferentiated attention deficit disorder as specified in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R), current edition, to a psychiatrist or a physician who is competent to prescribe and monitor the effects of psychoactive medication for a pediatric population with attention deficit hyperactivity disorder or undifferentiated attention deficit disorder.

The mental health professional may complete the diagnostic assessment, initiate treatment, and bill medical assistance for the mental health services before the consultation or evaluation is completed. If, upon review of the report of the psychiatrist or, in the case of a child with attention deficit hyperactivity disorder or undifferentiated attention deficit disorder, the report of the psychiatrist or physician, the mental health professional believes the diagnostic assessment needs to be updated to include the recommendations of the psychiatrist or physician, the updating of the diagnostic assessment will be eligible for medical assistance payment. The mental health professional conducting the diagnostic assessment for an adult or a child must specify, in the recipient's record, the consideration of biological factors which may be contributing to the recipient's mental illness or emotional disturbance and the recipient's referral or the reason why the referral was not made.

The Diagnostic and Statistical Manual of Mental Disorders is published by the American Psychiatric Association, 1400 K Street N.W., Washington, D.C. 20005. The DSM-III-R is incorporated by reference, available through the Minitex interlibrary loan system, and is subject to frequent change;

(6) refer the recipient for medically necessary services that are outside the scope of practice of the mental health professional;

(7) if clinically appropriate and if authorized as specified in subpart 19 or 20, contact the recipient's family or primary caregiver or document the reason the contact was not made; and

(8) record the results of the diagnostic assessment in the recipient's record.

F. I. Medical assistance will only pay for a neurological examination, psychiatric consultation, physical examination, determination of the need for prescribed drugs, evaluation of the effectiveness of prescribed drugs, and psychological testing carried out in conjunction with a diagnostic assessment if they are billed as separate procedures, distinct from a diagnostic assessment under medical assistance.

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~~K. J.~~ If the mental health professional who conducts the diagnostic assessment is not the mental health professional who referred the recipient for the diagnostic assessment or the mental health professional providing psychotherapy, the mental health professional conducting the diagnostic assessment shall request the recipient to authorize release of the information of the diagnostic assessment to the mental health professional who referred the recipient for the diagnostic assessment and the mental health professional who provides the psychotherapy. The authorization must meet requirements in subpart 19 or 20. The mental health professional conducting the diagnostic assessment shall tell the recipient that any mental health professional who provides the recipient's mental health services will need access to the diagnostic assessment to develop an individual treatment plan related to the services recommended in the diagnostic assessment and to receive medical assistance payment for the recipient's mental health services.

~~L. K.~~ The mental health professional conducting the diagnostic assessment must complete the diagnostic assessment no later than the second meeting between the recipient and the mental health professional providing the recipient's psychotherapy.

Subp. 5. ~~[See repealer.]~~

Subp. 6. ~~[See repealer.]~~

Subp. 7. ~~[See repealer.]~~

Subp. 8. ~~[See repealer.]~~

Subp. 9. ~~[See repealer.]~~

[For text of subps 10 and 11, see M.R.]

Subp. 12. **Payment limitation; total payment for group psychotherapy.** To be eligible for medical assistance payment, a group psychotherapy session conducted by one mental health professional shall not have more than eight persons, and a group psychotherapy session conducted by two mental health professionals shall have at least nine but not more than 12 persons. These limits shall apply regardless of the participants' eligibility for medical assistance. ~~Medical assistance payment for each client who participates in a session of group psychotherapy shall be one quarter of the hourly payment rate for an hour of individual psychotherapy.~~ However, in the case of a group psychotherapy session conducted by two mental health professionals, medical assistance payments shall be according to the number of participants attending the session. When a client participates in a session of group psychotherapy conducted by two mental health professionals, the client's record must document that the cotherapy is medically necessary.

[For text of subp 13, see M.R.]

Subp. 14. [Repealed, 27 SR 1714]

[For text of subps 15 to 17, see M.R.]

Subp. 18. **Payment limitation; explanation of findings.** Explanation of findings is a covered service under parts 9505.0170 to 9505.0475. Medical assistance payment for explanations of findings is limited to four ~~hours sessions~~ per recipient per calendar year. ~~Unless the recipient's diagnostic assessment meets the requirements of subparts 5 to 7, medical assistance payment will not pay for more than a one-hour explanation of findings after the mental health professional completes the recipient's diagnostic assessment. The mental health professional providing the explanation of findings may use the time available under this subpart for an explanation of findings in units of one-half hour or one hour but the total must not exceed the amount specified in this subpart.~~ To be eligible for medical assistance payment, the mental health professional providing the explanation of findings must have obtained the authorization of the recipient or the recipient's representative to release the information as required in subpart 19 or 20. ~~If the recipient's diagnostic assessment qualifies for an extension of or additional time as provided in subparts 5 to 7, the mental health professional providing the explanation of findings may allocate the calendar year total of four hours in any manner necessary to explain the findings. Medical assistance only pays for the actual time spent or four hours, whichever amount of time is less.~~

[For text of subps 19 and 20, see M.R.]

Subp. 21. **Payment limitation; psychological testing.** ~~Medical assistance payment for psychological testing of a recipient in a calendar year shall not exceed eight times the medical assistance payment rate for an hour of individual psychotherapy. Psychological testing shall be reimbursed according to the psychological test used.~~ The psychological testing must be conducted by a psychologist with competence in the area of psychological testing as stated to the Board of Psychology. The psychological testing must be validated in a face-to-face interview between the recipient and a licensed psychologist or licensed consulting psychologist with competence in the area of psychological testing. The report resulting from the psychological testing must be signed by the psychologist conducting the face-to-face interview, must be placed in the recipient's record, and must be released to each person authorized by the recipient. The required components of psychological testing, which include face-to-face interview, interpretation, scoring of the psychological tests, and the required report of testing, are not eligible for a separate charge to medical assistance. Payment for these required components is included in the amount paid for the psychological testing. The administration, scoring, and interpretation of the psychological tests may be carried out, under the clinical supervision of a licensed psychologist or licensed consulting psychologist, by a psychometrist or psychological

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assistant or as part of a computer-assisted psychological testing program.

Subp. 22. [Repealed, 17 SR 1454]

[For text of subps 23 and 24, see M.R.]

Subp. 25. **Individual treatment plan.** Except as provided in subpart 3, medical assistance payment is available only for services in accordance with the client's individual treatment plan. The individual treatment plan must meet the standards of this subpart. A client's individual treatment plan must be based on the information and outcome of the client's diagnostic assessment conducted as specified in subpart 4. ~~Except as provided in subparts 5 and 6;~~ The individual treatment plan must be developed by the mental health professional who provides the client's psychotherapy, or the mental health practitioner who is under the clinical supervision of a mental health professional who is a provider and must be developed no later than the end of the first psychotherapy session after the completion of the client's diagnostic assessment. The mental health professional or the mental health practitioner must involve the client in the development, review, and revision of a client's individual treatment plan. The plan must be reviewed at least once every 90 days, and if necessary revised. However, revisions of the initial individual treatment plan do not require a new diagnostic assessment unless the client's mental health status has changed markedly as provided in subpart 4, item A. The mental health professional shall request the client, or in the case of a child whose circumstances do not fall within subpart 21, the child's parent, primary caregiver, or other person authorized by statute to consent to mental health services for the child, to sign the client's individual treatment plan and revision of the plan unless the request is not appropriate to the client's mental health status. If the client refuses to sign the plan or a revision of the plan, the mental health professional or mental health practitioner shall note on the plan the client's refusal to sign the plan and the client's reason or reasons for the refusal. If the client's mental health status contraindicates the request, the mental health professional or mental health practitioner shall note on the plan the reason the client was not requested to sign the plan.

[For text of subp 26, see M.R.]

Subp. 27. **Excluded services.** The mental health services in items A to S are not eligible for medical assistance payment:

A. a mental health service that is not medically necessary;

B. a mental health service exceeding the limitations in subparts 6; 11, 14, and 15; that has not received prior authorization;

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

Subp. 28. **Multiple family group psychotherapy.** A multiple family group psychotherapy session is eligible for medical assistance payment if the psychotherapy session is designed for at least three but not more than five families. Medical assistance payment for a multiple family group shall be limited to one session of ~~up to two hours~~ per week for no more than ten weeks.

[For text of subp 29, see M.R.]

Subp. 30. **Group psychotherapy for crisis intervention.** Group psychotherapy provided to a client on a daily basis for crisis intervention is eligible for medical assistance payment as specified in items A to D.

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

C. For each crisis episode, the client may receive up to three ~~hours~~ sessions per week within a period of two calendar weeks unless prior authorization is obtained for additional ~~hours~~ sessions per week.

D. The number of ~~hours~~ sessions of group psychotherapy provided for crisis intervention shall be included within the limit specified in subpart 10 unless prior authorization is obtained.

For the purpose of this subpart, "crisis" means any acute social, interpersonal, environmental, or intrapersonal stress that threatens the client's current level of adjustment or causes significant subjective distress.

[For text of subps 31 and 32, see M.R.]

REPEALER. Minnesota Rules, part 9505.0323, subparts 5, 6, 7, 8, and 9, are repealed.

EFFECTIVE DATE. Part 9505.0323 is effective for a period of two years from its publication in the State Register.

Expedited Rules

An agency adopts Expedited Rules (*Minnesota Statutes* 14.389) when a law requires or authorizes such rules. The agency must follow *Minnesota Statutes*, sections 14.19 and 14.366. Within 180 days after issuance of the administrative law judge's report, or that of the chief administrative law judge, an agency shall submit its notice of adoption, amendment, or repeal to the *State Register* for publication. If the agency has not submitted its notice to the *State Register* within 180 days, the rules are automatically withdrawn.

The agency may not adopt the withdrawn rules without again following the procedures of *Minnesota Statutes* 14.05 to 14.28. If the law authorizing or requiring rules to be adopted under this section 14.389, and refers to **Subdivision 5, Option**, then the notice must include a statement that a public hearing will be held if 100 or more people request a hearing. If such is the case, the agency may adopt the rule only after complying with all of the requirements of chapter 14 for rules adopted after a public hearing.

Minnesota Department of Natural Resources

Division of Fish and Wildlife

Adopted Expedited Permanent Game and Fish Rules: Deer, Bear, and Prairie Chicken

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to and Repeal of Rules Governing Deer, Bear and Prairie Chicken, *Minnesota Rules*, chapters 6232 and 6237

Introduction. The Department of Natural Resources (DNR) intends to adopt rules under the expedited rulemaking process in the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until February 25, 2009.

Agency Contact Person. You must submit comments or questions on the rules to: Jason Abraham at DNR, 500 Lafayette Road, St. Paul, MN 55155-0420; **telephone number:** (651) 259-5197; **facsimile number:** (651) 297-4961; **e-mail:** Jason.Abraham@dnr.state.mn.us. **TTY** users may call the DNR at (651) 296-5484 or 1-800-657-3929.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules cover a variety of areas pertaining to wildlife including:

- Deer licenses for military personnel
- Seasons and zones for taking deer by firearms
- Zone descriptions for deer
- Special hunt procedures
- Either-sex permits and preference drawings
- Taking deer by firearms or archery with early antlerless permits
- Youth deer hunts
- Youth special deer seasons
- Bear permit procedures
- Deer registration blocks
- Prairie chicken permit areas

The proposed rules repeal *Minnesota Rules*, parts 6232.1300, subpart 4; 6232.1400; and 6237.0500.

The statutory authority to adopt or repeal the rules is *Minnesota Statutes*, sections 84.027, 97A.045, 97B.311, 97A.401, 97A.485, 97B.112, 97B.305, 97B.311, and 97B.411.

Nature and effect: Previous emergency rules processes were used to promulgate most of the rules summarized below. Since rules promulgated under the emergency process are temporary, the DNR is now proposing to make the rules summarized below permanent.

Deer

- Repeal references to zones and date options on deer licenses for military personnel. (*Minnesota Rules*, part 6232.0500, items a and c)
- Describe deer zone boundaries as collections of deer permit areas and repeal references to the Zone 4 boundary. (*Minnesota Rules*, part 6232.1300, subparts 1-4)
- Repeal zone boundary descriptions that followed geographic landmarks such as roads, rivers and lakeshores. (*Minnesota Rules*, part 6232.1400, subparts 1-4)

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- Repeal references to zone and time periods in special hunt procedures. (*Minnesota Rules*, part 6232.1600, subparts 1 and 5)
- Modify rule language relating to selection of hunters for either sex licenses to reflect elimination of the all-season license and addition of a separate muzzleloader license. (*Minnesota Rules*, part 6232.1800, subpart 1)
- Add rule language relating to the selection of hunters during the early-antlerless season. (*Minnesota Rules*, Part 6323.1970, subparts 1 and 2)
- Clarify rule language to require parents or guardians to attend pre-hunt orientations as well as youth deer hunts and repeal references to zone and time periods. (*Minnesota Rules*, part 6232.2550, subpart 1)
- Repeal reference to zone in youth special deer seasons. (*Minnesota Rules*, part 6232.2560)
- Re-number deer permit area descriptions to reflect the elimination of Zone 4 and describe the Metropolitan Deer Management Zone. (*Minnesota Rules*, part 6232.4700, subparts 114-158)

Bear

- Modify rule language to allow bear hunters to select a second choice of bear quota area when applying for a license. (*Minnesota Rules*, part 6232.2900, subparts 2).

Prairie Chicken

- Repeal obsolete prairie chicken permit area boundary descriptions. (*Minnesota Rules*, part 6237.500)

A copy of the proposed rules is published in the *State Register* and may be accessed at www.comm.media.state.mn.us/state_register.asp. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Feb. 25, 2009 to submit written comments in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The DNR encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also be make any comments on the legality of the proposed rules during this comment period.

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

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

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

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

Date: December 23, 2008

Mark Holsten, Commissioner
Department of Natural Resources

6232.0500 DEER LICENSES FOR MILITARY PERSONNEL.

Military personnel and disabled veterans may obtain a license to hunt deer as authorized by *Minnesota Statutes*, sections 97A.441 and 97A.465, under the conditions in this part.

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

B. The ~~zone and the date~~ season option selected by the applicant shall be printed on the license.

C. The license entitles the holder to take a deer of either sex ~~in the zone and during the date~~ season option selected. A license is not valid in the special areas provided in this chapter. Military or disabled veteran licensees are not eligible for free bonus permits, all-season deer licenses, or multizone buck licenses.

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

6232.1300 SEASONS FOR TAKING DEER BY FIREARMS.

Subpart 1. **Zone 1 100 Series.** ~~This subpart applies to deer permit areas 100 to 199. Legal bucks may be taken in Zone 1 for a 16-day period beginning the Saturday nearest November 6. In managed or intensive deer permit areas, antlerless deer may be taken throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an either-sex permit and who is licensed for Zone 1 season option A may take an antlerless deer without a permit in any Zone 1 deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.~~

Subp. 2. **Zone 2 200 Series.** ~~This subpart applies to deer permit areas 200 to 299. Legal bucks may be taken in Zone 2 for a nine-day period beginning the Saturday nearest November 6. In managed or intensive deer permit areas, antlerless deer may be taken throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an either-sex permit and who is licensed for Zone 2 season option A may take an antlerless deer without a permit in any Zone 2 deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.~~

Subp. 3. **Zone 3 300 Series.**

~~A.~~ A. This subpart applies to ~~season dates in Zone 3 deer permit areas 300 to 399. Item B applies to season option A. Item C applies to season option B.~~

~~A.B.~~ Legal bucks may be taken in ~~the early Zone 3A season option A~~ for a seven-day period beginning the Saturday nearest November 6. In managed or intensive deer permit areas, antlerless deer may be taken throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an either-sex permit and who is licensed for Zone 3A season option A may take an antlerless deer without a permit in any Zone 3A deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.

~~B.C.~~ Legal bucks may be taken ~~during the late Zone 3B season in season option B~~ for a nine-day period beginning the Saturday nearest November 20. In managed or intensive deer permit areas, antlerless deer may be taken throughout this season. In lottery deer permit areas and in special hunt areas, antlerless deer may be taken only by permit throughout this season and only within the deer permit or special hunt area specified on each hunter's permit, except as specifically authorized by statute. A person who is authorized by statute to take a deer of either sex without an either-sex permit and who is licensed for Zone 3B season option B may take an antlerless deer without a permit in any Zone 3B deer permit area, except in those lottery deer permit areas where no either-sex permits are offered.

Subp. 4. [See repealer.]

[For text of subps 5 and 6, see M.R.]

6232.1600 SPECIAL HUNT PROCEDURES.

Subpart 1. **Deer license and permit required for special hunt permit area.** Before applying to hunt in a special hunt permit area, a person must purchase a deer hunting license. A firearms deer license validated for the proper ~~zone and time period~~ season option and a permit valid for that area is required to hunt deer in firearms special hunt areas. Special hunt permit applications must be made at an electronic license system agent or the Department of Natural Resources License Center.

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

Subp. 5. **Undersubscribed areas.** For those special hunt areas that are undersubscribed after provisions of subpart 4 are implemented, the commissioner may issue remaining permits over-the-counter on a first-come first-serve basis to individuals possessing a firearms license validated for the proper ~~zone and time period~~ season option.

6232.1800 EITHER-SEX PERMITS AND PREFERENCE DRAWINGS.

Subpart 1. **Procedures for applying for an either-sex permit.** Residents and nonresidents are eligible for either-sex permits. A

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person may not apply for an either-sex deer permit without first purchasing a firearms or ~~all-season muzzleloader~~ deer license. The application may be made for only one of the deer permit areas described in this part, and must be for the ~~zone and dates~~ season option on the applicant's deer license. A person may not submit more than one application for an either-sex permit. A person may apply for an either-sex permit or a special hunt permit, but not both.

The application deadline is the first Thursday following Labor Day.

[For text of subs 2 and 3, see M.R.]

6232.1970 TAKING DEER BY ARCHERY, FIREARMS, OR MUZZLELOADER UNDER EARLY ANTLERLESS PERMITS.

Subpart 1. **Purchase.** A person who purchases and presents a license valid for the archery, firearm, or muzzleloader season may purchase up to two early antlerless permits. Early antlerless permits may be purchased for one-quarter the cost of a regular license from electronic license system agents, the Department of Natural Resources License Center, and other authorized agents.

Subp. 2. **Restrictions.** For the early antlerless season, hunters must have an archery license, a firearms license valid for any season option, or a muzzleloader license. Up to two early antlerless permits may be used to take antlerless deer by archery, firearms, or muzzleloader in deer areas as prescribed in part 6232.1750. At least one early antlerless permit must be purchased to participate in the season.

6232.2550 YOUTH SPECIAL DEER HUNTS.

Subpart 1. **General requirements.** Youth special deer hunt permittees may hunt in open areas and times designated by the commissioner. All participating youths and a parent or guardian authorized by the parent who is at least 18 years of age must attend a the mandatory orientation and prehunt orientation and clinic. During the hunt, youth participants must be accompanied by at least one adult mentor a parent or guardian authorized by the parent who is at least 18 years of age and authorized by the youth's parent or guardian. The accompanying adult may not hunt. Party hunting is not allowed. Persons participating in youth archery special deer hunts must obtain a valid license for taking deer by archery by the beginning date of the respective hunt. Persons participating in youth firearms special deer hunts must obtain a license for taking deer by firearms, valid for any ~~zone or~~ season option, by the beginning date of the respective hunt. The blaze orange requirements in Minnesota Statutes, section 97B.071, paragraph (a), apply to all hunters and trappers, and all adult mentors of youth hunters, in areas open to youth firearms deer hunting during the open hunting dates established in this part.

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

6232.2560 YOUTH SPECIAL DEER SEASONS.

Youths participating in youth special deer seasons must obtain a license for taking deer by firearms, valid for any ~~zone or~~ season option, by the beginning date of the special season. A youth special season participant may take one deer, which must be antlerless. One bonus permit may be used. An adult mentor age 18 or older authorized by the youth's parent or guardian must accompany the youth hunter at all times during the hunt. The accompanying adult may not hunt. Party hunting is not allowed. The blaze orange requirements in Minnesota Statutes, section 97B.071, paragraph (a), apply to all hunters and trappers, and all adult mentors of youth hunters, in the areas open to firearms deer hunting during the youth special seasons established in this part.

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. An applicant must select a first choice of bear quota area and may select a second choice of bear quota area. 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 or the number of times they have correctly applied in the preference only 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 first offered to unsuccessful applicants for other quota areas on a first-come, first-served basis beginning at 12:00 p.m. on the first Monday in August. To obtain a remaining available license, an eligible person 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 as prescribed by the commissioner on a first-come, first-served basis beginning at 12:00 p.m. on the second Monday in August. Individuals who purchase these remaining available licenses will retain their accumulated preference.

[For text of subs 3 to 8, see M.R.]

6232.4700 REGISTRATION BLOCKS.

[For text of subs 1 to 113, see M.R.]

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Subp. 114. **Registration Block ~~412~~ 273.** Registration Block ~~412~~ 273 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 59 and Interstate Highway 94 (I-94); thence along I-94 to State Trunk Highway (STH) 29; thence along STH 29 to STH 28; thence along STH 28 to U.S. Highway 59; thence along U.S. Highway 59 to the point of beginning.

[For text of subp 115, see M.R.]

Subp. 116. **Registration Block ~~414~~ 214.** Registration Block ~~414~~ 214 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 71 and U.S. Highway 10; thence along U.S. Highway 10 to State Trunk Highway (STH) 27; thence along STH 27 to U.S. Highway 71; thence along U.S. Highway 71 to the point of beginning.

Subp. 117. **Registration Block ~~415~~ 215.** Registration Block ~~415~~ 215 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 27 and U.S. Highway 71; thence along U.S. Highway 71 to Interstate (I) 94; thence along I 94 to County State Aid Highway (CSAH) 75, Stearns County; thence along CSAH 75 to STH 23; thence along STH 23 to the east bank of the Mississippi River; thence along the east bank of the Mississippi River to STH 27; thence along STH 27 to the point of beginning.

Subp. 118. **Registration Block ~~416~~ 276.** Registration Block ~~416~~ 276 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 59 and State Trunk Highway (STH) 28; thence along STH 28 to STH 104; thence along STH 104 to U.S. Highway 12; thence along U.S. Highway 12 to STH 9; thence along STH 9 to STH 28; thence along STH 28 to the point of beginning.

Subp. 119. **Registration Block ~~417~~ 277.** Registration Block ~~417~~ 277 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 55 and STH 104; thence along STH 104 to U.S. Highway 12; thence along U.S. Highway 12 to STH 15; thence along STH 15 to STH 55; thence along STH 55 to the point of beginning.

[For text of subps 120 and 121, see M.R.]

Subp. 122. **Registration Block ~~420~~ 269.** Registration Block ~~420~~ 269 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 10 and the west boundary of the state; thence along U.S. Highway 10 to State Trunk Highway (STH) 32; thence along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence along I-94 to County State Aid Highway (CSAH) 24, Otter Tail County; thence along CSAH 24 to CSAH 26, Wilkin County; thence along CSAH 26 to its junction with U.S. Highway 75; thence due west to the west boundary of the state; thence along the west boundary of the state to the point of beginning.

Subp. 123. **Registration Block ~~421~~ 270.** Registration Block ~~421~~ 270 consists of that portion of the state lying within the following described boundary:

Beginning at a point on the west boundary of the state due west of the junction of County State Aid Highway (CSAH) 26, Wilkin County, and U.S. Highway 75; thence due east to said junction; thence along CSAH 26 to CSAH 24, Otter Tail County; thence along CSAH 24 to Interstate Highway 94 (I-94); thence along I-94 to U.S. Highway 59; thence along U.S. Highway 59 to State Trunk Highway (STH) 55; thence along STH 55 to the west boundary of the state; thence along the west boundary of the state to the point of beginning.

Subp. 124. **Registration Block ~~422~~ 271.** Registration Block ~~422~~ 271 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 55 and the west boundary of the state; thence along STH 55 to the west boundary of Grant County; thence along the west boundary of Grant County to the west

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boundary of Stevens County; thence along the west boundary of Stevens County to STH 28; thence along STH 28 to the west boundary of the state; thence along the west boundary of the state to the point of beginning.

Subp. 125. **Registration Block ~~423~~ 272.** Registration Block ~~423~~ 272 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 55 and U.S. Highway 59; thence along U.S. Highway 59 to STH 28; thence along STH 28 to the west boundary of Stevens County; thence along the west boundary of Stevens County to the west boundary of Grant County; thence along the west boundary of Grant County to STH 55; thence along STH 55 to the point of beginning.

Subp. 126. **Registration Block ~~424~~ 275.** Registration Block ~~424~~ 275 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 28 and STH 9; thence along STH 9 to STH 29; thence along STH 29 to STH 40; thence along STH 40 to STH 7; thence along STH 7 to County State Aid Highway (CSAH) 25, Big Stone County; thence along CSAH 25 to CSAH 10, Big Stone County; thence along CSAH 10 to CSAH 21, Big Stone County; thence along CSAH 21 to STH 28; thence along STH 28 to the point of beginning.

Subp. 127. **Registration Block ~~425~~ 282.** Registration Block ~~425~~ 282 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 12 and State Trunk Highway (STH) 29; thence along STH 29 to STH 7; thence along STH 7 to County State Aid Highway (CSAH) 4, Chippewa County; thence along CSAH 4 to STH 23; thence along STH 23 to U.S. Highway 212; thence along U.S. Highway 212 to U.S. Highway 71; thence along U.S. Highway 71 to U.S. Highway 12; thence along U.S. Highway 12 to the point of beginning.

Subp. 128. **Registration Block ~~426~~ 283.** Registration Block ~~426~~ 283 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 12 and U.S. Highway 71; thence along U.S. Highway 71 to County State Aid Highway (CSAH) 4, Renville County; thence along CSAH 4 to State Trunk Highway (STH) 4; thence along STH 4 to STH 7; thence along STH 7 to STH 22; thence along STH 22 to U.S. Highway 12; thence along U.S. Highway 12 to the point of beginning.

Subp. 129. **Registration Block ~~427~~ 284.** Registration Block ~~427~~ 284 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 7 and STH 4; thence along STH 4 to STH 19; thence along STH 19 to STH 15; thence along STH 15 to County State Aid Highway (CSAH) 1, Nicollet County; thence along CSAH 1 to STH 22; thence along STH 22 to CSAH 2, Nicollet County; thence along CSAH 2 to CSAH 9, Sibley County; thence along CSAH 9 to STH 5; thence along STH 5 to U.S. Highway 212; thence along U.S. Highway 212 to STH 22; thence along STH 22 to STH 7; thence along STH 7 to the point of beginning.

Subp. 130. **Registration Block ~~428~~ 285.** Registration Block ~~428~~ 285 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 12 and State Trunk Highway (STH) 22; thence along STH 22 to U.S. Highway 212; thence along U.S. Highway 212 to STH 25; thence along STH 25 to the South Fork Crow River at Watertown; thence along the east bank of the South Fork Crow River to U.S. Highway 12 at Delano; thence along U.S. Highway 12 to the point of beginning.

[For text of subp 130a, see M.R.]

Subp. 131. **Registration Block ~~431~~ 274.** Registration Block ~~431~~ 274 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of the west boundary of the state and State Trunk Highway (STH) 28; thence along STH 28 to County State Aid Highway (CSAH) 21, Big Stone County; thence along CSAH 21 to CSAH 10, Big Stone County; thence along CSAH 10 to CSAH 25, Big Stone County; thence along CSAH 25 to STH 7; thence along STH 7 to U.S. Highway 12; thence along U.S. Highway 12 to the west boundary of the

state; thence along the west boundary of the state to the point of beginning.

Subp. 132. **Registration Block ~~433~~ 278.** Registration Block ~~433~~ 278 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of the west boundary of the state and U.S. Highway 12; thence along U.S. Highway 12 to State Trunk Highway (STH) 7; thence along STH 7 to STH 40; thence along STH 40 to STH 29; thence along STH 29 to STH 7; thence along STH 7 to U.S. Highway 212; thence along U.S. Highway 212 to County State Aid Highway (CSAH) 31, Lac qui Parle County; thence along CSAH 31 to CSAH 20, Lac qui Parle County; thence along CSAH 20 to STH 40; thence along STH 40 to STH 119; thence along STH 119 to CSAH 28, Lac qui Parle County; thence along CSAH 28 to U.S. Highway 75; thence along U.S. Highway 75 to CSAH 24, Lac qui Parle County; thence along CSAH 24 to the west boundary of the state; thence along the west boundary of the state to the point of beginning.

Subp. 133. **Registration Block ~~435~~ 281.** Registration Block ~~435~~ 281 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 212 and State Trunk Highway (STH) 7; thence along STH 7 to County State Aid Highway (CSAH) 4, Chippewa County; thence along CSAH 4 to STH 23; thence along STH 23 to U.S. Highway 212; thence along U.S. Highway 212 to U.S. Highway 71; thence along U.S. Highway 71 to STH 19; thence along STH 19 to STH 273; thence along STH 273 to CSAH 9, Redwood County; thence along CSAH 9 to CSAH 1, Yellow Medicine County; thence along CSAH 1 to STH 67; thence along STH 67 to CSAH 2, Yellow Medicine County; thence along CSAH 2 to STH 23; thence along STH 23 to CSAH 43, Yellow Medicine County; thence along CSAH 43 to STH 67; thence along STH 67 to CSAH 8, Yellow Medicine County; thence along CSAH 8 to CSAH 19, Yellow Medicine County; thence along CSAH 19 to U.S. Highway 212; thence along U.S. Highway 212 to the point of beginning.

Subp. 134. **Registration Block ~~440~~ 290.** Registration Block ~~440~~ 290 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 71 and County State Aid Highway (CSAH) 4, Renville County; thence along CSAH 4 to State Trunk Highway (STH) 4; thence along STH 4 to STH 19; thence along STH 19 to STH 15; thence along STH 15 to STH 257; thence along STH 257 to CSAH 20, Brown County; thence along CSAH 20 to CSAH 11, Brown County; thence along CSAH 11 to CSAH 24, Brown County; thence along CSAH 24 to STH 4; thence along STH 4 to STH 68; thence along STH 68 to STH 67; thence along STH 67 to U.S. Highway 71; thence along U.S. Highway 71 to the point of beginning.

Subp. 135. **Registration Block ~~442~~ 291.** Registration Block ~~442~~ 291 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 5 and County State Aid Highway (CSAH) 9, Sibley County; thence along STH 5 to STH 25; thence along STH 25 to the Minnesota River; thence along the north bank of the Minnesota River to STH 19; thence along STH 19 to CSAH 11, LeSueur County; thence along CSAH 11 to STH 99; thence along STH 99 to CSAH 15, LeSueur County; thence along CSAH 15 to CSAH 26, Blue Earth County; thence along CSAH 26 to STH 60; thence along STH 60 to CSAH 6, Blue Earth County; thence along CSAH 6 to CSAH 22, Blue Earth County; thence along CSAH 22 to CSAH 19, Brown County; thence along CSAH 19 to STH 15; thence along STH 15 to CSAH 1, Nicollet County; thence along CSAH 1 to STH 22; thence along STH 22 to CSAH 2, Nicollet County; thence along CSAH 2 to CSAH 3, Nicollet County; thence along CSAH 3 to CSAH 9, Sibley County; thence along CSAH 9 to the point of beginning.

Subp. 136. **Registration Block ~~443~~ 299.** Registration Block ~~443~~ 299 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 15 and County State Aid Highway (CSAH) 19, Brown County; thence along CSAH 19 to CSAH 22, Blue Earth County; thence along CSAH 22 to CSAH 6, Blue Earth County; thence along CSAH 6 to STH 60; thence along STH 60 to STH 22; thence along STH 22 to STH 30; thence along STH 30 to STH 15; thence along STH 15 to the point of beginning.

Subp. 137. **Registration Block ~~446~~ 279.** Registration Block ~~446~~ 279 consists of that portion of the state lying within the following described boundary:

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Beginning on State Trunk Highway (STH) 40 County State-Aid Highway (CSAH) 24 at the west boundary of the state; thence along the west boundary of the state to the south boundary of Yellow Medicine County; thence east along the south boundary of Yellow Medicine County to U.S. Highway 75; thence along U.S. Highway 75 to STH 40 CSAH 24; thence along STH 40 CSAH 24 to the point of beginning.

Subp. 138. **Registration Block 447 280.** Registration Block 447 280 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 28, Lac qui Parle County, and U.S. Highway 75; thence along U.S. Highway 75 to the south boundary of Yellow Medicine County; thence along the south boundary of Yellow Medicine County to State Trunk Highway (STH) 23; thence along STH 23 to CSAH 43, Yellow Medicine County; thence along CSAH 43 to STH 67; thence along STH 67 to CSAH 8, Yellow Medicine County; thence along CSAH 8 to CSAH 19, Yellow Medicine County; thence along CSAH 19 to U.S. Highway 212; thence along U.S. Highway 212 to CSAH 31, Lac qui Parle County; thence along CSAH 31 to CSAH 20, Lac qui Parle County; thence along CSAH 20 to STH 40; thence along STH 40 to STH 119; thence along STH 119 to CSAH 28, Lac qui Parle County; thence along CSAH 28 to the point of beginning.

Subp. 139. **Registration Block 448 286.** Registration Block 448 286 consists of that portion of the state lying within the following described boundary:

Beginning on the west boundary of the state at the north boundary of Lincoln County; thence along the west boundary of the state to U.S. Highway 14; thence along U.S. Highway 14 to the east boundary of Lincoln County; thence along the east boundary of Lincoln County to the north boundary of Lincoln County; thence along the north boundary of Lincoln County to the point of beginning.

Subp. 140. **Registration Block 449 288.** Registration Block 449 288 consists of that portion of the state lying within the following described boundary:

Beginning at the northwest corner of Lyon County; thence along the west boundary of Lyon County to U.S. Highway 14; thence along U.S. Highway 14 to the east boundary of Lyon County; thence along said boundary to County State Aid Highway (CSAH) 22, Lyon County; thence along CSAH 22 to CSAH 9, Lyon County; thence along CSAH 9 to State Trunk Highway (STH) 23; thence along STH 23 to the north boundary of Lyon County; thence along the north boundary of Lyon County to the point of beginning.

Subp. 141. **Registration Block 450 289.** Registration Block 450 289 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 22, Lyon County, and the west boundary of Redwood County; thence along said boundary to U.S. Highway 14; thence along U.S. Highway 14 to State Trunk Highway (STH) 4; thence along STH 4 to STH 68; thence along STH 68 to STH 67; thence along STH 67 to STH 273; thence along STH 273 to CSAH 9, Redwood County; thence along CSAH 9 to CSAH 1, Yellow Medicine County; thence along CSAH 1 to STH 67; thence along STH 67 to CSAH 2, Yellow Medicine County; thence along CSAH 2 to STH 23; thence along STH 23 to CSAH 9, Lyon County; thence along CSAH 9 to CSAH 22, Lyon County; thence along CSAH 22 to the point of beginning.

Subp. 142. **Registration Block 451 294.** Registration Block 451 294 consists of that portion of the state lying within the following described boundary:

Beginning on U.S. Highway 14 at the west boundary of the state; thence along the west boundary of the state to the south boundary of Pipestone County; thence along the south boundary of Pipestone County to U.S. Highway 75; thence along U.S. Highway 75 to State Trunk Highway (STH) 268; thence along STH 268 to County State Aid Highway (CSAH) 18, Pipestone County; thence along CSAH 18 to CSAH 1, Pipestone County; thence along CSAH 1 to CSAH 1, Murray County; thence along CSAH 1 to STH 91; thence along STH 91 to U.S. Highway 14; thence along U.S. Highway 14 to the point of beginning.

Subp. 143. **Registration Block 452 234.** Registration Block 452 234 consists of that portion of the state lying within the following described boundary:

Beginning at the north boundary of Rock County at the west boundary of the state; thence along the west and south boundaries of the state to State Trunk Highway (STH) 91; thence along STH 91 to County State Aid

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Highway (CSAH) 1, Murray County; thence along CSAH 1 to CSAH 1, Pipestone County; thence along CSAH 1 to CSAH 18, Pipestone County; thence along CSAH 18 to STH 268; thence along STH 268 to U.S. Highway 75; thence along U.S. Highway 75 to the north boundary of Rock County; thence along the north boundary of Rock County to the point of beginning.

Subp. 144. **Registration Block ~~453~~ 237**. Registration Block ~~453~~ 237 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 30 and STH 91; thence along STH 91 to the south boundary of the state; thence along the south boundary of the state to County State Aid Highway (CSAH) 3, Nobles County; thence along CSAH 3 to STH 264; thence along STH 264 to CSAH 1, Jackson County; thence along CSAH 1 to CSAH 1, Nobles County; thence along CSAH 1 to CSAH 18, Nobles County; thence along CSAH 18 to CSAH 3, Nobles County; thence along CSAH 3 to the south boundary of Murray County; thence along the south boundary of Murray County to CSAH 42, Murray County; thence along CSAH 42 to STH 62; thence along STH 62 to U.S. Highway 59; thence along U.S. Highway 59 to STH 30; thence along STH 30 to the point of beginning.

Subp. 145. **Registration Block ~~454~~ 295**. Registration Block ~~454~~ 295 consists of that portion of the state lying within the following described boundary, except that part comprising Block ~~455~~ 238:

Beginning at the intersection of U.S. Highway 14 and State Trunk Highway (STH) 91; thence along STH 91 to STH 30; thence along STH 30 to U.S. Highway 59; thence along U.S. Highway 59 to STH 62; thence along STH 62 to County State Aid Highway (CSAH) 42, Murray County; thence along CSAH 42 to the south boundary of Murray County; thence along said boundary to CSAH 3, Nobles County; thence along CSAH 3 to CSAH 18, Nobles County; thence along CSAH 18 to CSAH 32, Jackson County; thence along CSAH 32 to CSAH 9, Jackson County; thence along CSAH 9 to CSAH 5, Cottonwood County; thence along CSAH 5 to CSAH 13, Cottonwood County; thence along CSAH 13 to CSAH 6, Murray County; thence along CSAH 6 to the point of beginning.

Subp. 147. **Registration Block ~~456~~ 250**. Registration Block ~~456~~ 250 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 1, Nobles County, and CSAH 18, Nobles County; thence along CSAH 1 to CSAH 1, Jackson County; thence along CSAH 1 to State Trunk Highway (STH) 264; thence along STH 264 to CSAH 3, Nobles County; thence along CSAH 3 to the south boundary of the state; thence along the south boundary of the state to CSAH 23, Jackson County; thence along CSAH 23 to CSAH 8, Jackson County; thence along CSAH 8 to CSAH 29, Jackson County; thence along CSAH 29 to CSAH 36, Jackson County; thence along CSAH 36 to CSAH 1, Cottonwood County; thence along CSAH 1 to STH 60; thence along STH 60 to STH 62; thence along STH 62 to CSAH 5, Cottonwood County; thence along CSAH 5 to CSAH 9, Jackson County; thence along CSAH 9 to CSAH 32, Jackson County; thence along CSAH 32 to CSAH 18, Nobles County; thence along CSAH 18 to the point of beginning.

Subp. 148. **Registration Block ~~457~~ 296**. Registration Block ~~457~~ 296 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of U.S. Highway 14 and U.S. Highway 71; thence along U.S. Highway 71 to State Trunk Highway (STH) 60; thence along STH 60 to STH 15; thence along STH 15 to STH 257; thence along STH 257 to County State Aid Highway (CSAH) 20, Brown County; thence along CSAH 20 to CSAH 11, Brown County; thence along CSAH 11 to CSAH 24, Brown County; thence along CSAH 24 to STH 4; thence along STH 4 to U.S. Highway 14; thence along U.S. Highway 14 to the point of beginning.

Subp. 149. **Registration Block ~~458~~ 252**. Registration Block ~~458~~ 252 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 60 and County State Aid Highway (CSAH) 1, Cottonwood County; thence along CSAH 1 to CSAH 36, Jackson County; thence along CSAH 36 to CSAH 29, Jackson County; thence along CSAH 29 to CSAH 8, Jackson County; thence along CSAH 8 to CSAH 23, Jackson County; thence along CSAH 23 to the south boundary of the state; thence along the south boundary of the state to STH 15; thence along STH 15 to STH 60; thence along STH 60 to the point of beginning.

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Subp. 150. **Registration Block ~~459~~ 253**. Registration Block ~~459~~ 253 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 30 and STH 15; thence along STH 15 to the south boundary of the state; thence along the south boundary of the state to STH 22; thence along STH 22 to County State Aid Highway (CSAH) 29, Faribault County; thence along CSAH 29 to CSAH 3, Waseca County; thence along CSAH 3 to STH 30; thence along STH 30 to the point of beginning.

Subp. 151. **Registration Block ~~461~~ 292**. Registration Block ~~461~~ 292 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 19 and County State Aid Highway (CSAH) 11, LeSueur County; thence along CSAH 11 to STH 99; thence along STH 99 to CSAH 15, LeSueur County; thence along CSAH 15 to CSAH 26, Blue Earth County; thence along CSAH 26 to STH 60; thence along STH 60 to CSAH 16, Rice County; thence along CSAH 16 to CSAH 15, Rice County; thence along CSAH 15 to Interstate Highway 35 (I-35); thence along I-35 to STH 19; thence along STH 19 to the point of beginning. STH 135 to the point of beginning.

Subp. 152. **Registration Block ~~462~~ 293**. Registration Block ~~462~~ 293 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 19 and Interstate Highway 35 (I-35); thence along I-35 to County State Aid Highway (CSAH) 12, Steele County; thence along CSAH 12 to CSAH 24, Dodge County; thence along CSAH 24 to CSAH 22, Dodge County; thence along CSAH 22 to STH 57; thence along STH 57 to U.S. Highway 52; thence along U.S. Highway 52 to STH 19; thence along STH 19 to the point of beginning.

Subp. 153. **Registration Block ~~463~~ 230**. Registration Block ~~463~~ 230 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 60 and STH 22; thence along STH 22 to STH 30; thence along STH 30 to STH 13; thence along STH 13 to STH 60; thence along STH 60 to the point of beginning.

Subp. 154. **Registration Block ~~464~~ 232**. Registration Block ~~464~~ 232 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 60 and STH 13; thence along STH 13 to STH 30; thence along STH 30 to U.S. Highway 218; thence along U.S. Highway 218 to Interstate Highway 35 (I-35); thence along I-35 to County State Aid Highway (CSAH) 15, Rice County; thence along CSAH 15 to CSAH 16, Rice County; thence along CSAH 16 to STH 60; thence along STH 60 to the point of beginning.

Subp. 155. **Registration Block ~~465~~ 233**. Registration Block ~~465~~ 233 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of County State Aid Highway (CSAH) 12, Steele County, and Interstate Highway 35 (I-35); thence along I-35 to U.S. Highway 218; thence along U.S. Highway 218 to State Trunk Highway (STH) 30; thence along STH 30 to CSAH 13, Dodge County; thence along CSAH 13 to U.S. Highway 14; thence along U.S. Highway 14 to STH 57; thence along STH 57 to CSAH 22, Dodge County; thence along CSAH 22 to CSAH 24, Dodge County; thence along CSAH 24 to CSAH 12, Steele County; thence along CSAH 12 to the point of beginning.

Subp. 156. **Registration Block ~~466~~ 254**. Registration Block ~~466~~ 254 consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 30 and County State Aid Highway (CSAH) 3, Waseca County; thence along CSAH 3 to CSAH 29, Faribault County; thence along CSAH 29 to STH 22; thence along STH 22 to the south boundary of the state; thence along the south boundary of the state to STH 105; thence along STH 105 to STH 116 in Austin; thence along STH 116 to U.S. Highway 218; thence along U.S. Highway 218 to STH 30; thence along STH 30 to the point of beginning.

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Subp. 157. **Registration Block ~~467 255~~.** Registration Block ~~467 255~~ consists of that portion of the state lying within the following described boundary:

Beginning at the intersection of State Trunk Highway (STH) 30 and U.S. Highway 218; thence along U.S. Highway 218 to STH 116; thence along STH 116 to STH 105; thence along STH 105 to the south boundary of the state; thence along the south boundary of the state to U.S. Highway 63; thence along U.S. Highway 63 to STH 30; thence along STH 30 to the point of beginning.

Subp. 158. **Registration Block 601 (Metropolitan Deer Management Zone).** Registration Block 601, also known as the Metropolitan Deer Management Zone, is comprised of registration blocks 228 and 337 under subparts 75a and 91.

REPEALER. Minnesota Rules, parts 6232.1300, subpart 4; 6232.1400; and 6237.0500, are repealed.

Executive Orders

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

Office of the Governor

Emergency Executive Order # 09-01: Providing Assistance to the Wilkin County Sheriff

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Minnesota Constitution and applicable laws, do hereby issue this emergency executive order:

WHEREAS, on January 11, 2009, a shooter was present in a remote location in Wilkin County; and

WHEREAS, the Wilkin County Special Weapons and Tactics ("SWAT") team needed armored protection to approach the shooter cross-country; and

Executive Orders

WHEREAS, the local authorities did not have the necessary local resources to provide armored protection and the Wilkin County Sheriff requested an armored M-577 and crew from the Minnesota National Guard to assist with the local law enforcement response.

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about January 11, 2009, in the service of the State, such personnel and equipment of the military forces of the State as required, and for such period of time as necessary to provide adequate protection and transportation for the Wilkin County SWAT team to respond to the shooter situation.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay and allowances of the responding personnel will be defrayed from the general fund of the State, pursuant to *Minnesota Statutes 2008*, Sections 192.49; 192.52 and 192.54.

Pursuant to *Minnesota Statutes 2008*, Section 4.035, Subdivision 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this 12th day of January, 2009.

signed: TIM PAWLENTY
Governor

Filed According to Law:

Signed: MARK RITCHIE
Secretary of State

Office of the Governor

Executive Order # 09-02: Directing Commissioners to Identify Potential Cooperative Service Arrangements with Wisconsin State Agencies

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

WHEREAS, the states of Minnesota and Wisconsin enjoy many similarities, including commonalities in governmental programs and the operation of state government services; and

WHEREAS, residents and businesses in Minnesota and Wisconsin are currently experiencing difficult economic times; and

WHEREAS, the States of Minnesota and Wisconsin anticipate multi-billion dollar budget shortfalls and face similar challenges meeting demands for state services with limited revenues; and

WHEREAS, the magnitude of the current fiscal situation requires Minnesota and Wisconsin to identify and explore creative opportunities to make the operation of state government and the provision of state government services more efficient and cost-effective; and

WHEREAS, the Governors of Minnesota and Wisconsin have agreed that cooperative arrangements between the agencies of each state could result in significant improvements to the delivery and cost-effectiveness of state services, and have agreed to direct their state agencies to work together to identify the specific areas to implement cooperative service arrangements.

NOW, THEREFORE, I hereby order:

1. Each Commissioner is directed to meet with their counterpart within Wisconsin state government to identify specific activities, programs, and services within the agency for potential cooperative service arrangements.

Executive Orders

2. The identification of potential cooperative service arrangements is intended to be an initial step in the process, and Commissioners are directed to be creative and flexible in their approach and to identify the maximum number of potential areas for further review and consideration.
3. No later than February 27, 2009, each Commissioner must provide the Governor with a report of the results of their cooperative work with their Wisconsin counterparts. The report must identify the specific activities, programs and services currently provided by the Minnesota or Wisconsin state agencies that could be made more efficient or cost effective through a cooperative service arrangement.
4. The Commissioner of Employment and Economic Development will serve as the lead agency resource to provide technical support to the Commissioners under this Order. The Commissioner of Employment and Economic Development will work with Commissioners to identify a reporting format consistent with this Order.

Pursuant to *Minnesota Statutes* 2008, 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 until rescinded by proper authority or until it expires in accordance with *Minnesota Statutes* 2008, Section 4.035, Subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this 13th day of January, 2009.

Signed: TIM PAWLENTY
Governor

Filed According to Law

Signed: MARK RITCHIE
Secretary of State

Official Notices

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

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

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Department of Human Services

Adult Mental Health and Children's Mental Health Divisions

Authorization List: All Mental Health Services That Require Authorization as a Condition of Minnesota Health Care Programs (MHCP) Payment

The following is a current authorization list, which replaces any other list published in the *State Register*. The authorization list is effective on or after January 1, 2009. As authorized by *Minnesota Statutes*, section 256b.0625, subdivision 25, the following list includes all mental health services that require authorization as a condition of Minnesota Health Care Programs (MHCP) payment. The criteria used to develop this list are as follows:

- A. The health service could be considered under some circumstances, to be of questionable medical necessity.
- B. Use of the health service requires monitoring to control the expenditure of MHCP funds.
- C. A less costly, appropriate alternative health service is available.
- D. The health service is investigative or experimental.
- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

Mental Health Services

Diagnostic Assessment

- Authorization is required to exceed 2 sessions per calendar year, cumulative.
- Maximum of 4 sessions per year.
- The provider cannot bill both 90801 and 90802 for the same recipient. They must choose one or the other
 - ♦ 90801, Diagnostic Assessment, per session
 - ♦ 90802, Interactive Diagnostic Assessment , per session

Explanation of Findings

- Authorization is required to exceed 2 sessions per calendar year

- Maximum of 4 sessions per year.
 - ◆ 90887, per session

Individual Psychotherapy

- Up to twenty-six (26) hours, cumulative, per calendar year of individual psychotherapy may be provided without authorization (90804-90829 and 90875). Services 90816 – 90829 provided in an inpatient setting are not subject to the 26 hour limits.
- Individual and interactive individual psychotherapy services may not be provided concurrently.
 - ◆ 90804, 20 – 30 minutes
 - ◆ 90805, with evaluation & management, 20-30 minutes
 - ◆ 90806, 45 – 50 minutes
 - ◆ 90807, with evaluation & management, 45-50 minutes
 - ◆ 90808, 75-80 minutes
 - ◆ 90809, with evaluation & management, 75-80 minutes
 - ◆ 90810, interactive, 20-30 minutes
 - ◆ 90811, interactive with evaluation & management, 20-30 minutes
 - ◆ 90812, interactive 45-50 minutes
 - ◆ 90813, interactive with evaluation & management, 45-50 minutes
 - ◆ 90814, interactive 75-80 minutes
 - ◆ 90815, interactive with evaluation & management, 75-80 minutes
 - ◆ 90816, inpatient hospital, partial hospital or residential care setting, 20-30 minutes
 - ◆ 90817, inpatient hospital, partial hospital or residential care setting, with evaluation & management, 20-30 minutes
 - ◆ 90818, , inpatient hospital, partial hospital or residential care setting, 45-50 minutes
 - ◆ 90819, inpatient hospital, partial hospital or residential care setting, with evaluation & management 45-50 minutes
 - ◆ 90821, inpatient hospital, partial hospital or residential care setting, 75-80 minutes
 - ◆ 90822, inpatient hospital, partial hospital or residential care setting, with evaluation & management, 75-80 minutes
 - ◆ 90823, inpatient hospital, partial hospital or residential care setting, interactive, 20-30 minutes
 - ◆ 90824, inpatient hospital, partial hospital or residential care setting, interactive with evaluation & management, 20-30 minutes
 - ◆ 90826, inpatient hospital, partial hospital or residential care setting, interactive, 45-50 minutes
 - ◆ 90827, inpatient hospital, partial hospital or residential care setting, interactive with evaluation & management, 45-50 minutes
 - ◆ 90828, inpatient hospital, partial hospital or residential care setting, 75-80 minutes
 - ◆ 90875, psycho-physiological therapy incorporating biofeedback training with psychotherapy, 20-30 minutes

Group Psychotherapy

- Authorization is required to exceed 52 session calendar year, cumulative
- The provider cannot bill both 90853 and 90857 for the same recipient. They must choose one or the other
 - ◆ 90853, Group psychotherapy, per session
 - ◆ 90857, Interactive group psychotherapy, per session

Family Psychotherapy

- Authorization is required to exceed 26 sessions per calendar year, cumulative
 - ◆ 90846 without patient present, per session
 - ◆ 90847 with patient present, per session

Multiple Family Group Psychotherapy

- Maximum of 10 sessions per calendar year
 - ◆ 90849, per session

Neuropsychological Testing

- Authorization is required to exceed 10 hours per calendar year, cumulative, for a single assessment and/or if multiple assessments are requested and determined medically necessary.
- A maximum of 15 hours per calendar year may be allowed with authorization.

Official Notices

- ◆ 96118, professional administered, per hour
- ◆ 96119, technician administered, per hour
- ◆ 96120, computer administered, per session

Neuropsychological Services

- Authorization is required prior to initiation of service (H2012 or 97535).
- A maximum not to exceed 4 hours per day; 390 hours per calendar year of Cognitive Remediation Training may be allowed with authorization.
- A maximum of 20 hours per calendar year of Neuropsychological Rehabilitation may be allowed with authorization.
 - ◆ H2012 HK, Cognitive Remediation Training, 60 min,
 - ◆ 97535 HE, Neuropsychological Rehabilitation, 15 min

Adult Crisis Response Services

- Authorization is required to exceed 4 hours per calendar month or 8 hours per calendar year
- A maximum of 2 hours per day may be provided.
 - ◆ H0031, mental health crisis assessment, 15 min
 - ◆ H0031 HN, mental health crisis assessment, 15 min
- Authorization is required to exceed 10 hours per day or 30 hours per month or 60 hours per calendar year
 - ◆ H2011, mental health crisis intervention, 15 min
 - ◆ H2011 HN, mental health crisis intervention, 15 min
- Authorization is required to exceed 60 hours per calendar year, cumulative for any combination of S9484, S9484HM and/or S9484 HQ
 - ◆ S9484, mental health crisis stabilization, 60 min
 - ◆ S9484 HM, mental health crisis stabilization, 60 min
 - ◆ S9484 HQ, group, mental health crisis stabilization, 60 min
- Authorization is required to exceed 10 days per calendar month
 - ◆ H0018, mental health crisis stabilization, residential
- Authorization is required to exceed 10 hours per month or 72 hours per calendar year, cumulative with ARMHS
 - ◆ 90882, community intervention

Adult Rehabilitative Mental Health Services (ARMHS)

- ARMHS services must be prior authorized in order to be provided concurrently with Assertive Community Treatment (ACT)
- ARMHS services must be prior authorized in order to be provided concurrently with Intensive Residential Rehabilitative Mental Health Treatment Services (IRTS)
- Authorization is required to exceed 300 hours per calendar year
 - ◆ H2017, basic living and social skills, 15 min
 - ◆ H2017 HM, basic living and social skills, 15 min
 - ◆ H2017 HQ, basic living and social skills, 15 min
- Authorization is required to exceed 10 hours per month or 72 hours per calendar year, cumulative with adult mental health crisis response services
 - ◆ 90882, community intervention
- Authorization is required to exceed 26 hours per calendar year, for each of the following:
 - ◆ H0034, individual medication education
 - ◆ H0034 HQ, group medication education

Adult Mental Health Day Treatment

- Adult mental health day treatment must be prior authorized in order to be provided concurrently with assertive community treatment (ACT)
- Adult mental health day treatment must be prior authorized in order to be provided concurrently with Intensive Residential Rehabilitative Mental Health Treatment Services (IRTS)
- Authorization is required to exceed 115 hours per calendar year
 - ◆ H2012, per hour

Intensive Residential Rehabilitative Mental Health Treatment Services (IRTS)

- Prior authorization is required for recipients receiving partial hospitalization program services on the same day as IRTS. The IRTS must seek authorization.
- Authorization is required to exceed 90 days
 - ◆ H0019, per diem

Partial Hospitalization Program

- Authorization is required to exceed 21 days per episode
- Authorization is required to provide fewer than 5 hours per day for an adult or 4 hours per day for a child
- Authorization is required for readmissions within 45 days of a previous discharge
 - ◆ H0035, per hour
 - ◆ H0035 HA, per hour

Children's Therapeutic Services and Supports (CTSS)

Individual Psychotherapy

- Authorization is required to exceed 200 hours per calendar, cumulative for any combination of children's therapeutic services and supports (CTSS) 90804-90815 UA, H2012 UA, H2014 UA, H2015 UA, and H2019 UA when threshold has been used.
- Individual and interactive individual psychotherapy services may not be provided concurrently.
 - ◆ 90804, UA, 20 – 30 minutes
 - ◆ 90805, UA, with evaluation & management, 20-30 minutes
 - ◆ 90806, UA, 45 – 50 minutes
 - ◆ 90807, UA with evaluation & management, 45-50 minutes
 - ◆ 90808, UA, 75-80 minutes
 - ◆ 90809, UA, with evaluation & management, 75-80 minutes
 - ◆ 90810, UA, interactive, 20-30 minutes
 - ◆ 90811, UA, interactive with evaluation & management, 20-30 minutes
 - ◆ 90812, UA, interactive 45-50 minutes
 - ◆ 90813, UA, interactive with evaluation & management, 45-50 minutes
 - ◆ 90814, UA, interactive 75-80 minutes
 - ◆ 90815, UA, interactive with evaluation & management, 75-80 minutes
 - ◆ 90875, UA, psycho-physiological therapy incorporating biofeedback training with psychotherapy, 20-30 minutes

Family Psychotherapy

- Authorization is required to exceed 26 sessions per calendar year, cumulative for any combination of family psychotherapy
 - ◆ 90846 UA without patient present, per session
 - ◆ 90847 UA with patient present, per session

Multiple Family Group Psychotherapy

- Maximum of 10 sessions per calendar year, cumulative for any combination of multiple family group psychotherapy
 - ◆ 90849 UA, per session

Group Psychotherapy

- Authorization is required to exceed 52 session calendar year, cumulative for any combination of group psychotherapy (excluding CTSS day treatment)
- The provider cannot bill both 90853 and 90857 for the recipient. They must choose one or the other
 - ◆ 90853 UA, Group psychotherapy, per session
 - ◆ 90857 UA, Interactive group psychotherapy, per session

Skills Training

- Authorization is required to exceed 200 hours per calendar, cumulative for any combination of children's therapeutic services and supports (CTSS) 90804-90815 UA, H2012 UA, H2014 UA, H2015 UA, and H2019 UA when threshold has been used.
 - ◆ H2014 UA, Individual Skills Training and Development, per 15 minutes
 - ◆ H2014 UA HR, Family Skills Training and Development, per 15 minutes
 - ◆ H2014 UA HQ, Group Skills Training and Development, per 15 minutes

Official Notices

Crisis Assistance

- Authorization is required to exceed 200 hours per calendar, cumulative for any combination of children's therapeutic services and supports (CTSS) 90804-90815 UA, H2012 UA, H2014 UA, H2015 UA, and H2019 UA when threshold has been used.
 - ♦ H2015 UA, Comprehensive Community Support Services (Crisis assistance), per 15 minutes

Mental Health Behavioral Aide

- Authorization is required to exceed 200 hours per calendar, cumulative for any combination of children's therapeutic services and supports (CTSS) 90804-90815 UA, H2012 UA, H2014 UA, H2015 UA, and H2019 UA when threshold has been used.
 - ♦ H2019 UA, Therapeutic Behavioral Service (Level I Mental Health Behavioral Aide), per 15 minutes;
 - ♦ H2019 UA HM, Therapeutic Behavioral Services (Level II Mental Health Behavioral Aide), per 15 minutes

Therapeutic Components of Preschool Program

- Authorization is required to exceed 200 hours per calendar, cumulative for any combination of children's therapeutic services and supports (CTSS) 90804-90815 UA, H2012 UA, H2014 UA, H2015 UA, and H2019 UA when threshold has been used.
 - ♦ H2012 UA, Behavioral health day treatment when used for therapeutic components of preschool program, 60 min

CTSS Children's Day Treatment

Individual Psychotherapy

- Authorization is required to exceed 200 hours per calendar, cumulative for any combination of children's therapeutic services and supports (CTSS) 90804-90815 UA, H2012 UA, H2014 UA, H2015 UA, and H2019 UA when threshold has been used.
- Individual and interactive individual psychotherapy services may not be provided concurrently.
 - ♦ 90804, UA, HK, 20 – 30 minutes
 - ♦ 90805, UA, HK, with evaluation & management, 20-30 minutes
 - ♦ 90806, UA, HK, 45 – 50 minutes
 - ♦ 90807, UA HK, with evaluation & management, 45-50 minutes
 - ♦ 90808, UA, HK, 75-80 minutes
 - ♦ 90809, UA, HK, with evaluation & management, 75-80 minutes
 - ♦ 90810, UA, HK, interactive, 20-30 minutes
 - ♦ 90811, UA, HK, interactive with evaluation & management, 20-30 minutes
 - ♦ 90812, UA, HK, interactive 45-50 minutes
 - ♦ 90813, UA, HK, interactive with evaluation & management, 45-50 minutes
 - ♦ 90814, UA, HK, interactive 75-80 minutes
 - ♦ 90815, UA, HK, interactive with evaluation & management, 75-80 minutes

Group Psychotherapy

- Authorization is required to exceed 100 session per calendar year, not cumulative with any other group psychotherapy
- The provider cannot bill both 90853 and 90857 for the recipient. They must choose one or the other
 - ♦ 90853, UA, HK, Group psychotherapy, per session
 - ♦ 90857, UA, HK, Interactive group psychotherapy, per session

Skills Training

- Authorization is required to exceed 200 hours per calendar, cumulative for any combination of children's therapeutic services and supports (CTSS) 90804-90815 UA, H2012 UA, H2014 UA, H2015 UA, and H2019 UA when threshold has been used.
 - ♦ H2014 UA, HK, Individual Skills Training and Development, per 15 minutes
 - ♦ H2014 UA HQ, HK, Group Skills Training and Development, per 15 minutes

Minnesota Department of Human Services**Request for Comments on Possible Amendment to Rules Governing Hearing Aid Services, *Minnesota Rules*, part 9505.0287**

Subject of Rules. The Minnesota Department of Human Services requests comments on its possible amendment to rules governing hearing aid services in the Medical Assistance (MA) program. The department is considering rule amendments that would expand the definition of “hearing aid services provider” which is found in *Minnesota Rules*, part 9505.0287, subpart 1, item C to include not only natural persons such as dispensers of hearing instruments and audiologists in private practice but providers such as clinics and hospitals who employ dispensers of hearing instruments and audiologists. As *Minnesota Rule*, part 9505.0287 is currently written; it requires payments to be made to a hearing aid services provider who is defined as a natural person such as a dispenser of hearing instruments or an audiologist. This rule puts dispensers and audiologists who are employees in clinics and outpatient hospital settings in a position to be treated by the department as a provider in private practice. This rule change would allow providers who employ dispensers of hearing instruments and audiologists to bill for their employee’s services directly.

Persons Affected. The amendment to the rules would likely affect dispensers of hearing instruments; audiologists; business entities such as clinics and hospitals who employ dispensers of hearing instruments and audiologists; and the department.

Statutory Authority. *Minnesota Statutes*, section 256B.04, subdivision 2, authorizes the department to, “Make uniform rules, not inconsistent with law, for carrying out and enforcing the provisions hereof in an efficient, economical, and impartial manner, and to the end that the medical assistance system may be administered uniformly throughout the state, having regard for varying costs of medical care in different parts of the state and the conditions in each case, and in all things to carry out the spirit and purpose of this program, which rules shall be furnished immediately to all county agencies, and shall be binding on such county agencies.”

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the State Register that the department intends to adopt or to withdraw the rules. The department does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The department has prepared a draft of the possible rules amendments that will be available before the publication of the proposed rules.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Marsha West at the Minnesota Department of Human Services, Appeals and Regulations Division, PO Box 64941, St. Paul, Minnesota 55164-0941; telephone: (651) 431-3612; e-mail: marsha.west@state.mn.us; or FAX: (651) 431-7523. Persons with special needs may call the Minnesota Relay Service at 1-800-627-3529 (TDD), 7-1-1 or 1-877-627-3848 (speech to speech relay service).

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

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

Dated: 19 November 2008

Cal R. Ludeman, Commissioner
Minnesota Department of Human Services

Official Notices

Department of Labor and Industry Labor Standards Unit

Notice of Prevailing Wage Determinations for Commercial Projects

On January 20, 2009, the commissioner determined and certified prevailing wage rates for Commercial construction projects in each of 87 Counties statewide.

Copies 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. Charges for the cost of copying and mailing at \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Steve Sviggum, Commissioner
Department of Labor and Industry

Public Utilities Commission

Notice of Filing and Public Comment Period in the Matter of the Application of Noble Flat Windpark I, LLC for a Certificate of Need for the 201 MW Noble Flat Hill Windpark and Associated Facilities Located Entirely in Clay County

Public Utilities Docket No: IP-6687/CN-08-951

NOTICE IS HEREBY GIVEN that on October 17, 2008 Noble Flat Hill Wind Park I, LLC (Noble Flat Hill, the Applicant) filed an application for a certificate of need for the Noble Hill Flat Windpark project. The Noble Hill Flat Windpark is a 201 MW facility located entirely in Clay County. The project is located twelve miles east of the City of Moorhead and will comprise of one hundred and thirty four 1.5 MW wind turbines. Applicants also plan to build an approximately 11-mile 230 kV HVTL to interconnect the project with existing transmission facilities in the region.

The proposed generation facility and transmission line fall under the definition of "large energy facility" in *Minnesota Statutes* § 216B.2421, subd. 2 (1). Therefore, in accordance with *Minnesota Statutes* § 216B.243, subd. 2, the facilities cannot be constructed or sited in Minnesota unless the Commission issues a certificate of need to the Applicant.

The certificate of need rules pertaining to the review of this filing are in *Minnesota Rules* Chapter 7849. On December 18, 2008 the Commission noted the absence of disputed material facts and ordered an informal review process as authorized by *Minnesota Rules* 7829.1200. This order and other documents associated with certificate of need application can be viewed at: www.edockets.com (click search then enter docket number **08-951** for the certificate of need application). Additionally the Applicant has filed site and route permit applications for the project and information on these applications can be found using the docket numbers **08-1134** and **08-988** as described in the prior parenthesis.

Interested persons are encouraged to provide written comments on whether the proposed project is needed and is in the public interest.

This comment period is open until 4:30 P.M on February 6, 2009, and individuals may file reply comments up until March 6, 2009. These comments should be addressed to Burl Haar Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147.

Questions about the Noble Flat Hill Wind Project certificate of need application may be directed to Bret Eknes, Minnesota Public Utilities Commission, 121 - 7th Place East, Suite 350, St. Paul, MN 55101, phone (651) 201-2236, e-mail: bret.eknes@state.mn.us.

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 Employment and Economic Development Office of Science and Technology Notice of Availability of Grant for Research and Development (R&D) Matching Funds

The Minnesota Department of Employment and Economic Development, Office of Science and Technology is requesting proposals for the purpose of providing \$25,000 in matching funds to early-stage companies developing innovations created at non profit research institutions. Funds will support research and development efforts. Funds will be awarded to companies whose technology has been evaluated, protected and vetted for high commercial success.

Work is proposed to start after January 1, 2009.

A Request for Proposals will be available by mail from this office through April 30, 2009. **An e-mail request is required to receive the Request for Proposal.** After April 30, 2009, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Betsy Lulfs
Office of Science and Technology
Department of Employment and Economic Development
332 Minnesota St., Ste. E-200
St. Paul, MN
E-mail: betsy.lulfs@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above from January 1, 2009 through April 30, 2009. **Late proposals will not be considered.** Fax 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.

State Contracts

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

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

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

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

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

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

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

Get the Most from State Contracts

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Department of Administration (Admin)

Real Estate & Construction Services

Notice of Request for Proposals (RFP) for Professional Services for Minnesota Registered Engineers to provide Energy Engineering Services

NOTICE IS HEREBY GIVEN that the Department of Administration, Real Estate and Construction Services ("State") has issued a request for proposals for Minnesota registered engineers to assist the State in providing energy engineering audits, studies, predesigns, design through construction documents, construction administration, post construction services, and project-related professional services as needed for up to a five-year period. These projects will be varied in nature and scope and will involve new construction and remodeling, which includes but is not limited to buildings, commissioning, site and utility work, and land development.

The purpose of the RFP is to execute master contracts with firms and/or individuals for:

a. **Energy Engineering Services.** The tasks and scope of services required are included in the Request for Proposal (RFP) located at www.admin.state.mn.us/recs (Click on "Construction Services" and "Solicitations and Announcements"). Firms that are currently on the Master Roster and are qualified may also apply. It is anticipated that all state agencies and Minnesota State Colleges and Universities will utilize the master contracts.

The Request for Proposal may be found online at: www.admin.state.mn.us/recs (Click on "Construction Services" and "Solicitations and Announcements"). Copies of the RFP may also be requested from:

Contracts Coordinator
Real Estate and Construction Services
309 Administration Building, 50 Sherburne Avenue
St. Paul, MN 55155
Phone: (651) 201-2372

Unless otherwise provided in *Minnesota Statutes* § 16B.33, the following guidelines apply when using the Master Contract: Construction projects requiring a primary designer and will have an estimated cost of construction no greater than \$2,000,000.00; or a study, report, or predesign for a state agency planning project will have a consultant estimated fee no greater than \$200,000.00. Primary Designers for Projects to construct, erect, or remodel a building with an estimated cost in excess of these amounts will be selected by the State Designer Selection Board in accordance with *Minnesota Statutes* §16B.33.

The State reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFP is not a guarantee of work and it does not obligate the State to award any contracts. The State reserves the right to discontinue the use or cancel all or any part of the RFP if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Minnesota State Colleges and Universities (MnSCU) Minnesota West Community and Technical College Minnesota West Community and Technical College is Accepting Sealed Bids for 12 Micrologix 1300 PLC Training Systems for the Canby Campus

Details regarding the 12 Micrologix 1300 PLC Training Systems including specifications can be obtained from Gary Olsen, Minnesota West Community and Technical College, 1011 First Street West, Canby, MN 56220 or at (507) 223-7252 ext 121 or via email at: gary.olsen@mnwest.edu.

Deadline for submitting sealed bids is 1:00 pm on Friday, January 23, 2009. Late proposals will not be accepted. Minnesota West Community and Technical College reserves the right to reject all bids.

Minnesota West Community and Technical College is a member of the Minnesota State Colleges and Universities System.

Minnesota State Colleges and Universities (MnSCU) Normandale Community College Request for Bids for Printing Normandale Magazine

Sealed bids are due by 11 A.M. CST, Monday, Feb 2, 2009. Bid specifications are from Mary Solverson, NCC Marketing Communications:

Phone: (952) 487-8192 ,
Fax: (952) 487-8101
E-mail: mary.solverson@normandale.edu

Deliver bids to Mary Solverson, Marketing Communications:
Normandale Community College
Room C1108
9700 France Ave S
Bloomington MN 55431

State Contracts

Department of Commerce

Notice of Availability of Contract for Market Conduct Examinations

The Minnesota Department of Commerce is requesting proposals for the purpose of conducting market conduct examinations.

Work is proposed to start after April 1, 2009.

A Request for Proposals will be available by mail from this office through January 30, 2009. **A written request by direct mail, fax or e-mail is required to receive the Request for Proposal.** After January 30, 2009, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Paul Hanson
Market Assurance Division
85 - 7th Place East, Suite 500
St. Paul, MN 55101
Fax: (651) 296-4328
E-mail: *Paul.Hanson@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than February 11, 1:00 P.M.. **Late proposals will not be considered.** Fax 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.

Office of Higher Education [OHE]

Notice of Request for Proposals: Family Finance Survey Design and Implementation

The Minnesota Office of Higher Education is requesting proposals from qualified professionals to conduct a statewide survey on how families pay for postsecondary education in Minnesota. Proposals must be submitted no later than 4:00 p.m. (Central Time), February 18, 2009.

The Request for Proposals (RFP) does not obligate the Minnesota Office of Higher Education to complete this project, and the agency reserves the right to cancel the solicitation if it is considered to be in its best interest.

Copies of the complete RFP are available at the OHE website: <http://www.ohe.state.mn.us>, or by contacting:

Lesley Lydell
Research and Policy Analyst
Minnesota Office of Higher Education
1450 Energy Park Drive, Suite 350
St. Paul, MN 55108-5227
Phone: (651) 259-3996
E-mail: *lesley.lydell@state.mn.us*

Minnesota Historical Society

Notice of Request for Bids for Building Preservation and Stabilization of Split Rock Lighthouse and Surrounding Structures

The Minnesota Historical Society is seeking bids from qualified firms to provide all labor, materials, equipment, and supplies to perform work including, but not limited to the following, at the Split Rock Lighthouse Historic Site, 3713 Split Rock Lighthouse Road, Two Harbors, Minnesota 55616: repointing and selective brick replacement on exterior and interior of Lighthouse, including installation of flashing; repointing and select brick replacement on exterior of Fog Signal Building; restoration of wood framed Pump House; and preparation and painting of wood, concrete, and metal on Oil House, Fog Signal, and Lighthouse.

The Request for Bids is available by contacting Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102. **E-mail:** mary.green-toussaint@mnhs.org. Plans and specifications are available from Engineering Repro Systems, **telephone:** (763) 694-5900, **fax:** (763) 694-0216, **e-mail:** planwell@ersdigital.com. Contractor must purchase its own set.

There will be a mandatory pre-bid meeting for all interested parties on Wednesday, January 28, 2009 at 11:00 a.m. Local Time at the Split Rock Lighthouse Visitor Center.

All bids are due no later than 2:00 p.m. Local Time, on Tuesday, February 17, 2009. A public bid opening will be conducted at that time. Late bids will not be accepted.

Dated: January 20, 2009

Minnesota Historical Society

Notice of Request for Bids for Mill City Museum Conveyor Bridge Support Stabilization

The Minnesota Historical Society is seeking bids from qualified firms to provide all materials, labor, equipment, and incidentals necessary to construct a permanent access platform, install supplemental structural steel bracing, and miscellaneous construction at the Mill City Museum, 704 South Second Street, Minneapolis, Minnesota 55401 (the Site). All work will be performed in accordance with specifications and drawings previously prepared by BKBM Engineers.

The Request for Bids is available by contacting Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society, 345 Kellogg Boulevard West, Saint Paul, Minnesota 55102. **E-mail:** mary.green-toussaint@mnhs.org.

There will be a mandatory pre-bid meeting for all interested parties on Wednesday, January 28, 2009 at 10 a.m. Local Time at the Site.

All bids are due no later than 2:00 p.m. Local Time on Thursday, February 5, 2009. A public bid opening will be conducted at that time. Late bids will not be accepted.

Dated: January 20, 2009

State Contracts

Minnesota Department of Human Services (DHS)

Adult Mental Health Division

Notice of Request for Proposals to Provide Training on Completing Functional Assessments for Adults with a Serious Mental Illness

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is seeking a proposal to provide training on completing functional assessments for adults with a serious mental illness who are receiving clinical and/or rehabilitative services reimbursed by a Minnesota Health Care Program. The training should focus on assessing functional impairments and strengths in the state's required domains and include looking at functional assessments as they relate to the treatment planning process. Attendees should also learn how functional assessments fit into the 'golden thread' of documentation meeting Medicaid standards. Proposed training should include both didactic and hand-on training provided during a one-day course. We are seeking a trainer(s) experienced with functional assessments and documentation standards for face to face, small group, hands on training. It is anticipated there will be 20 to 25 one-day training sessions over the course of fifteen months and a half-day interactive video presentation on June 8th, 2009. The trainer(s) must be familiar with Centers for Medicare and Medicaid Services (CMS) standards for documentation. The expectation is to train between 400 and 500 clinical supervisors, mental health professionals, case managers, and mental health practitioners by **June 30, 2010**. We expect the cost to be between \$60,000 and \$80,000. The State will provide classroom space and pay the cost of reproducing the training materials.

Work is proposed to start May 1st, 2009. For more information or to obtain a copy of the Request for Proposal, contact:

Carol LaBine, MSW, LICSW
Department of Human Services
Adult Mental Health Division
444 Lafayette Rd. N.
St. Paul, MN 55155
Phone: (651) 431-4871
Fax: (651) 431-7566
E-mail: *carol.labine@state.mn.us*

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, March 13, 2009. 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 Natural Resources (DNR)

Notice of Availability of Contract for Master Contract to Provide Mechanical, Structural or Electrical Engineering Services

Certification: # 17645

The State of Minnesota, Department of Natural Resources (State), requests proposals from firms and individuals (Responder) to provide Mechanical, Structural or Electrical Engineering Services for State Projects.

The goal of this Request for Proposals is to provide the DNR a pool of consultants within each of the four DNR Regions from which to hire Mechanical, Structural or Electrical Engineering Services for those projects administered by its Management Resources Bureau. Most work will be for less than \$25,000.00. Because there are over 180 DNR sites in Minnesota, sufficient contracts will be established to cover all regions of the state. For each project, the State will identify specific tasks and duties to be provided, select a Consultant(s) from those under Master Contract, and prepare and issue a Work Order identifying specific tasks and duties needed by the State.

Based upon the size of a project, the State may issue project-specific work order RFP's to several Consultants on the Master Contract list and make a final selection of the Consultant(s) based on qualifications, specific approach, and overall proposed cost.

The Master Contracts period will be five (5) years.

It is anticipated that contracts will be fully executed by April 2, 2009.

The Request for Proposal can be obtained from:

Department of Natural Resources
Julie Johansen
500 Lafayette Road, Box 16
St. Paul, MN 55155-4016
FAX: (651) 297-5717
E-mail: *Julie.johansen@dnr.state.mn.us*

All proposals must be received not later than 2:30 p.m., Central Time, Monday, **February 16, 2009**, as indicated by a notation made by the Receptionist, 4th Floor, 500 Lafayette Road, St. Paul, MN.

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 Natural Resources (DNR) Request for Information (RFI) from Potential Vendors Interested in Operating a Fueling Facility on Lake Vermilion, St. Louis County

1. INTRODUCTION

The purpose of the Request for Information (RFI) is for the Department of Natural Resources (DNR) to obtain information from potential vendors who may be interested in installing and operating a retail fueling facility at the Moccasin Point Public Water Access on Lake Vermilion, St. Louis County through a lease agreement.

2. OBJECTIVE

The DNR's objective is to solicit information and interest from potential vendors in providing fueling services similar to the existing operation prior to state acquisition. The State's expectation for the vendor is to provide a quality fueling service. The potential lease agreement would provide exclusive rights to operate a retail fuel facility for a term of 10 years. The State would receive compensation for the use of the land. A lease fee is charged based on either a fee schedule or a percent of the appraised value of the land. There is an additional lease fee if any of the existing buildings at the site are used.

3. TECHNICAL CONSIDERATIONS

The previous fueling facilities were removed from the site as a requirement of the State's acquisition. The State will not provide fueling facilities or funding for any capital improvements. According to the previous resort owner, approximately 150,000 to 200,000 gallons of fuel was sold per year; this amount has not been verified.

The MN State Fire Code requires an attendant to be on site during marine fuel sales. Section 2210.3.2 states "marine motor fuel-dispensing facilities shall have an attendant or supervisor who is fully aware of the operation, mechanics and hazards inherent to fueling of boats on duty whenever the facility is open for business. The attendant's primary function shall be to supervise, observe and control the dispensing of Class I, II or IIIA liquids or flammable gases."

The installation of above ground fuel storage tanks (AST) including piping and all associated equipment shall comply with the Minnesota State Fire Code (MSFC) Chapters 22 and 34, applicable NFPA standards, Environmental Protection Agency, MN Pollution Control Agency, and MN DNR Division of Waters rules and regulations.

State Contracts

The potential lessee will be responsible for all site work costs including but not limited to: permits, soil testing, engineering and construction, erosion control, plantings, utilities, security, and signage.

4. INFORMATION BEING REQUESTED

Please describe your interest, vision and plan to provide a retail fueling facility and other services at the Moccasin Point Public Water Access.

- **Vendor Qualifications**
 - ◆ Provide a general description of you or your company's qualifications, structure, size, area of expertise and years in business.
 - ◆ What characteristics do you or your company have that differentiate you from others in the industry?
 - ◆ Describe your knowledge of Lake Vermilion, including the general atmosphere, resorts, similar businesses and experience with outdoor recreation in the area.
 - ◆ Do you have any experience working with governmental entities? Please explain.

- **Fueling Facility**
 - ◆ Please describe the size and type of the above ground fueling facility that you would propose installing and provide an itemized estimate of costs.
 - ◆ Please outline your proposed hours, days and seasons of operation.
 - ◆ Describe the area of land that is needed (in square feet) to install and operate the desired facility? Including land for fuel tanks, parking, attendant station, etc.
 - ◆ Provide a realistic timeline, starting from the lease award up to a fully operational facility.

- **Other Services**
 - ◆ Are you interested in providing convenience items, food or other services at the site?
 - ◆ Are you interested in using any of the buildings existing on site? If so, for what purpose?
 - § Former Lodge /Bar-Restaurant (will require extensive repairs and updates, including accessibility, in order to be open to the public).
 - § Marine Maintenance Building
 - § Cabin
 - ◆ Please list and describe any other structures needed with your plan.

5. RFI RESPONSES:

Response should be submitted to the address shown below no later than 4:00 PM Central Time, January 30, 2009. Questions may be addressed to Stan Linnell at (651) 259-5626 or by e-mail at: stan.linnell@dnr.state.mn.us

Stan Linnell, Planning, Acquisition and Development Manager
Minnesota Department of Natural Resources
500 Lafayette Road, Box 52
St. Paul, MN 55155-4044

RFI responses will be used to determine interest and gather information on the services vendors would propose, the scope of the fueling facility and hours of operation. Information provided may be used to develop a competitive Request for Proposals (RFP). RFI information will be kept confidential to the extent permitted by law.

Department of Transportation (Mn/DOT)

Engineering Services Division

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

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

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

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

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

Send completed application material to:

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

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

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

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

Non-State Bids, Contracts & Grants

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

Ducks Unlimited, Inc.

Request for Proposals (RFP) for Shallow Lake Protection Study-Phase II (in 5 Minnesota Counties)

Ducks Unlimited, Inc. (DU) seeks to hire a consultant to work with 5 central Minnesota counties that will be updating their comprehensive plans or water plans in the next five (5) years with the common goal of better protecting and enhancing their shallow lakes.

A shallow lake is defined by the Minnesota Department of Natural Resources (MN DNR) as a basin 50 acres or larger, less than 15 feet deep (average depth of 6 feet or less), and capable of supporting emergent and submergent aquatic vegetation over most of its area. Under the DNR's lake classification, most, but not all shallow lakes are labeled Natural Environment Lakes.

DU is currently working with its conservation partners to provide shallow lake protection through its Living Lakes Initiative in Minnesota and Iowa. To find out more about this initiative and its importance to waterfowl habitat go to www.ducks.org/livinglakes.

The 5 subject counties will be selected by DU (refer to list below). For each of the five counties, the Consultant shall conduct 2 workshops (or equal) with County Board members and staff, and concerned local citizens to inform stakeholders about shallow lakes and protection measures that can be implemented to reduce impacts to this sensitive resource.

The Consultant shall provide a handbook (specific to each County) that outlines the following:

- The conservation values provided by shallow lakes
- The ecology of shallow lakes
- The impact of development on shallow lakes
- Options available for shallow lake protection

DU will provide the Consultant with the science regarding the importance of shallow lake conservation and enhancement. Many of the shallow lakes in the study area are currently considered impaired waters. The Consultant shall suggest methods of providing shallow lake enhancement and protection including land acquisition, conservation easements, buffer areas, and zoning modifications.

A draft of the handbook shall be distributed electronically (PDF or equal) by the Consultant to DU, County Boards, staff, and concerned citizens to ensure thorough review by all parties.

The Consultant shall prepare a chapter in the handbook that provides factual information about the real costs (short term and long term) of rural residential development. The Consultant shall compare and contrast development away from and adjacent to existing infrastructure. The handbook shall include sketches and illustrations of the various development alternatives listed above.

Since the handbook will be completed long before some of the County comprehensive plans or water plans are completed, it will be the responsibility of DU staff to ensure that recommendations for shallow lake protection are included in those plans.

The Consultant can assume that DU staff will be available for some of the County meetings, and be available for conference calls throughout the study.

Consultant Proposals:

Proposals (PDF only-no faxes or hard copies), including the Consultant's qualifications and total fee must be received by the DU contact person by 4:00 PM CST on Tuesday, February 3, 2009. Proposals shall be limited to 8 pages maximum.

Non-State Bids, Contracts & Grants

All expenses including travel, lodging, meals, printing etc. shall be including in the Consultant's proposal.

Deliverables:

1. Ten (10) hard copies of the handbook (plus PDF) for each of the counties. A bibliography should be included in the handbooks. The handbook will be the property of DU (see DU Standard Consultant Agreement, available in PDF from DU contact, for details).

2. Meeting minutes from all county meetings, with contact information, including phone and e-mail, for attendees, etc. DU may use this information for additional follow-up and meetings as necessary.

Schedule:

The Consultant will receive the notice to begin work by DU by March 2, 2009.

The Consultant's work (along with the invoice for payment) must be completed by June 30, 2009. DU shall select 5 of the following counties by January 27, 2009.

County	Comprehensive Plan Update	Water Plan Update
Douglas	2020	2008
Grant	Unknown	2013
Kandiyohi	Unknown	2012
McLeod	2010	2013
Meeker	2011	2012
Otter Tail	Unknown	2009
Pope	2009	2013
Stearns	2013	2017
Stevens	No Plan	2010
Todd	In Process	2011
Wright	In Process	2015

Ducks Unlimited, Inc. contact:

Lee Markell, LA, Land Specialist
Ducks Unlimited, Inc.
895 Park Knoll Drive
Eagan, MN 55123
Office: (651) 788-7464
Cell: (612) 219-9816
E-mail: lmarkell@ducks.org

Hennepin County Designer Selection Committee (DSC) Advertisement for Architectural/Engineering Services

The Hennepin County Designer Selection Committee (DSC) will be selecting architectural/engineering firms for design and construction administration services for the following projects:

- Adult Corrections Facility Men's Section Kitchen Expansion & Remodeling
- New Walker Library

To obtain a Request for Proposal, please access the Hennepin County internet site at www.hennepin.us. From the County home page, search for "DSC" in the search box in the upper right corner. From the Hennepin County Designer Selection Committee page, you may view and print the RFP for your use.

Non-State Bids, Contracts & Grants

A letter of interest is not required for RFP noted above. All proposals received by the deadline noted in the RFP will be reviewed by the Designer Selection Committee. If you experience difficulty locating or downloading the RFP, you may call Adam Sobiech, Hennepin County Property Services, at (612) 348-3172.

Metropolitan Council Notice of Request for Proposals (RFP) for a Vendor-hosted, Web-based Learning Management System Contract Number 08P147

The Metropolitan Council is soliciting proposals to provide a vendor-hosted, web-based Learning Management System. The *anticipated* schedule for this procurement is as follows:

Issue Request for Proposals	January 12, 2009
Questions Due	January 27, 2009
Proposals Due	February 10, 2009
Award Contract	March 2009

All firms interested in supplying these services should provide a contact name, company name, address, telephone number, and fax number when requesting a copy of the RFP from:

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

Metropolitan Council - Metro Transit Request for Proposals for Phase II Environmental Site Assessment (ESA) Procurement Number 7986 Contract Number 08P223

Metro Transit, a division of the Metropolitan Council, is seeking the services of a qualified firm for Phase II Environmental Site Assessment (ESA) of property along the proposed Central Corridor Light Rail route. The project includes professional soil and ground water testing as well as the development of Response Action Plans.

The RFP will be issued January 9, 2009.

Proposals are due by 2:00 p.m. on Tuesday, February 17, 2009.

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

Metropolitan Council
Metro Transit Purchasing Department
Attn: Candace Osiecki
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070
Fax: (612) 349-5069
E-mail: candace.osiecki@metc.state.mn.us

Non-State Bids, Contracts & Grants

Minnehaha Creek Watershed District

Request for Qualifications for Legal, Engineering, Accounting, and Government Relations Services

The Minnehaha Creek Watershed District, a political subdivision established to Chapter 103D - *Minnesota Statutes*, is conducting a bi-annual review of its needs for consultant services and the most effective way of meeting those needs.

Experienced individuals or firms who wish to be considered as potential service providers may contact the Minnehaha Creek Watershed District at the address below or go to our website at www.minnehahacreek.org for instructions on how to respond to the *Request for Qualifications* and for a *Scope of Services*. Request for Qualifications must be received by the Minnehaha Creek Watershed District no later than 4:30 p.m., January 30, 2009.

Send responses to:

Mr. Eric Evenson, District Administrator
Minnehaha Creek Watershed District
18202 Minnetonka Boulevard
Deephaven, Minnesota 55391
Telephone: (952) 471-0590
Facsimile: (952) 471-0682

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

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

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

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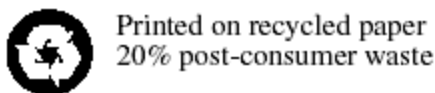


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