

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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# State Register

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

- Proposed Rules
- Vetoed Rules
- Commissioners' Orders
- Contracts for Professional, Technical and Consulting Services
- Adopted Rules
- Executive Orders of the Governor
- Revenue Notices
- Expedited Rules
- Appointments
- Official Notices
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## Minnesota Rules: Amendments & Additions

Rules Index - Vol. 33, # 27- 30: Monday 26 January 2009 ..... 1294

### Proposed Rules

#### Agriculture Department

##### Agriculture Marketing Services Division:

Proposed Permanent Rules Relating to Labeling Statements.... 1295

#### Labor and Industry Department (DOLI)

##### Construction Codes and Licensing Division:

Proposed Amendment to Rules Governing the  
Minnesota State Mechanical and Fuel Gas Codes..... 1298

### Adopted Rules

#### Human Services Department (DHS)

Adopted Permanent Rules Relating to

Community Action Programs..... 1300

### Exempt Rules

#### Natural Resources Department (DNR)

Adopted Exempt Permanent Game and Fish Rules:

Fish Packing and Labeling and Possession Limitations  
on Experimental and Special Management Waters..... 1301

### Expedited Rules

#### Education Department

Proposed Expedited Permanent Rules Relating to

Supplemental Educational Services..... 1303

### Executive Orders

#### Office of the Governor

Executive Order #09-03: Providing for the Governor's

Work Group on Regional Public Safety Answering Points.... 1308

### Official Notices

Have 'Official Notices' Work for You..... 1310

#### Animal Health Board

Quarterly Meeting February 11, 2009..... 1310

#### Human Services Department (DHS)

##### Health Care Purchasing and Delivery Systems Division,

##### Health Care Administration:

Maximum Allowable Costs of Medical Assistance

Outpatient Prescribed Drugs..... 1310

#### Natural Resources Department (DNR)

Hearing on Sale of State Land in Otter Tail County..... 1311

#### Public Utilities Commission

Filing and Comment Period in the Matter of the

Application of EcoHarmony West Wind LLC

for a Certificate of Need for its 200 MW

EcoHarmony Wind Project in Fillmore County..... 1312

### State Contracts

Get the Most from State Contracts..... 1313

#### Administration Department (Admin)

Availability of Contract for Generic Pharmaceuticals

and OTC Products..... 1313

#### Finance Department

##### Administration Department

##### Enterprise Technology Office

Availability of Request for Proposal (RFP) for

Software and Implementation Services for a

Replacement for the State's Accounting and

Procurement System..... 1314

#### Health Department (MDH)

Availability of Contract for Health Care Reform

Expert Panel..... 1314

#### Historical Society (MHS)

Request for Proposals for Mill City Museum Food Service..... 1315

#### Natural Resources Department (DNR)

Availability of Contract for Master Contract to

Provide Mechanical, Structural or

Electrical Engineering Services..... 1315

Request for Proposals to Prepare and Execute a Study of

Twin Cities Metro Area Boating During Summer of 2009..... 1316

#### Racing Commission

Contractual Positions for Assistant Commission Veterinarians...1317

#### Transportation Department (Mn/DOT)

##### Engineering Services Division:

Contracting Opportunities for a Variety of

Highway Related Technical Activities

("Consultant Pre-Qualification Program")..... 1317

Professional/Technical Contract Opportunities and

Taxpayers' Transportation Accountability Act Notices..... 1318

##### Office of Traffic, Safety and Technology:

Request for Proposal (RFP) Intelligent Transportation

Systems Support Services..... 1318

### Non-State Bids, Contracts & Grants

#### Metropolitan Council - Metro Transit

Request for Proposals for Fulfilling Federal Transit

Administration Title VI Reporting Requirements..... 1319

Sealed Bids Sought for Passenger Waiting Shelters..... 1319

#### Minnehaha Creek Watershed District

Request for Qualifications for Legal, Engineering,

Accounting, and Government Relations Services..... 1319

#### University of Minnesota (U of M)

Subscribe to Bid Information Service (BIS)..... 1320

### Minnesota's Bookstore..... 1320

Contracts information is available from the Materials Management Helpline  
(651) 296-2600, or Web site:

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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. 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.

## Rules Index: Vol. 33 #27-30:

Monday 5 January - Monday 26 January 2009

### Department of Agriculture

1556.0110; .0120; .0145; .0160; .0165 (proposed)..... 1295

### Department of Labor and Industry

1346 (proposed)..... 1298

### Commerce Department

2876 (proposed)..... 1241

### Department of Human Services

3350.0040; .0060; .0100; .0170 (adopted)..... 1300

### Department of Education

3512.5400 (proposed expedited)..... 1303

### Employment and Economic Development Department

#### Business and Community Development Division

4305.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080 (adopted expedited)..... 1201

### Minnesota Environmental Quality Board

4410.0200; .0400; .1000; .1100; .1200; .1700; .2300; .3100; .3610; .4300; .4400; .4600 (proposed)..... 1243

### Natural Resources Department (DNR)

6232.0500; .1300; .1600; .1800; .1970; .2550; .2560; .2900; .4700 (adopted expedited)..... 1257

6232.1300, subpart 4; 6232.1400; 6237.0500 (expedited repealed)..... 1257

6234.0400 (adopted exempt)..... 1177

6262.0100; .3250 (adopted exempt)..... 1301

6264.0400 (adopted expedited emergency)..... 1199

6264.0400 s. 59 (repealed expedited emergency)..... 1199

### Human Services Department

9505.0323 (adopted exempt)..... 1252

9505.0323 s. 5, 6, 7, 8, 9 (repealed)..... 1252

# 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 Agriculture Agriculture Marketing Services Division

### Proposed Permanent Rules Relating to Labeling Statements

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

#### Proposed Amendments to Rules Governing Minnesota Grown Labeling Statements; *Minnesota Rules*

1556.0110, subps. 1 and 7; 1556.0120, subp. 1; 1556.0145, subp. 1; 1556.0160, subps. 1 and 2; and 1556.0165, subps. 1, 2, 3 and 4.

**Introduction.** The Department of Agriculture intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. 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 25, 2009.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 625 Robert St. N., St. Paul, MN 55155-2538; **Phone:** (651) 201-6606; **Fax:** (651) 201-6118; **E-mail:** [carol.milligan@state.mn.us](mailto:carol.milligan@state.mn.us). **TTD** users may call the Minnesota Relay at 800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about clarifying which agricultural products are eligible to use the Minnesota grown logo and to establish a new version of the Minnesota grown logo for Minnesota grown organic products. The statutory authority to adopt the rules is *Minnesota Statutes*, section 17.102. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m. on February 25, 2009 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on February 25, 2009. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be

# Proposed Rules

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counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

**Modifications.** The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules unless the procedure under part 1400.2110 has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. 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.

**Adoption and Review of Rules.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want 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.

**Alternative Format.** Upon request, this Statement can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Carol Milligan at Minnesota Department of Agriculture, 625 Robert St. N., St. Paul, MN 55155-2538; **Phone:** (651) 201-6606, and **Fax:** (651) 201-6118. **TDD** users may call the Department of Agriculture at 1-800-627-3529.

Dated: 6 January 2009

Jim Boerboom, Deputy Commissioner  
Minnesota Department of Agriculture

## 1556.0110 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this section apply to this chapter.

Subp. 2. **Agricultural products.** “Agricultural products” means livestock or livestock products, dairy products, poultry or poultry products, fish, fruit, vegetables, grains, including natural and cultivated wild rice, bees, apiary products, products made from trees, including firewood, wreaths, maple syrup and maple products, Christmas trees, and floral greenhouse and nursery crops.

[For text of subs 3 to 6, see M.R.]

Subp. 7. **Produced in Minnesota.** “Produced in Minnesota” means dairy animals, poultry, or other livestock that were fed in Minnesota for at least 60 days prior to milking, processing, or slaughtering, maple syrup or maple products that were collected from trees growing in Minnesota, Christmas trees, wreaths, firewood, and other products made from trees grown in Minnesota for not less than one year, ~~or~~ fruits, vegetables, grains, or ~~floral and~~ nursery crops, including but not limited to trees, shrubs, and perennials that have been grown in Minnesota for at least 90 days prior to sale, or greenhouse crops, including but not limited to annual plants that have been grown in Minnesota for at least 28 days prior to sale.

[For text of subs 8 to 10, see M.R.]

## 1556.0120 “MINNESOTA GROWN” AND “FRESH FROM YOUR NEIGHBOR” LABELING STATEMENTS.

Subpart 1. **Eligible products.** The products listed in items A and B are eligible to be packaged with “Minnesota grown” and “Fresh from your neighbor” labeling statements.

A. A raw agricultural product may be identified with the labeling statements if no less than 80 percent of the agricultural product was produced in Minnesota, except wild rice and firewood may only be identified with the labeling statements if 100 percent of the product was produced in Minnesota.

B. A processed agricultural product may be identified with the labeling statements if no less than 80 percent of the featured product component was produced in Minnesota, except a product containing wild rice may only be identified with the labeling statements if 100

percent of the wild rice was produced in Minnesota and products intended for use as firewood may only be identified with the labeling statements if 100 percent of the firewood was produced in Minnesota.

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

## **1556.0145 "FEATURING" LABELING STATEMENT.**

Subpart 1. **Eligible products.** The products listed in items A and B are eligible to be packaged with the "featuring" labeling statement.

A. A raw agricultural product may be identified with the labeling statement if no less than 80 percent of the agricultural product named on the labeling statement was produced in Minnesota, except wild rice and firewood may only be identified on the labeling statement if 100 percent of the wild rice was produced in Minnesota.

B. A processed agricultural product may be identified with the labeling statement if no less than 80 percent of the agricultural product named on the labeling statement was produced in Minnesota, except wild rice may only be identified on the labeling statement if 100 percent of the wild rice was produced in Minnesota and products intended for use as firewood may only be identified on the labeling statement if 100 percent of the firewood was produced in Minnesota.

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

## **1556.0160 LICENSING; AUTHORIZATION.**

Subpart 1. **Approval required.** Authorization to use labeling statements covered by this chapter is dependent upon approval by the commissioner of an application for their use by the commissioner, with the exception of retailers and wholesalers, who may use the labeling statements without a license in order to display and advertise products that qualify for use of the labeling statements.

Subp. 2. **Application to use labeling statements.** An application to use labeling statements covered by this chapter must be made in writing, on a form provided by the department, and must reveal information considered necessary for the enforcement of the Minnesota grown marketing program.

The application form must be accompanied by a fee established in Minnesota Statutes, section 17.102. If an applicant is ineligible, the fee must be refunded. Producers and processors applying for a license to use the "Minnesota grown organic" labeling statement must also provide written evidence of current organic certification.

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

## **1556.0165 "MINNESOTA GROWN ORGANIC" LABELING STATEMENT.**

Subpart 1. **Eligible products.** The products listed in items A and B are eligible to be identified with the "Minnesota grown organic" labeling statement.

A. A raw agricultural product may be identified with the labeling statement if the product has been certified organic by a certification agency accredited by the United States Department of Agriculture and if no less than 80 percent of the agricultural product was produced in Minnesota, except wild rice and firewood may only be identified with the labeling statement if 100 percent of the product was produced in Minnesota.

B. A processed agricultural product may be identified with the labeling statement if the product has been certified organic by a certification agency accredited by the United States Department of Agriculture and if no less than 80 percent of the featured product component was produced in Minnesota, except a product containing wild rice may only be identified with the labeling statement if 100 percent of the wild rice was produced in Minnesota and products intended for use as firewood may only be identified with the labeling statement if 100 percent of the firewood was produced in Minnesota.

Subp. 2. **Use of "Minnesota grown organic" labeling statement.** A producer licensed under part 1556.0160 may use the "Minnesota grown organic" labeling statement on an eligible agricultural product. A processor licensed under part 1556.0160 may use the "Minnesota grown organic" labeling statement on an eligible agricultural product if it was processed or manufactured in a plant located partially or completely in Minnesota.

Subp. 3. **Use by retailers and wholesalers.** A retailer or wholesaler may use the "Minnesota grown organic" labeling statement without a license in order to display and advertise products that qualify for the use of that statement.

Subp. 4. **Appearance of labeling statement.** The labeling statement may be added to an eligible product or display in any color or color combination.

# Proposed Rules

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## Minnesota Department of Labor and Industry

### Construction Codes and Licensing Division

#### Proposed Amendment to Rules Governing the Minnesota State Mechanical and Fuel Gas Codes, *Minnesota Rules*, Chapter 1346

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

**Introduction.** The Department of Labor and Industry 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 25, 2009.

**Agency Contact Person.** You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Carrie Rohling at the Dept. of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155, **phone:** (651) 284-5006, **FAX:** (651) 284-5725, and **e-mail:** [DLI.rules@state.mn.us](mailto:DLI.rules@state.mn.us). **TTY** users may call the Department at (651) 297-4198.

**Subject of Rules and Statutory Authority.** The proposed rules are about incorporating the 2006 International Mechanical Code, the 2004 NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, and the 2006 International Fuel Gas Code, by reference and with amendments. The proposed rules will clarify unclear provisions by making grammatical or mathematical corrections and reflect changes to the numbering system used in the IMC and IFGC and update references accordingly. The effect of the proposed rules is to incorporate the 2006 International Mechanical Code and 2006 International Fuel Gas Code with as few amendments as possible from the September 20, 2004 incorporation of these model codes.

The proposed rules update provisions applicable to mechanical and fuel gas systems in both commercial and residential structures. Several current rules or subparts are being repealed by the proposed rules because the updated model codes now include the language, so the model code no longer requires amendment. The proposed rules also include grammatical corrections, changes to coordinate with the renumbering of the model codes, and revisions to metric conversions contained in formulas.

The proposed rules also modify specific provisions in the mechanical or fuel gas codes, as previously amended. Specifically, the subject of the proposed rules within the mechanical code include changes to the incorporation by reference; general definitions used in the model code and the rule; garages; exhaust discharge; clothes dryer exhaust; domestic kitchen exhaust equipment; commercial kitchen hood ventilation system ducts and exhaust equipment; plenums; duct construction and installation; insulation; safety and pressure relief valves and controls; and changes to the referenced standards. Additionally, the subject of the proposed rules within the fuel gas code include changes to the incorporation by reference; combustion, ventilation and dilution air; pipe sizing; shutoff valves; equipment not required to be vented; and venting of equipment.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 326B.101, 326B.106, 326B.13 (formerly numbered as 16B.59, 16B.61, 16B.64), and 326B.02.

By March 20, 2007 letter, Chief Administrative Law Judge Raymond R. Krause waived the requirement that the proposed rules be published in the *State Register*. 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 Wednesday, February 25, 2009, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Department encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Department hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on Wednesday, February 25, 2009. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency

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## Proposed Rules

cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

**Alternative Format.** 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 agency contact person at the address or telephone number listed above.

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

**Statement of Need and Reasonableness.** The 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. It is now available from the agency contact person. You may review or obtain copies the cost of reproduction by contacting the agency contact person.

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

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

Dated: January 6, 2009

Steve Sviggum, Commissioner  
Department of Labor and Industry

# Adopted Rules

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

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

## Department of Human Services

### Adopted Permanent Rules Relating to Community Action Programs

The rules proposed and published at *State Register*, Volume 33, Number 4, pages 198-210, July 28, 2008 (33 SR 198), are adopted with the following modifications:

#### 3350.0040 RECOGNITION OF COMMUNITY ACTION AGENCIES.

Subp. 3. **Maintenance of recognition records.** To maintain recognition, a community action agency must maintain the following records and make current copies available to the department as requested:

C. list of board of directors which, including their addresses and telephone numbers, that indicates officers and committee memberships, tenure on the board, and the sector each director represents as required by the act;

#### 3350.0060 TERMINATION FOR CAUSE.

Subp. 4a. **Termination by department of Indian tribal government or migrant and seasonal farmworker organization funding.** The department may terminate for cause an Indian tribal government's or migrant and seasonal farmworker organization's funding under subpart 1. The department may terminate all or part of current or future funding for an Indian tribal government or migrant and seasonal farmworker organization.

A. If the department decides to terminate an Indian tribal government's or migrant and seasonal farmworker organization's funding, it will serve notice of termination upon the Indian tribal government or migrant and seasonal farmworker organization to be terminated and provide a copy to the tribal council or the migrant and seasonal farmworker organization's board of directors. The notice of termination must:

#### 3350.0100 WITHHOLDING OF CASH DISBURSEMENTS.

Subp. 3. **Conversion option.** During any time within 90 calendar days following the department's actual withholding of funds, the grantee may, at its option, convert the withholding to a termination under part 3350.0060, subpart 1, item C, with right to a contested case hearing. A grantee must request in writing both a conversion to termination and a contested case hearing. After receipt of a grantee's request for conversion to termination and a contested case hearing, the department must initiate a contested case hearing and the department must initiate contested case proceedings as provided in part 3350.0060, subpart 5. The department will also send the grantee a notice of termination and comply with the other procedural requirements of part 3350.0060, subpart 3 or ~~4~~ 4a.

Subp. 4. **Notice and termination.** If the grantee has not exercised its right of conversion during 90 days of withholding and if the defect has not been remedied during 90 days of withholding, the department will proceed under part 3350.0060, subpart 1, item D, to terminate the grantee's available funding for a period covering the total of:

B. the time remaining before the grant expires.

The department must first issue a final notice ten calendar days before proceeding to termination under part 3350.0060. If following a period of funding termination for failure to remedy a defect, the grantee has still not successfully remedied the identified defect, the department will deny subsequent applications by the grantee under part ~~3350.0160~~ 3350.0170, subpart 6, item D, until corrective action has occurred.

#### 3350.0170 GRANT APPLICATIONS.

Subp. 5. **Late, incomplete, or noncomplying application.** A previously funded grantee must submit an application within 45 calendar days of the application deadline or the waiver deadline established by the department, or the department will deny the application under subpart 6. If a submitted application remains incomplete or noncomplying for 30 calendar days after the department's request for a revision of the application, supplementary information, or other required documents or 45 calendar days from ~~an applicable~~ the application deadline or the waiver deadline, whichever period is greater, the department will deny the application under subpart 6.

Subp. 6. **Denial of application.** Before the department denies an application, it will, as soon as possible, provide written notification of the deficiency leading to a possible denial and, where appropriate, request a revision of the application, supplementary information, or other required documents. An application will be denied if any of the following occur:

D. applicant, after a period of funding termination, has not remedied a defect that first led to withholding under part 3350.0100, subpart 2. The department's denial of an application based on items A, B, and C is cause for termination of available funds for two years under part 3350.0060, subpart 1, item ~~F~~E. Depending on the circumstances, the department's denial of an application based on item D is cause for termination of available funds for two years under part 3350.0060, subpart 1, item E.

### 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 Natural Resources

### Adopted Exempt Permanent Game and Fish Rules: Fish Packing and Labeling and Possession Limitations on Experimental and Special Management Waters

#### 6262.0100 GENERAL RESTRICTIONS ON TAKING FISH.

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

##### Subp. 5. **Possession of fish while on state waters.**

A. Fish that are taken by angling and not immediately released into the water after capture are considered to be in possession. Once a limit of fish has been reduced to possession, no culling or live well sorting (the act of replacing one fish with another one) of that species is allowed.

# Exempt Rules

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B. A person shall not angle for, including catch-and-release, or reduce to possession any species during its closed season.

C. Once a person or persons fishing as a party as provided in Minnesota Statutes, section 97C.317, retain a daily limit for a species, all fish of that species that are subsequently taken must be immediately released into the water after capture.

D. While on or fishing in state waters with size restrictions that differ from statewide regulations, including experimental waters, special management waters, boundary waters, or any other waters with size restrictions, all fish for which the different size restrictions apply must be undressed and measurable when in a person's possession, regardless of where taken, except under the following conditions:

(1) when a watercraft is docked or moored to shore or when on the ice and a person is in the act of preparing and using the fish for a meal; or

(2) when a person is on an experimental or special management water and the fish were lawfully taken, have been packaged and labeled by a licensed fish packer, are to be prepared for a meal while on the ice or shore of that water body, and do not otherwise exceed the statewide possession limits.

E. It is unlawful for a person to have in possession, regardless of where taken, any fish in excess of or outside of the limits for that water body when fishing in that water. A person must immediately return to the water any fish that is taken by angling that is in excess of or outside the limits. This item does not apply to a person who is on an experimental or special management water and the fish were lawfully taken, have been packaged and labeled by a licensed fish packer, are to be prepared for a meal while on the ice or shore of that water body, and do not otherwise exceed the statewide possession limits.

F. A person who is in transit on the water, taking the most direct route back to the person's lodging or docking, and not fishing, may possess fish outside of or in excess of the limits for that water body, if the species were legally taken from connected waters.

## **6262.3250 LABELING AND PACKING OF FISH UNDER A FISH PACKER LICENSE.**

Fish packed by a licensed fish packer must be packed and labeled in accordance with the following provisions:

~~A. Between March 15 and November 30 completely filleted sauger will be counted as walleye except that sauger may be packed in a filleted condition with skin, dorsal fin, and tail attached. Between December 1 and March 14, filleted sauger will not be counted as walleye, if packages are properly labeled.~~

~~B. A.~~ A fish may not be reduced to more than two fillets.

~~C. B.~~ A licensed fish packer may pack dressed fish with statewide length limits.

~~D. C.~~ Each package of fish must be individually labeled by the licensed fish packer. The label must be marked legibly in ink and contain the following information:

(1) ~~name, address, and license number of the angler or person who lawfully possesses the fish, unless the person is exempt from the license requirement, which must be noted;~~

(2) ~~name and address of consignee, if different from subitem (1);~~

(3) ~~name and license number of the fish packer who packed the fish; and~~

(4) ~~(3) contents of package, including species, number of fish, total length for each fish that is regulated with a size limit, and body of water where taken, and net weight; and,~~

(5) ~~date of packaging.~~

# 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 rule is 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.

## Department of Education

### Proposed Expedited Permanent Rules Relating to Supplemental Educational Services

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

#### Proposed Amendment to Rules Governing Supplemental Educational Services, *Minnesota Rules*, 3512.5400

**Introduction.** The Department of Education 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 27, 2009.

**Agency Contact Person.** You must submit comments or questions on the rules to: Kathryn Olson at Minnesota Department of Education, 1500 Hwy 36 W, Roseville, MN, 55113, **phone:** (651) 582-8669, **fax:** (651) 582-8248, and **e-mail:** [Kathryn.A.Olson@state.mn.us](mailto:Kathryn.A.Olson@state.mn.us). **TTY** users may call the Department of Education at (651) 582-8201.

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules establish evaluation, monitoring and complaint procedures for working with supplemental educational services providers that have been approved to be included on a statewide list of providers. The list is maintained by the Department of Education in compliance with federal law, found at 20 U.S.C. 6316(e)(4). These proposed rules establish additional oversight procedures to ensure that the providers on the list are providing quality support services that improve the educational performance of students, in compliance with No Child Left Behind provisions.

The rules primarily affect supplemental educational services providers that are working with students in identified schools, or seeking to work with students in identified schools. These providers offer supplemental educational services to students who attend schools identified as being in need of improvement, so students, their parents, and identified schools may be indirectly affected by the rules. The statutory authority to adopt the rules and to adopt them under the expedited rulemaking process is found in *Minnesota Laws 2007*, Ch. 146, Art. 2, Sec. 35. A copy of the proposed rules is published in the *State Register* and is available upon request from the agency contact person listed above. The proposed expedited rules may be viewed at: <http://education.state.mn.us/mde/Legislation/Rulemaking/index.html>.

**Comments.** You have until 4:30 p.m. on Friday, February 27, 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 Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also 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.

# Expedited Rules

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

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

Dated: 26 January 2009

Chas Anderson, Deputy Commissioner  
Minnesota Department of Education

## 3512.5400 SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS.

Subpart 1. **Provider requirements.** A provider of supplemental educational services must be a nonprofit entity, a for-profit entity, or a local educational agency, and may include public or private schools, school district-affiliated programs that meet the requirements of subpart 2, item C, public or private postsecondary institutions, and faith-based organizations. A provider:

- A. has a tutorial program with a demonstrated record of effectiveness in increasing student academic achievement;
- B. can document that its instructional strategies are of high quality, based upon research, and designed to increase student academic achievement;
- C. is capable of providing supplemental educational services that are aligned with state academic standards and demonstrate an understanding of the instructional program of the local educational agency; and
- D. is financially sound.

### Subp. 2. **Application.**

A. Providers applying to the commissioner of education must complete a written application provided by the commissioner ~~which~~ that must include that the provider will:

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

B. A potential provider also must inform the commissioner ~~of education~~ of:

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

(7) the facilities, equipment, and materials used and supplied by the provider and used and supplied by the student; ~~and~~  
(8) the recruitment and development of staff to deliver the high-quality program required by the No Child Left Behind Act of 2001, United States Code, title 20, section 6301, et seq.;

(9) the provider's financial stability, as evidenced by a business plan, audit statement, or similar documents;

(10) the provider's estimated hourly rate; and

(11) the evidence of program effectiveness.

C. A school district-affiliated program that is sufficiently separate and distinct from the school district is eligible to apply to become a supplemental educational services provider. Every school district-affiliated program seeking to become a supplemental educational services provider must submit evidence in the application that it is separate from the district, according to the following criteria:

(1) status as 501(c)(3) nonprofit organization; or

(2) demonstration of all the following elements:

(a) separate funding stream, and lack of reliance on the school district for the program's financial stability;

(b) independent hiring practices from the school district's human resources policies, procedures, and collective bargaining agreements; and

(c) a separate and independent advisory committee.

### Subp. 3. **Application review and approval.**

A. The commissioner of education shall approve applications based on evidence of:

*[For text of subitems (1) to (4), see M.R.]*

(5) capability and willingness to provide educational services for English language learners;

(6) capability and willingness to provide educational services for students who are at risk of not graduating from high school;

(5) (7) evaluation of student progress;

- (6)(8) communication with parents and school staff;
- (7)(9) quality of instructional staff;
- (8)(10) financial and organizational capacity; and
- (9)(11) compliance with health, safety, and civil rights laws, rules, and regulations.

B. An application must be reviewed and scored by a team of three individuals. Reviewers will be selected from the Department of Education agency staff program specialists, school districts, Title I programs, and public and private organizations that have experience in the area of providing with supplemental services.

C. A quality threshold score of 70 points out of 100 possible points on the application is required for a provider to be on the state's approved list. To ensure the merits of each applicant's responses are discussed, reviewers must reach consensus within three points on each section. The application is required to meet a minimum threshold as prescribed by the commissioner of education.

D. A successful applicant shall remain on the approved list for three school years, beginning with the next school year after the application is reviewed, unless the provider does not meet the requirements under subpart 2 or the provider requests to be removed from the list or the provider does not satisfy the evaluation process described in subpart 4. A provider whose application is not approved may resubmit an application in the next round of applications. When a public school or school district that has been approved as a provider is identified as needing improvement, the school or district must be removed from the list of approved providers immediately. The school or school district may reapply to be a provider after the school or school district returns to nonidentified status. A school district-affiliated provider that meets the criteria outlined in subpart 2, item C, is not subject to this requirement.

E. The application and approval process must be repeated annually, with the timeline to be modified by the commissioner of education if warranted by the need for additional providers.

#### Subp. 4. Evaluation of approved providers.

A. The commissioner of education, with the assistance of an independent evaluator, shall conduct evaluations on a routine, periodic basis in order to ensure that each provider on the approved provider list:

- (1) continues to offer an educational program that meets the requirements under subparts 2 and 3;
- (2) maintains a program that is the same as or substantially similar to the program that was approved; and
- (3) contributes to increasing the academic achievement of students.

B. The commissioner shall require all approved providers, regardless of whether they provided services, to annually submit contact and program summary information. This information shall be used to update each provider's information on the statewide provider list. Providers that do not submit their annual contact and program summary information are considered inactive and shall be removed from the list of approved providers.

C. At the end of each provider's initial approval period and on a periodic basis at least every two years thereafter, the performance of providers that are serving students must be evaluated by an independent evaluator based upon student achievement in reading, mathematics, or both, student attendance, and parent satisfaction. Separate evaluations shall be performed for each subject tutored by an individual provider, for example, reading and mathematics. The evaluation process must include file reviews or site visits, and summary reports submitted by providers that illustrate how their students have made academic progress, as well as how their services align with those described in the initial application. In addition, the evaluation must assess:

- (1) achievement measured by demonstrated improvement of the provider's students on statewide assessment tests. In those grades in which no statewide assessment tests are administered, the commissioner may approve the substitution of another standardized assessment for the purpose of measuring student progress;
- (2) participation measured by the provider and district responses to a participation information form developed by the commissioner and administered to all providers and districts; and
- (3) parent satisfaction measured by a survey developed by the commissioner and administered by school districts and providers to parents of students receiving services.

D. For each of the assessment areas outlined in item C, the commissioner, with the assistance of an independent evaluator, must determine whether the provider's performance in each tutored subject meets or is below evaluation standards. The commissioner shall include an evaluation of student growth on standardized assessments as part of the determination of the provider's performance.

E. Based on these determinations, the commissioner of education must assign each provider the status of good standing or probationary status. For providers who are assigned to probationary status, the commissioner shall explain in writing the specific problems and deficiencies found during the evaluation.

F. Remedial actions and removal from the approved provider list.

- (1) A provider assigned the status of good standing is not required to take any action in response to the evaluation report.
- (2) A provider assigned to probationary status must submit a remedial action plan within 30 days of receiving notice of its probationary status. The remedial action plan must respond to the problems and deficiencies found during the evaluation, and must describe the policies and practices the provider will immediately implement to return its status to good standing, including:

# Expedited Rules

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- (a) specific, measurable steps to be taken;
- (b) a timeline for these activities;
- (c) a budget for these activities; and
- (d) a process for monitoring progress and revising the plan as needed.

(3) The commissioner shall approve the remedial action plan or describe deficiencies in the plan and require the provider to submit a revised remedial action plan.

(4) Within 12 months of submitting a remedial action plan, a provider on probationary status must submit to the commissioner a report explaining how it has implemented its remedial action plan, and how this implementation has changed its supplemental educational services program, including the direct impact on students.

(5) Within 12 months of receiving a remedial action plan from a provider on probationary status, the commissioner must conduct a follow-up site visit of the provider to determine whether the provider has implemented its remedial action plan and improved student progress. The commissioner must re-evaluate the provider under subpart 4. If the provider again fails to meet the requirements, the provider shall be removed from the list.

(6) A provider assigned to probationary status shall be removed from the approved provider list if it does not submit and implement a remedial action plan or if student progress has not improved.

(7) Providers that have been removed from the approved provider list pursuant to this subpart may return to this list after one year by reapplying and achieving approval.

**Subp. 5. Complaint process.** Parents and local educational agencies may submit written complaints to the commissioner of education if they believe a provider is not providing the agreed upon services; if a provider is not providing satisfactory services or results; or if a provider fails to communicate with parents or local education agencies. Upon receiving a complaint, the commissioner shall notify the provider of the complaint, and must allow the provider an opportunity to submit a response. If, upon review of the complaint and provider response, the commissioner determines that the circumstances warrant further investigation, the commissioner must conduct an evaluation of the provider pursuant to subpart 4.

## **Subp. 6. Compliance violations.**

A. Compliance violations include, but are not limited to, violations of health or safety provisions; failure to comply with the provider assurances or any aspect of the submitted application; and illegal or deceptive practices.

B. If, during the evaluation or complaint process, the commissioner of education finds evidence of any compliance violation, the commissioner may require corrective action. Providers placed in corrective action under this subpart are required to follow the remedial action process described in subpart 4, item F.

C. The commissioner may immediately suspend a provider's services if the commissioner determines that a threat exists to the health or safety of students or if necessary to investigate or remedy concerns regarding compliance issues or illegal practices allegedly engaged in by the provider. In the case of a health or safety violation, the suspension will be removed when the provider submits to the commissioner a written statement or report from the appropriate authority, such as a building or health inspector, indicating that the threat has been removed.

D. The commissioner may remove a provider from the state-approved list upon 30 days' written notice if the provider has engaged in illegal or deceptive practices, violated any assurance or aspect of its application, falsified information on its application or other reports to the commissioner, or otherwise violated state or federal law.

E. Any corrective action, suspension, or removal rights granted to the commissioner pursuant to this part may be exercised solely with respect to the provider's program in one or more schools or districts, if the performance issues are localized.

## **Subp. 7. Provider responsibilities.**

A. A provider may not offer or give incentives to entice a student or a student's parent to select a provider. Incentives include any service, benefit, or other tangible or nontangible item that is intended or has the effect of persuading the student, parent, school, or district staff member to select or promote that provider. The student may be awarded educational equipment and materials for performance or attendance.

B. A provider selected by the parent shall be responsible for initiating contact with and communicating with the student's teachers on an ongoing basis.

C. A supplemental educational services provider must provide services to the school districts that were identified in the provider's approved application. If, after reasonable efforts by the provider to enroll students, the number of enrolled students in a district remains below the stated student minimum in the provider's application, then the provider may discontinue services to a district after giving the district 60 days' notice.

D. A provider is responsible for informing the commissioner when the provider's entity contact information has changed from the

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## Expedited Rules

information as provided on the application or currently posted on the approved provider list.

E. A provider shall cooperate with the commissioner to facilitate the administration of all surveys.

F. A state-approved provider that withdraws from offering services to students in a school district in which it is approved and in which it has signed either a contract to provide services or a letter of intent, and the minimums per site set by the provider have been met, shall be immediately removed from the state-approved list for the current school year for that school district. Upon the second such withdrawal in any school district, the provider shall be ineligible to provide services in the state the following year.

### Subp. 8. School district responsibilities.

A. Each district required to offer supplemental educational services shall supply the commissioner of education with data necessary to conduct evaluation of providers chosen to serve students in its schools.

B. Each district required to offer supplemental educational services shall provide survey feedback regarding providers chosen by parents in its identified schools.

C. School districts shall cooperate with the commissioner to facilitate the administration of all surveys.

D. School districts shall facilitate communication concerning students receiving supplemental educational services between the teachers of those students and the supplemental educational service providers.

E. If a state-approved provider withdraws from offering services to students in a school district in which it is approved and in which it has signed either a contract to provide services or a letter of intent, and the minimums per site set by the provider have been met, the school district must report the provider to the commissioner.

F. School districts shall cooperate with the commissioner to facilitate evaluation and monitoring of providers by responding to the commissioner with information as requested during the monitoring.

# 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

### Executive Order #09-03: Providing for the Governor's Work Group on Regional Public Safety Answering Points

I, TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable state laws, including *Minnesota Statutes 2008*, Sections 12.21, Subdivision 3 and 15.0593, do hereby issue this executive order:

**WHEREAS**, the Public Safety Answering Points, where 911 calls are received, provide an immediate and direct link to life-saving emergency services including law enforcement, fire and emergency medical services; and

**WHEREAS**, the Commissioner of Public Safety is charged with coordinating the maintenance of the existing 911 systems and with formulating concepts, methods, and procedures that will improve the operation and maintenance of 911 systems throughout the state; and

**WHEREAS**, there are currently 101 Public Safety Answering Points in Minnesota operated by counties, cities or other local governments including ten Public Safety Answering Points operated by the Minnesota State Patrol; and

**WHEREAS**, to respond to improvements and changes in telecommunications and technology since the initial 911 systems were created, the 911 network is evolving to a new platform, referred to as "Next Generation 911," and these changes provide opportunities for the state and local governments to work together to explore improvements to the efficiency and effectiveness of the Public Safety Answering Points and delivery of emergency services; and

**WHEREAS**, current law allows 911 systems to develop and implement multi-jurisdictional and regional shared services approaches to operating Public Safety Answering Points, provided that the design and implementation are preceded by cooperative planning on a county-by-county basis with local public safety agencies; and

**WHEREAS**, regionally shared Public Safety Answering Points have the potential to increase efficiency and enhance the reliability of the 911 system and, when properly implemented, can result in reduced costs for participating public safety agencies; and

**WHEREAS**, city and county governments in Dakota, Ramsey, Washington, Rice, Steele and Clay have successfully consolidated and implemented regional shared Public Safety Answering Points; and

**WHEREAS**, the potential benefits of regional Public Safety Answering Points can best be determined through cooperative efforts and sharing of information between state and local governments and public safety agencies.

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

1. The Governor's Work Group on Regional Public Safety Answering Points ("PSAP Work Group) is created.
  - a. The PSAP Work Group will include multi-jurisdictional and multi-disciplinary members:
    - i. The Commissioner of Public Safety, or designee;
    - ii. Two Sheriffs from greater Minnesota selected by the Minnesota Sheriffs Association;

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## Executive Orders

- iii. A Public Safety Answering Point manager from greater Minnesota selected by the Minnesota Chapter of the National Emergency Number Association;
  - iv. A County Commissioner from each of the Regional Radio Boards selected by the Association of Minnesota Counties;
  - v. The Emergency Communication Networks Director for the Department of Public Safety;
  - vi. The Colonel of the Minnesota State Patrol;
  - vii. The executive director for the Dakota Communications Center; and
  - viii. A Mayor or City Council Member from a City which has recently consolidated its Public Safety Answering Points selected by the League of Minnesota Cities.
- b. The Commissioner or his designee will lead the PSAP Work Group.
  - c. Members of the PSAP Work Group will serve on a voluntary basis and are not eligible for per-diem or payment of expenses. This provision does not preclude individuals who serve on the Work Group as part of their work assignment from receiving their regular compensation and payment of expenses from their employer.
  - d. The Commissioner of Public Safety will provide administrative and staff support to the Work Group.
2. By January 4, 2010 the PSAP Work Group will develop a comprehensive strategy for regionally based Public Safety Answering Points throughout the state. In developing the strategy, the PSAP Work Group will consider the 2004 report to the Minnesota Legislature on PSAP Consolidation and recommend:
    - a. The number and recommended potential locations for regional centers;
    - b. A governance structure that encourages collaboration and cooperation in the operation of regional centers;
    - c. Funding sources for capital and operating costs;
    - d. A preliminary set of standard operating procedures;
    - e. A mitigation plan that addresses concerns identified in the 2004 PSAP Consolidation Report;
    - f. Incentives that might be provided to encourage migration to regional centers; and
    - g. A comprehensive implementation plan.

Pursuant to *Minnesota Statutes 2008*, Section 4.035, Subd. 2, this Order shall be effective fifteen (15) days after publication in the *State Register* and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes 2006*, 4.035, subdivision 3.

IN TESTIMONY WHEREOF, I have set my hand this 21<sup>st</sup> 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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## Minnesota Board of Animal Health Notice of Quarterly Meeting February 11, 2009

The Minnesota Board of Animal Health will hold its quarterly meeting on Wednesday, February 11, 2009 at the Orville L Freeman Building, 625 Robert St N, St. Paul, MN 55155 at 9:30 a.m. in Room B555.

## Department of Human Services (DHS) Health Care Purchasing and Delivery Systems Division Health Care Administration Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

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

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

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

No earlier than January 26, 2009 the Department may add the following outpatient prescribed drugs to the state MAC list:

**Drug Name**

- DIFLORASONE DIACETATE
- HYDROCORTISONE BUTYRATE
- PREDNICARBATE

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$7,000.00 for State Fiscal Year 2008 (July 1, 2008 through June 30, 2009).

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

Written comments and requests for information may be sent to

Pharmacy Program Manager Sara Drake R.Ph.  
Health Services and Medical Management Division  
Health Care Administration  
Minnesota Department of Human Services  
P.O. Box 64984  
St. Paul, Minnesota 55164-0984

## Minnesota Department of Natural Resources (DNR) Notice of Hearing on Sale of State Land in Otter Tail County

NOTICE IS HEREBY GIVEN, that pursuant to Minnesota Statutes, section 97A.135, subd. 2a, a hearing will be held by the Department of Natural Resources, in the conference room at the DNR Region 1 Fergus Falls Area Office, 1509 - 1st Ave. N., Fergus Falls, Minnesota, on February 13, 2009 at 11:00 a.m.

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

The east 50.00 feet of the Northwest Quarter of Section 16, Township 131 North, Range 44 West, Otter Tail County, Minnesota, containing 3.03 acres.

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

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

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

# Official Notices

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## Public Utilities Commission

### Notice of Filing and Comment Period in the Matter of the Application of EcoHarmony West Wind LLC for a Certificate of Need for its 200 MW EcoHarmony Wind Project in Fillmore County

Public Utilities Docket No: IP-6688/CN-08-961

**NOTICE IS HEREBY GIVEN** on October 22, 2008, EcoHarmony West Wind LLC (EcoHarmony, Applicants) filed a certificate of need application for the EcoHarmony West Wind Project. When completed, the project will occupy a 50,000 acre site entirely within Fillmore County in the southeastern part of the state.

The proposed generation facility fall, under the definition of “large energy facility” in Minn. Stat. § 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 January 16, 2009 the Commission issued its order accepting the application as complete and authorizing the informal review process. This order, information relating how to comment on the need for this project, and other documents associated with certificate of need application can be viewed at: [www.edockets.com](http://www.edockets.com) (click on search documents, then enter docket number **08-961** for the certificate of need application). Additionally, the Applicant has filed a site permit application for the project and information on this application can be found using the docket number **08-973** 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 and whether there are any facts in dispute. The comment period is open until 4:30 P.M on February 20, 2009, and individuals may file reply comments up until March 13, 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 EcoHarmony West Wind project certificate of need application may be directed to Bret Eknes or Tricia DeBleekere, Minnesota Public Utilities Commission, 121 - 7<sup>th</sup> Place East, Suite 350, St. Paul, MN 55101, **phone:** (651) 201-2236 (Bret) or (651) 201-2254 (Tricia), **e-mail:** [bret.eknes@state.mn.us](mailto:bret.eknes@state.mn.us) or [tricia.debleeckere@state.mn.us](mailto:tricia.debleeckere@state.mn.us).

# 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](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

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

**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

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A summarized "Contracts & Grants" section lists **all contracts and grants** currently open for bid. It is available **only to subscribers** to the *State Register*. Subscribers also receive LINKS to the *State Register*, as well as Bookmarks. Subscribers also receive a growing INDEX to each volume, including the current issue, as well as indices to previous volumes. Here's what you receive via e-mail:

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## Department of Administration (Admin) Notice of Availability of Contract for Generic Pharmaceuticals and OTC Products

The Department of Administration, on behalf of the Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) is requesting proposals for generic pharmaceutical and related products.

MMCAP is a voluntary group purchasing organization made up of governmental entities which contracts for pharmaceuticals. MMCAP is currently made up of 45 participating states and approximately 3000 participating facilities purchasing over \$1.2 billion per year. For more information, go to [www.mmcap.org](http://www.mmcap.org) (no password necessary).

To request a copy of the RFP, send an **e-mail** to: [mn.multistate@state.mn.us](mailto:mn.multistate@state.mn.us)

Or write to:

Generic Pharmaceutical RFP Request  
MMCAP  
c/o Minnesota Department of Administration  
50 Sherburne Avenue, Room 112  
St. Paul, MN 55155

Proposals submitted in response to the Request for Proposals in this notice must be received at the address specified in the Request for Proposals no later than February 24, 2009. **Late proposals will not be considered.**

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

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## Minnesota Department of Finance Minnesota Department of Administration Office of Enterprise Technology

### Notice of Availability of Request for Proposal (RFP) for Software and Implementation Services for a Replacement for the State's Accounting and Procurement System

The State of Minnesota is soliciting proposals for software and implementation services necessary to replace its current system for Accounting and Procurement, known as MAPS, with a new system.

The complete RFP is available on the Department of Administration, Materials Management Division website at:

<http://www.mmd.admin.state.mn.us/solicitations.htm>

An optional vendor conference is scheduled for 9:00 AM central time on February 17, 2009, in the Ed Ziegler conference room, Fourth Floor, Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota.

Proposals must be delivered to:

Attn: Joel Ludwigson, Project/Procurement Manager  
c/o: Department of Administration  
112 Administration Building  
50 Sherburne Avenue  
St. Paul, MN 55155

no later than 3:00 p.m. central time on March 16, 2009.

Late responses will not be considered.

## Department of Health (MDH) Notice of Availability of Contract for Health Care Reform Expert Panel

The Minnesota Department of Health (MDH) seeks to contract with up to five consultants with nationally regarded and/or significant health care industry expertise in technical, data, and/or operational issues related to multiple components of *Minnesota Sessions Laws 2008*, Chapter 358 and other health reform efforts. Contracts will be awarded on a competitive basis to highly qualified individuals and will require short-term, high-level analyses of specific proposals or questions.

The 2008 health reform law — *Minnesota Sessions Laws 2008*, Chapter 358 — requires the Commissioner of Health to implement a number of complex market-based health reforms over the next 24 months. These reforms include the creation and implementation of a statewide health care provider quality measurement and incentive payment system; the collection of health care “encounter” data; use of risk adjustment methods for quality measurement, payment and other purposes; identification and definition of “baskets” of health care services; and formation and public reporting of “provider peer groupings” — a way of comparing health care providers on a composite measure of cost and quality. While the Department will work with separate vendors on each of these projects, the Commissioner would also benefit from the advice of national and/or industry experts who have led similar initiatives. The purpose of this expert advice is to complement work occurring at an individual project level and to help the Department connect important operational and policy “dots” across these initiatives. For example, while the agency is working with separate contractors on collection of data elements to inform the creation of provider peer groupings, the Department may need expert advice on how to integrate these data elements for analytical purposes.

Work is proposed to start after March 1, 2009.

A Request for Proposals will be available by email and direct mail from this office. **A written request (by email or direct mail) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Mat Spaan  
Health Economics Program  
85 E. 7<sup>th</sup> Place, Suite 220  
Saint Paul, MN 55101  
**Phone:** (651) 201-5171  
**E-mail:** *Mat.Spaan@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 4:00 pm, Central Time, February 12, 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.

## Minnesota Historical Society (MHS) Notice of Request for Proposals for Mill City Museum Food Service

The Minnesota Historical Society is soliciting proposals from qualified vendors to provide food service at its Mill City Museum facility. The successful vendor would operate the Mill City Café during open Museum hours, and a private rental program when the Museum is closed to the public. The Society intends to enter into up to a five-year contract with the successful vendor to provide these services.

A mandatory pre-proposal meeting has been tentatively scheduled for Monday, February 9, 2009 at 10:00 a.m., to be held at Mill City Museum, 704 Second Street South, Minneapolis, Minnesota 55401. Final details appear in the Request for Proposals, which is available from Mary Green-Toussaint, Purchasing Coordinator, Minnesota Historical Society via e-mail: *mary.green-toussaint@mnhs.org*.

All proposals must be received by 2:00 p.m. Local Time on Thursday, February 19, 2009. Late proposals will not be considered.

Dated: January 26, 2009

## 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  
(Cite 33 SR 1315)

# State Contracts

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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 Proposals to Prepare and Execute a Study of Twin Cities Metro Area Boating During Summer of 2009 CERTIFICATION #17820

The Minnesota Department of Natural Resources (DNR) is requesting proposals from qualified firms and individuals to conduct a study of Twin Cities metro area boating from Memorial Day weekend to Labor Day 2009 (study area approximately: seven-county metro area plus southern Chisago County). The study will involve aerial boat counts and boater interviews. The study will provide information to the DNR's water access and boating safety programs. The 2009 study is an update of studies done in 1996 and 1984, and the 2009 study will be designed to provide comparable information.

The goals of the project are to measure the quantity and source of boating use on Twin Cities lakes, and to measure boater characteristics and attitudes concerning their experience on the water.

The Request for Proposal can be obtained from:

Tim Kelly  
Minnesota Department of Natural Resources, OMBS, Box 10  
500 Lafayette Road  
St. Paul, Minnesota 55155-4010  
**Phone:** (651) 259-5540  
**E-mail:** *tim.kelly@dnr.state.mn.us*

All proposals must be sent to and received by Mr. Kelly, at the address above, no later than **2:00 p.m. Central Time, February 25, 2009**. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

It is estimated that the cost of this project should not exceed \$70,000.

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

## **Minnesota Racing Commission**

### **Notice of Contractual Positions for Assistant Commission Veterinarians**

**NOTICE IS HEREBY GIVEN** that the Minnesota Racing Commission is accepting applications for contractual positions of Assistant Commission Veterinarian in conjunction with live racing at Canterbury Park, Shakopee, Minnesota and Running Aces Harness Park in Columbus, Minnesota. The contract will cover the period from late-April 2009 into August or September depending on the location, with the option of extending for up to four additional years.

Canterbury Park Holding Corporation will be holding a 62 day TB/QH race meeting, Thursday through Sunday and holidays, from May 15 to August 30. North Metro Harness Initiative dba Running Aces Harness Park will be running a 51 day harness race meet, Tuesday, Friday, Saturday, Sunday, and holidays, from May 15 to August 9, 2009.

Providers must be licensed to practice veterinary medicine in the State of Minnesota and have or acquire USDA APHIS certification.

Preference will be given to qualified providers who have equine veterinary medicine experience and/or who have served in a horse racing regulatory veterinary capacity in previous years. All candidates must be licensed to practice veterinary medicine in the State of Minnesota and have or obtain USDA APHIS certification.

For further information or to obtain a copy of the complete Notice of Contractual Position, free of charge, please contact:

Richard Krueger, Executive Director  
Minnesota Racing Commission  
1100 Canterbury Road  
P.O. Box 630  
Shakopee, MN 55379  
Phone: (952) 496-7950

The deadline for submitting applications is 3:00 PM central standard time, Monday, February 23, 2009.

## **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>.

# State Contracts

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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](http://www.dot.state.mn.us/consult)

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

## Department of Transportation (Mn/DOT) Office of Traffic, Safety and Technology Request for Proposal (RFP) Intelligent Transportation Systems Support Services

Notice of availability of Contract for Mn/DOT's Intelligent Transportation Systems Innovative Idea Program. Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this request for proposal. All expenses incurred in responding to this notice shall be borne by the responder.

**The Minnesota Department of Transportation is requesting proposals provide Innovative Ideas to its Intelligent Transportation Systems Program. The Innovative Idea Program intends to build on the vision of various partners and participants involved in ITS efforts in Minnesota. To that end, respondents are encouraged to develop their response to this solicitation.**

RFP's are available online at Mn/DOT's Consultant Services Website located at:

<http://www.dot.state.mn.us/consult/files/notices/notices.html>

All proposals must be mailed or delivered to:

Ron Bisek, Contracts Administrator  
Minnesota Department of Transportation  
Office of Traffic, Safety and Technology  
RTMC Building, **Mailstop 725**  
1500 West County Road B2  
Roseville, MN 55113

Fax and e-mail responses will not be considered.

Note: PROPOSALS WILL BE DUE ON **FRIDAY, FEBRUARY 13, 2009** no later than 2:00 pm CENTRAL STANDARD TIME.

## **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.

### **Metropolitan Council - Metro Transit Request for Proposals for Fulfilling Federal Transit Administration Title VI Reporting Requirements Reference Number 7967**

The Metropolitan Council is requesting proposals from firms to provide assistance to the Council in complying with Federal Transit Administration's Circular 4702.1A Title VI guidelines. The guidelines require the Council to evaluate, report, and monitor potentially disparate impacts that transportation proposals and decisions have on low-income and minority populations. Services will be provided to the Council as needed and on a work-order basis for a four-year term.

Proposals are due by 2:00 PM on February 16, 2009.

The Request for Proposal documents can be viewed and downloading at [www.questcdn.com](http://www.questcdn.com). Input QuestCDN eBidDoc™ Number 795859 on the website's Project Search page. Contact QuestCDN.com at (952) 233-1632 or [info@questcdn.com](mailto:info@questcdn.com) for assistance in downloading and working with the digital documents.

### **Metropolitan Council - Metro Transit Sealed Bids Sought for Passenger Waiting Shelters Procurement #8007**

The Metropolitan Council is soliciting sealed bids for Passenger Waiting Shelters. Bids are due at **2:00 PM** on February 10, 2009. Bids must be submitted in accordance with the Invitation for Bids document available from:

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

### **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](http://www.minnehahacreek.org) for instructions on how to respond to the *Request for*

# Non-State Bids, Contracts & Grants

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*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](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

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

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