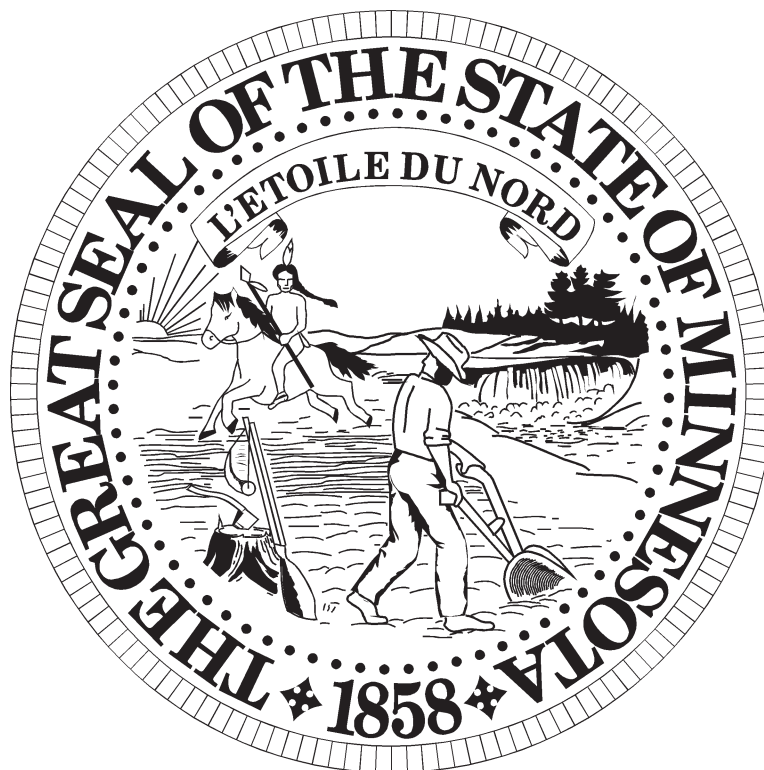


State of Minnesota

State Register



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

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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
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
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# 49	Monday	8 June	Noon Tuesday	2 June	Noon Wednesday	27 May
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# 51	Monday	22 June	Noon Tuesday	16 June	Noon Wednesday	10 June
# 52	Monday	29 June	Noon Tuesday	23 June	Noon Wednesday	17 June

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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

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

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

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Proposed Rules

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

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

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

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

Minnesota Public Utilities Commission

Proposed Amendments to Rules Governing Minnesota's Telephone Assistance Plan, *Minnesota Rules*, Chapter 7817

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

Introduction. The Public Utilities Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on July 14, 2009, the Commission will hold a public hearing in the Large Hearing Room, at the Public Utilities Commission, 121 Seventh Place East, Suite #350, St. Paul, Minnesota, 55101-2147, starting at 10:00 a.m. on Monday, July 27, 2009. To find out whether the Commission will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after July 14, 2009 and before July 27, 2009.

Proposed Rules

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Kate Kahlert, Public Utilities Commission, 121 - 7th Place East, Suite #350, Saint Paul, Minnesota, 55101-2147; **phone:** (651) 201-2239; **fax:** (651) 297-7073; and **e-mail** at: kate.kahlert@state.mn.us. **TTY** users may call the Commission at 800-627-3529.

Subject of Rules and Statutory Authority. The proposed amended rules conform the Commission's rules, governing Minnesota's Telephone Assistance Plan (TAP), to statutory changes. The proposed amended rules contain three primary changes. First, the amended rules expand eligibility for TAP from low-income elderly or disabled persons to all qualifying low-income persons. Second, the amended rules require applicants to self-certify eligibility by signing a sworn statement that the information provided by the applicant is true. And third, the rules shift administrative responsibilities from the Department of Human Services to the Commission, the Department of Commerce and local service providers. The statutory authority to adopt the rules is *Minnesota Statutes*, section 237.70. 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 Tuesday, July 14, 2009, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period. Please mention the docket number, **P-999/R-08-1126**, at the beginning of your comments.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. You must make your request for a public hearing in writing, which must be received by the agency contact person by 4:30 p.m. on Tuesday, July 14, 2009. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The Commission will cancel the hearing scheduled for July 27, 2009, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-2239 after July 14, 2009 to find out whether the hearing will be held.

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

Proposed Rules

Hearing Procedure. If the Commission holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. Or you may view the SONAR on the Commission's **website** at: <http://www.puc.state.mn.us/PUC/index.html>.

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

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

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

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

Dated: 27 May 2009

Burl Haar, Executive Secretary
Public Utilities Commission

Proposed Permanent Rules Relating to Telephone Assistance Plans

7817.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Access line.** "Access line" means ~~telephone company-owned~~ facilities owned by a local service provider furnished to permit switched access to the telecommunications network that extend from a central office to the demarcation point on the property where the subscriber is served. The term includes access lines provided to residential and business subscribers and includes centrex access lines on a trunk equivalent basis, but does not include private nonswitched or wide area telephone service access lines.

Subp. 3. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 3a. [See repealer.]

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Subp. 4. **Department of Human Services Commissioner of public safety.** ~~“Department of Human Services” means the Minnesota Department of Human Services~~ “Commissioner of public safety” means the commissioner of the Minnesota Department of Public Safety.

Subp. 5. **Department of Commerce.** “Department of Commerce” means the Minnesota Department of Commerce.

Subp. 5a. [See repealer.]

Subp. 6. **Federal matching plan.** “Federal matching plan” means any ~~telephone assistance~~ plan of the Federal Communications Commission, including the federal plan in *Code of Federal Regulations*, title 47, part ~~69.54~~, that waives the federal interstate access charge for eligible local telephone subscribers. This federal plan provides matching federal assistance to eligible households receiving assistance through a state telephone assistance plan.

Subp. 7. **Household.** “Household” means ~~a subscriber, a subscriber’s spouse, and the minor children with whom a subscriber resides all persons who occupy a housing unit.~~

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. **Local exchange service.** “Local exchange service” means telephone service provided within local exchange service areas in accordance with telephone company tariffs. It includes the use of exchange facilities required to establish connections between stations within the exchange and between stations and the toll facilities serving the exchange. It also includes extended area service that is interexchange calling for which a message toll charge is not assessed.

Subp. 10a. **Local service provider.** “Local service provider” means a service provider of local exchange service.

Subp. 11. **Permanent changes.** “Permanent changes” means changes in eligibility that are expected to continue for 12 months or more. These changes include increased income, change of residence, or death of the subscriber.

Subp. 12. [See repealer.]

Subp. 12a. **Service order record change charge.** “Service order record change charge” means the fee that a ~~telephone company~~ local service provider charges to a subscriber for making a change in the subscriber’s billing record for local service.

Subp. 13. **Subscriber.** “Subscriber” means a person in whose name local exchange service is provided by a ~~telephone company~~ local service provider.

Subp. 13a. **TAP enrollment charge.** “TAP enrollment charge” means the administrative cost to a ~~telephone company~~ local service provider of enrolling each new participant in the telephone assistance program as determined under part 7817.0300, subpart 5.

Subp. 14. **Telephone assistance credits.** “Telephone assistance credits” means the credits applied to reduce the local telephone rates of residential households that qualify under the telephone assistance plan.

Subp. 14a. **Telephone assistance fund.** “Telephone assistance fund” means a statewide surcharge revenue pool created by Laws of Minnesota 1988, chapter 621, section 16.

Subp. 15. **Telephone assistance plan or TAP.** “Telephone assistance plan” or “TAP” means the plan required by *Minnesota Statutes*, sections 237.69 to ~~237.72~~ 237.711, and set out in this chapter.

Subp. 16. [See repealer.]

7817.0200 PURPOSE AND CONSTRUCTION.

The purpose of this chapter is to develop and implement a statewide telephone assistance plan to provide telephone assistance credits to reduce the local telephone rates of eligible residential households, to be jointly administered by the commission, the Department of

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~~Human Services Commerce, and the telephone companies local service providers.~~ The purpose of this chapter is also to permit the implementation of federal ~~telephone assistance~~ plans so that the state's local exchange service telephone customers are afforded the opportunity to acquire the benefits of these federal plans.

This chapter is to be liberally construed to further these purposes.

7817.0300 FUNDING.

Subpart 1. **Uniform statewide monthly surcharge.** The telephone assistance plan must be funded through the assessment of a uniform recurring monthly surcharge, not to exceed ten cents per access line, applicable to all classes and grades of access lines provided by each ~~telephone company~~ local service provider in the state. Each ~~telephone company~~ may assess the surcharge per access line, combine the surcharge with the charges for other programs such as the emergency 911 telephone service, or include the surcharge in existing or future rates. ~~The initial surcharge must be assessed beginning with the first billing cycle occurring immediately after December 29, 1987 local service provider or the provider's billing agent shall combine surcharges for the telephone assistance plan, Telephone Access Minnesota, and Emergency 911 Service into one amount on billing statements sent to subscribers. The commission shall determine the level of the surcharge on an annual basis no later than November 30 of each year. The recalculated surcharge must shall be effective beginning with the first billing cycle of the next calendar year on a date established by the commission.~~

Subp. 2. **Collection of surcharge revenues.** A ~~telephone company~~ local service provider shall bill the surcharge and collect the surcharge revenues. At the time of reporting under part 7817.0900, subpart 3, item H, a ~~telephone company~~ local service provider shall notify the commission if a subscriber does not pay the surcharge.

Subp. 3. **Use of surcharge revenues and fund.** A ~~telephone company~~ local service provider shall remit, under *Minnesota Statutes*, section 403.11, surcharge revenues to the ~~Department of Administration~~ commissioner of public safety for deposit in the telephone assistance fund. The commission shall use the money in the telephone assistance fund to:

A. reimburse the telephone assistance credits extended by a ~~telephone company~~ local service provider within 60 days of the deadline for filing the ~~telephone company's~~ local service provider's report under part 7817.0900 or the date the report is filed, whichever occurs later;

~~B. reimburse the administrative expenses of the Department of Human Services not to exceed the amount specified in Minnesota Statutes, section 237.701;~~

~~C. B.~~ reimburse the administrative expenses of the commission not to exceed the amount specified in *Minnesota Statutes*, section 237.701; and

~~D. C.~~ reimburse a ~~telephone company's~~ local service provider's administrative expenses in accordance with subpart 4.

Subp. 4. **Reimbursing ~~telephone company~~ local service provider expenses.** The commission shall reimburse ~~telephone company~~ local service provider expenses as provided in items A to E.

A. The commission shall reimburse only with money in the telephone assistance fund.

B. The commission shall not reimburse the expenses of collecting the surcharge.

C. The commission shall not reimburse expenses under this subpart unless the ~~telephone company~~ local service provider has filed a report that complies with part 7817.0900. The commission shall reimburse the ~~telephone company~~ local service provider within 60 days after the deadline for filing its report under part 7817.0900 or the date the report is filed, whichever occurs later.

D. A ~~telephone company~~ local service provider with five or more new TAP participants enrolled during the reporting period for which reimbursement is sought must be reimbursed for expenses actually incurred and claimed up to an amount no greater than the number of new participants enrolled during the reporting period times one of the following:

(1) the ~~company's~~ provider's tariffed service order record change charge; or

(2) the ~~company's~~ provider's tariffed TAP enrollment charge determined under subpart 5.

E. A ~~telephone company~~ local service provider with fewer than five new TAP participants enrolled during the reporting period for which reimbursement is sought must be reimbursed for expenses actually incurred and claimed up to an amount no greater than five times one of the following:

(1) the ~~company's~~ provider's tariffed service order record change charge; or

(2) the ~~company's~~ provider's tariffed TAP enrollment charge determined under subpart 5.

Subp. 5. **TAP enrollment charge.** A ~~telephone company~~ local service provider may petition the commission to establish a TAP enrollment charge for the ~~company~~ provider, which may differ from the ~~company's~~ provider's service order record change charge. The TAP enrollment charge must be determined according to items A and B.

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A. A ~~company's~~ provider's petition to establish a TAP enrollment charge must include financial and cost-study information adequate to support the ~~company's~~ provider's proposed TAP enrollment charge. The commission may accept, modify, or reject the ~~company's~~ provider's petition.

B. A TAP enrollment charge must be based exclusively on the cost of one or more of the following ~~company~~ provider activities directly related to administering TAP:

- (1) responding to customer inquiries regarding TAP;
- (2) mailing TAP applications to customers;
- (3) changing manual or computerized customer records and billing systems to reflect the addition or removal of a customer's TAP credit;
- (4) sending annual notice of TAP to all subscribers;
- (5) ~~notifying the Department of Human Services of customers added to or removed from TAP;~~
- (6) ~~(5)~~ removing customers from TAP when ~~declared they are found to be~~ ineligible by the Department of Human Services;
- (7) ~~(6)~~ storing TAP applications;
- (8) ~~(7)~~ remitting surcharge revenues to the ~~Department of Administration~~ commissioner of public safety as required by part 7817.0300, subpart 3; and
- (9) ~~(8)~~ reporting to the Public Utilities Commission and Department of Commerce under part 7817.0900, subparts 2 to 4.

Subp. 6. [See repealer.]

7817.0400 ELIGIBILITY FOR TELEPHONE ASSISTANCE CREDITS.

Subpart 1. **Information provided.** Each ~~telephone company~~ local service provider shall annually mail a notice of the availability of the telephone assistance plan to each residential subscriber in a regular billing, ~~as requested by the residential subscriber for delivery of the regular billing.~~ The notice must state the following: ~~You may be eligible for assistance in paying your telephone bill if you meet certain household income limits, and you are 65 years of age or older or are disabled. For more information or an application form please contact~~ YOU MAY BE ELIGIBLE FOR ASSISTANCE IN PAYING YOUR TELEPHONE BILL IF YOU RECEIVE BENEFITS FROM CERTAIN LOW-INCOME ASSISTANCE PROGRAMS. FOR MORE INFORMATION OR AN APPLICATION FORM PLEASE CONTACT On request, the ~~telephone company~~ local service provider shall mail to a person an application form developed by the ~~Department of Human Services~~ commission and the Department of Commerce, and a brochure that describes the telephone assistance plan's eligibility requirements and application process.

Subp. 2. **Application process.** On completing ~~and signing~~ the application certifying ~~under penalty of perjury that the information provided by the applicant is true and that the statutory criteria for eligibility are satisfied,~~ the applicant must return it to the ~~telephone company~~ local service provider for enrollment in the telephone assistance plan. An application may be made by the subscriber, the subscriber's spouse, or a person authorized by the subscriber to act on the subscriber's behalf.

Subp. 3. [See repealer.]

Subp. 4. **Eligibility criteria.** To be eligible for a telephone assistance credit the applicant must ~~certify that:~~

- A. ~~the household is not in receipt of assistance for telephone service under any other state public assistance program~~ be a subscriber who resides in Minnesota or has moved to Minnesota and intends to remain; and
- B. ~~the subscriber is disabled or 65 years of age or older;~~ be eligible for the federal Lifeline telephone service discount.
- C. ~~the subscriber resides in Minnesota or has moved to Minnesota and intends to remain; and~~
- D. ~~the household income satisfies the criteria in subpart 5.~~

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. **Applicant and recipient responsibilities.** An applicant shall provide current information about ~~circumstances that permanently permanent changes that~~ affect the applicant's eligibility.

Subp. 8. **Notices Local service provider responsibilities.** ~~An applicant or recipient must be notified of the disposition of the application in the following manner.~~

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A. A local service provider shall ~~begin providing telephone assistance credits to an applicant in the earliest possible billing cycle but not later than the second billing cycle following the submission of a completed application demonstrating eligibility.~~ If certified, the ~~telephone company~~ local service provider shall notify the applicant ~~or recipient~~ by, ~~for example,~~ placing telephone assistance credits on the bill.

B. If an applicant is denied eligibility ~~or a recipient's eligibility is terminated,~~ the Department of Human Services ~~or a local agency,~~ the local service provider shall notify the applicant ~~or recipient~~ in writing of the reasons for the denial ~~or termination,~~ of the right to appeal, and of the right to reapply.

C. ~~If an applicant is denied eligibility or a recipient's eligibility is terminated,~~ the Department of Human Services ~~or a local agency~~ shall notify the telephone company.

D. ~~The Department of Human Services or a local agency shall notify the recipient of the need to verify eligibility and shall allow at least 30 days for the recipient to respond.~~

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

7817.0500 CALCULATION OF CREDITS.

The commission shall establish the level of telephone assistance plan credits for each ~~telephone company~~ local service provider on an annual basis ~~no later than November 30 of each year to be effective for the subsequent calendar year. The recalculated credit shall be effective on a date established by the commission.~~ The credits must be calculated based on the following criteria:

A. the credits must not exceed the amount of credit available under the federal matching plan;

B. the credits must not exceed ~~more than~~ 50 percent of the weighted average of the local exchange rate charged for local exchange service provided to the household by that household's ~~telephone company~~ local service provider;

C. the credits must not exceed the level of credits that can actually be funded in accordance with the surcharge limitations in part 7817.0300; and

D. the level of credits must be uniform for each ~~company~~ provider statewide.

7817.0600 ~~PROVISION~~ VERIFICATION AND TERMINATION OF CREDITS.

Subpart 1. ~~Provision of credits~~ **Verification.** After a telephone company receives an application for telephone assistance credits, the company shall enroll the applicant in the telephone assistance plan and shall apply telephone assistance credits against monthly charges for each certified household. A telephone company shall apply telephone assistance credits to an applicant's earliest possible billing cycle but no later than the applicant's second billing cycle after certification in the telephone assistance plan. A local service provider shall verify whether its recipients are eligible to continue receiving telecommunications assistance credits in the same manner that verification of eligibility for the federal Lifeline telephone service discount is determined.

Subp. 2. **Termination of credits.** After the telephone company enrolls an applicant in the telephone assistance plan, the company shall cease credits when notified by the Department of Human Services that ineligibility has been determined or when local exchange service ends. When so notified, the credit ends with the start of the telephone company's billing cycle beginning in the month after the month in which the company is notified. When a local service provider determines that a recipient is no longer eligible to receive TAP credits, the provider must send written notification to the recipient stating the reasons for finding the recipient ineligible and advising the recipient of the right to appeal. A local service provider may terminate credits if:

A. the recipient does not submit an appeal within 60 days of the date of the notice; or

B. the recipient submits an appeal and the commission determines that the recipient is not eligible.

7817.0700 ADJUSTMENT TO LEVEL OF SURCHARGE AND CREDITS.

When it appears to the commission that the revenue generated by the maximum level of surcharge permitted under part 7817.0300 will be inadequate to fund a particular level of telephone assistance credits, the commission by official order and on 30 days' notice to the ~~telephone companies~~ local service providers, shall reduce the credits to a level that can be adequately funded by the maximum level of surcharge. Similarly, the commission by official order and on 30 days' notice to the ~~telephone companies~~ local service providers, may increase the level of the telephone assistance plan credits that are available or reduce the surcharge to a level and for a period of time that will prevent an unreasonable overcollection of surcharge revenues.

7817.0800 ~~FEDERAL TELEPHONE ASSISTANCE PLANS.~~

The telephone assistance plan must be combined with the existing federal matching plan. ~~Telephone companies~~ Local service providers shall participate in both plans. If and when other federal ~~telephone assistance~~ plans are developed, the commission shall seek outside comment on those plans and review each plan and the comments submitted by interested persons. After appropriate proceedings, the

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commission shall determine whether to incorporate those plans into the telephone assistance plan and require telephone companies to participate.

7817.0900 COMPANY PROVIDER RECORDING, REPORTING REQUIREMENTS.

Subpart 1. **Records to be maintained.** A ~~telephone company~~ local service provider shall maintain adequate records of surcharge revenues, expenses, and credits related to the telephone assistance plan.

Subp. 2. **Reporting requirements.** A ~~telephone company~~ local service provider shall file at its option either quarterly or monthly reports with the commission and the Department of Commerce for review. A ~~telephone company~~ local service provider with 100 or fewer subscribers may file an annual report under subpart 4 rather than filing quarterly or monthly reports. Quarterly reports are due no later than 30 days after the end of each quarter of a calendar year. Monthly reports are due no later than 30 days after the end of each calendar month. The reports must be made on a form prescribed by the commission.

Subp. 3. **Contents of report.** The quarterly or monthly reports must list the following items for that reporting period and cumulatively for the year:

- A. the surcharge revenues collected by the ~~telephone company~~ local service provider;
- B. the number of access lines billed the surcharge;
- C. itemized telephone assistance plan expenses incurred by the ~~company~~ provider;
- D. the amount of reimbursement requested from the telephone assistance fund;
- E. the amount of reimbursement from the federal matching plan applied for or received;
- F. the number of subscribers that received credits under the telephone assistance plan and the number of subscribers that were given waivers under the federal matching plan;
- G. the monetary amount of credits extended by the ~~telephone company~~ local service provider under the telephone assistance plan and the monetary amount of waivers given under the federal matching plan; and
- H. a list of the subscribers who did not pay the surcharge.

These reports must be made on forms prescribed by the commission.

Subp. 4. **Annual report.** No later than 30 days after the end of a calendar year, a ~~telephone company~~ local service provider shall file a year-end report with the commission and the Department of Commerce. A ~~telephone company~~ local service provider with 100 or fewer subscribers that files only an annual report must include the information required by subpart 3 in its annual report. Depending on the reporting option chosen under subpart 2, a cumulative year-end monthly or quarterly report provided under subpart 3 may serve as the annual report. This report must be a financial report and accounting for the ~~telephone company's~~ local service provider's experience under the telephone assistance plan. The report must also be adequate to satisfy the reporting requirements of the federal matching plan.

7817.1000 APPEALS AND COMPLAINTS.

Subpart 1. **Appeal after termination or denial of eligibility of decision to deny or terminate credits.** An applicant or recipient ~~who is denied or terminated telephone assistance credits~~ has the right to appeal a local service provider's decision to deny or terminate credits. The appeal must be in writing and must be received by the commission or the provider within 60 days of the date the notice is mailed. A local service provider must not terminate credits while the appeal is pending. Appeal hearings must be conducted at a reasonable time, date, and place by an ~~impartial referee employed by the Department of Human Services~~ the commission. An applicant or recipient may introduce evidence relevant to the issues on appeal. ~~Recommendations of an appeals referee to the designee of the commissioner of the Department of Human Services~~ The decision must be based on evidence introduced at the hearing ~~and are not limited to a review of the propriety of a local agency's action.~~

Subp. 2. **Complaint procedure.** Complaints against the ~~telephone companies~~ local service providers regarding the telephone assistance plan may be referred to the commission. Complaints against ~~telephone companies~~ local service providers regarding the telephone assistance plan must be investigated by the Department of Commerce. The Department of Commerce shall report the status of its investigation to the commission within 45 days of receipt of the complaint.

REPEALER. Minnesota Rules, parts 7817.0100, subparts 3a, 5a, 8, 9, 12, and 16; 7817.0300, subpart 6; and 7817.0400, subparts 3, 5, 6, and 9, are repealed.

Expedited Emergency Rules

Provisions exist for the Commissioners of some state agencies to adopt expedited emergency rules when conditions exist that do not allow the Commissioner to comply with the requirements for emergency rules. The Commissioner must submit the rule to the attorney general for review and must publish a notice of adoption that includes a copy of the rule and the emergency conditions. Expedited emergency rules are effective upon publication in the State Register, and may be effective up to seven days before publication under certain emergency conditions.

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

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

Department of Natural Resources (DNR)

Expedited Emergency Game and Fish Rule Relating to Mille Lacs Walleye Regulation

Adopted Expedited Emergency Game and Fish Rules: Waters with Restrictions on Taking Fish; Designated Special Management Waters

NOTICE IS HEREBY GIVEN that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rules is *Minnesota Statutes*, sections 97A.045, subd. 2, 97C.005, and 97C.401.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that under the terms of the Federal District Court the Mille Lacs Band, Fond Du Lac Band, and six Wisconsin Bands of Chippewa are not required to declare their harvest intentions on inland waters until mid-March. The Mille Lacs proposed regulations are based on a safe harvest level determined for 2009. Final harvest threshold levels to be included in the proposed rules were not available until March. Regulations to stay within the threshold were not able to be calculated until two weeks after the season opener. These new threshold levels and regulations need to be put in place as soon as possible to ensure that angler harvest does not exceed our harvest thresholds for the 2009 open water fishing season.

Dated: May 20, 2009

Mark Holsten, Commissioner
Department of Natural Resources (DNR)

6264.0400 DESIGNATED SPECIAL MANAGEMENT WATERS.

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

Subp. 4a. Mille Lacs Lake and associated tributaries walleye regulations.

A. While a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, the daily and possession limit for walleye is four. Except as provided in item B, while a person is on or fishing in Mille Lacs Lake or its associated tributaries to the posted boundaries, all walleye in possession must be less than 18 inches in length or greater than 28 inches in length. All walleye that are 18 to 28 inches in length, inclusive, must be immediately returned to the water. A person's possession limit may include one walleye over 28 inches in length.

B. If walleye kill estimates for winter and open water fishing exceed 298,000 pounds any time prior to July 1, or exceed 359,000 pounds any time prior to August 16, then the size limit changes according to subitems (1) and (2).

(1) While a person is on or fishing in Mille Lacs Lake and its tributaries to the posted boundaries, all walleye in possession must be 15 to 17 inches in length, inclusive.

(2) All walleye that are less than 15 inches or greater than 17 inches in length must be immediately returned to the water.

C. If the regulation in item B is implemented, it is effective from five days after notice of the change is posted on the Department of Natural Resources Web site until November 30.

D. Notwithstanding items A and B, a person's possession limit may include one walleye over 28 inches in length.

E. This subpart applies to the following waters:

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<u>Name</u>	<u>Location</u>	<u>County</u>
<u>Mille Lacs</u>	<u>T.42-45, R.25-28, S. Various</u>	<u>Aitkin, Mille Lacs</u>
<u>Borden Creek</u>	<u>T.44, R.25, S.5</u>	<u>Aitkin</u>
<u>Seastade Creek</u>	<u>T.45, R.26, S.22</u>	<u>Aitkin</u>
<u>Marmon (Twenty) Creek</u>	<u>T.45, R.25, S.32</u>	<u>Aitkin</u>
<u>Grave Creek</u>	<u>T.45, R.25, S.8</u>	<u>Aitkin</u>
<u>Peterson Creek</u>	<u>T.43, R.25, S.5</u>	<u>Mille Lacs</u>
<u>Thains River (Malone Creek)</u>	<u>T.42, R.25, S.2</u>	<u>Mille Lacs</u>
<u>West Sucker Creek</u>	<u>T.42, R.25, S.18</u>	<u>Mille Lacs</u>
<u>South Sucker Creek</u>	<u>T.42, R.25, S.18</u>	<u>Mille Lacs</u>
<u>Garrison (Borden) Creek</u>	<u>T.44, R.28, S.12</u>	<u>Crow Wing</u>
<u>Seguchie Creek</u>	<u>T.44, R.28, S.36</u>	<u>Crow Wing</u>
<u>Reddy Creek</u>	<u>T.45, R.26, S.23</u>	<u>Aitkin</u>
<u>Whitefish Creek</u>	<u>T.43, R.27, S.7</u>	<u>Mille Lacs</u>
<u>Seventeen Creek</u>	<u>T.44, R.25, S.17,18,29</u>	<u>Aitkin</u>
<u>Cedar Creek</u>	<u>T.43, R.25, S.15</u>	<u>Mille Lacs</u>
<u>McCleans Creek</u>	<u>T.45, R.27, S.34</u>	<u>Aitkin</u>
<u>Unnamed</u>	<u>T.43, R.25, S.8</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.42, R.26, S.11</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.42, R.26, S.22</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.43, R.27, S.8</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.43, R.27, S.6</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.43, R.27, S.21</u>	<u>Mille Lacs</u>
<u>Unnamed</u>	<u>T.44, R.27, S.31</u>	<u>Crow Wing</u>
<u>Unnamed</u>	<u>T.44, R.28, S.36</u>	<u>Crow Wing</u>
<u>Unnamed</u>	<u>T.44, R.27, S.4</u>	<u>Aitkin</u>
<u>Unnamed</u>	<u>T.45, R.27, S.25</u>	<u>Aitkin</u>
<u>Unnamed</u>	<u>T.44, R.25, S.29</u>	<u>Aitkin</u>
<u>Unnamed</u>	<u>T.44, R.25, S.31,32</u>	<u>Aitkin</u>
<u>Unnamed</u>	<u>T.44, R.28, S.24</u>	<u>Crow Wing</u>
<u>Unnamed</u>	<u>T.44, R.28, S.13</u>	<u>Crow Wing</u>
<u>Rum River Outlet</u>	<u>T.43, R.27, S.33</u>	<u>Mille Lacs</u>

[For text of subps 5 to 91, see M.R.]

REPEALER. The expedited emergency amendments to *Minnesota Rules*, part 6264.0400, subpart 4a, published in the *State Register*, volume 32, page 1987, May 5, 2008, are repealed.

Department of Natural Resources (DNR)

Adopted Expedited Emergency Game and Fish Rules: Turkey and Prairie Chicken Hunting

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

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

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are that population and harvest data needed for setting quotas and areas are only available on an annual basis. Rule parts requiring prairie chicken tagging and registration are being repealed because populations of these species are stable and can be managed using data collected through annual mail

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surveys. Rule parts relating to the repeal of prairie chicken tagging and registration are part of a rule package that likely will take effect shortly after the 2009 prairie chicken season.

Dated: May 12, 2009

Mark Holsten, Commissioner
Department of Natural Resources (DNR)

6236.0700 FALL TURKEY SEASON.

Subpart 1. **Open dates.** The fall turkey season consists of two five-day periods, the first period beginning the Wednesday nearest October 15 and the second beginning the Wednesday nearest October 22, except that permit area 601 is open from October 14 to November 12.

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

Subp. 4. **Open areas.**

A. Wild turkey permit areas are open for the fall turkey season as prescribed by the commissioner. Turkey licenses are valid for taking turkeys only in the wild turkey permit area specified on the license.

B. Permit areas shall be identified in application materials and on electronically issued licenses by their three-digit number. Permit areas 230 to 233, 252 to 255, and 269 to 299 shall be identified in application materials and on electronically issued licenses by the three-digit number that appears in parenthesis following the permit area number under subpart 6.

C. Wild turkey permit areas listed in subpart 6 are open for the 2009 fall season.

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

Subp. 6. **Turkey hunt quotas.** Quotas for permit areas for the 2009 fall season are as follows:

Wild turkey permit area number	A October 14-18, 2009	B October 21-25, 2009
156	10	10
157	50	50
159	10	10
183	5	5
213	50	50
214	100	100
215	150	150
218	100	100
219	50	50
221	100	100
222	100	100
223	100	100
225	100	100
227	150	150
229	25	25
230 (463)	15	15
232 (464)	40	40
233 (465)	40	40
235	10	10
236	150	150
239	150	150
240	100	100
241	10	10
243	10	10
244	20	20
248	50	50
249	50	50
252 (458)	10	10

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253 (459)	10	10
254 (466)	80	80
255 (467)	50	50
262	20	20
269 (420)	20	20
271 (422)	25	25
273 (412)	20	20
274 (431)	10	10
276 (416)	10	10
277 (417)	15	15
278 (433)	10	10
279 (446)	10	10
280 (447)	10	10
282 (425)	20	20
284 (427)	10	10
285 (428)	15	15
286 (448)	15	15
288 (449)	15	15
289 (450)	10	10
290 (440)	10	10
291 (442)	125	125
292 (461)	125	125
293 (462)	120	120
294 (451)	10	10
295 (454)	10	10
296 (457)	10	10
299 (443)	50	50
338	100	100
339	100	100
341	250	250
342	175	175
343	150	150
344	100	100
345	100	100
346	150	150
347	100	100
348	125	125
349	225	225
601	1000	
Grand Total	9,330	

6237.0400 TAKING PRAIRIE CHICKENS.

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

Subp. 4. **Open areas.** Prairie chicken permit areas are open for the prairie chicken season as prescribed by the commissioner. Prairie chicken licenses are valid only in the prairie chicken permit area specified on the license. Permit areas shall be identified in application materials and on electronically issued licenses by a three-digit number plus a letter. The following prairie chicken permit areas are open with prescribed quotas for the 2009 season:

Permit Area	Quota
801A	10
802A	10
803A	10

Expedited Emergency Rules

<u>804A</u>	<u>17</u>
<u>805A</u>	<u>20</u>
<u>806A</u>	<u>17</u>
<u>807A</u>	<u>25</u>
<u>808A</u>	<u>20</u>
<u>809A</u>	<u>20</u>
<u>810A</u>	<u>27</u>
<u>811A</u>	<u>10</u>
<u>Total</u>	<u>186</u>
<u>[For text of subp 5, see M.R.]</u>	

Subp. 6. **Permits for disability hunts.** For the area encompassed by Glacial Ridge National Wildlife Refuge, up to ten additional permits shall be issued for September 26 and 27 for disabled hunters to take prairie chickens using legal shotguns, muzzleloading shotguns, or archery equipment. One nonhunting mentor must accompany each disabled hunter. The hunt is sponsored by the United States Fish and Wildlife Service and Options Interstate Resource Center for Independent Living. Licenses shall be issued as permit area 999B.

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

EFFECTIVE PERIOD. The emergency amendments to *Minnesota Rules*, parts 6236.0700 and 6237.0400, expire December 31, 2009. The repeal of *Minnesota Rules*, parts 6237.0600 and 6237.0700, expires December 31, 2009. After the emergency amendments and repealer expire, the permanent rules as they read prior to those amendments or repealer again take effect, except as they may be amended by permanent rule.

Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

KEY: Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

Department of Revenue

Modification of Revenue Notice # 03-10: Sales and Use Tax – Telecommunications Services

Background

This revenue notice replaces Revenue Notice # 91-18, which is hereby revoked is modified to reflect a 2008 amendment to *Minnesota Statutes*, section 297A.61, which amended the definition of “telecommunications services,” and added other definitions, including “ancillary services,” “bundled transaction,” and “ring tone”; and is modified to reflect the latest version of the federal *Internet Tax Freedom Act*.

This revenue notice sets forth the department’s position on the following: (1) examples of services that are included under the term “telecommunications services”; (2) inclusion of charges for telecommunications services and charges for ancillary services associated with

Revenue Notices

telecommunications services in the sales price; (3) when exemptions apply for charges to consumers for access to the Internet and for charges to Internet service providers for telecommunications services; (4) charges to guests by lodging establishments for access to a telephone service; (5) bundling of charges where one or more of the products is a telecommunications service, ancillary service, Internet access, or audio or video programming service; and (6) exemptions for certain equipment used by a telecommunications, cable television, or direct satellite service provider.

Statutory Authority

The sale and purchase of telecommunications services, ancillary services associated with telecommunications services, cable television services, direct satellite services, and ring tones are taxable under *Minnesota Statutes*, section 297A.61, subdivision 3(i). The definitions of these terms are found in *Minnesota Statutes*, section 297A.61.

“Telecommunications services,” defined at *Minnesota Statutes*, section 297A.61, subdivision 24, specifically includes air-to-ground radiotelephone service, mobile telecommunications service, postpaid calling service, prepaid calling service, prepaid wireless calling service, and private communication services. Each of these services is defined under *Minnesota Statutes*, section 297A.669.

The *Internet Tax Freedom Act*, 47 U.S.C. 151, provides an exemption from the sales and use tax on charges for telephone line access purchased by consumers solely to acquire access to the Internet.

Minnesota Statutes, section 297A.61, subdivision 38, defines a “bundled transaction,” and *Minnesota Statutes*, section 297A.61, subdivision 4(m), provides that a sale of a bundled transaction is a retail sale, except that “if one of the products is a telecommunication service, ancillary service, Internet access, or audio or video programming service, and the seller has maintained books and records identifying through reasonable and verifiable standards the portions of the price that are attributable to the distinct and separately identifiable products, then the products are not considered part of a bundled transaction.”

Telecommunications Services

Besides telephone and cable services, other The following are examples of services that are also included under the term “telecommunications services”: include, but are not limited to, facsimile (fax), teleconference, telegraph, teletype, Voice over Internet Protocol, and a digital subscriber line (dsl), direct satellite and music services, and automated or partially automated answering services. Telecommunications services include telecommunications services those provided by means of coinoperated telephones or similar devices. Information and online computer services such as electronic publishing, web hosting, end-user 900 number services, electronic mail services, and electronic bulletin board services are services that are not taxed as telecommunications services.

Sales Price

All charges for telecommunications services and for ancillary services associated with telecommunications services, including optional and associated services, must be included in the sales price when determining the amount subject to sales tax, except for separately stated charges for 911 emergency system, telephone assistance plan (TAP), telecommunications access for communications impaired persons (TACIP), and federal excise tax imposed directly on the consumer.

Internet

Telephone lines that are purchased by consumers to acquire access to the internet are telecommunications services and are not internet access charges that Minnesota is precluded from taxing under *Public Law No. 107-17, Internet Tax Non-Discrimination Act*.

If a consumer purchases telephone line access for any telecommunications purpose other than to acquire access to the Internet, the telephone line access charges are not Internet access charges that Minnesota is precluded from taxing under the *Internet Tax Freedom Act* (“ITFA”). If the provider charges the consumer for access to one telephone line, and that line will be used for both telecommunications services and to acquire access to the Internet, the following applies: (1) if the provider separately states the access charges for each on the invoice or billing statement, Minnesota is precluded from taxing access to the Internet under the ITFA; but (2) if the provider aggregates the access charges for each on the invoice or billing statement, the entire access charge is subject to sales and use tax. However, see the “Bundled Services” portion of this revenue notice for an exception regarding aggregated charges when the Internet service provider maintains certain books and records.

The charges for telecommunications services that are purchased by an Internet service provider to provide Internet service to its subscribers are exempt from the sales and use tax. Telephone lines that are used by an internet service provider to provide internet service to their subscribers cannot be purchased exempt for the purpose of resale.

Revenue Notices

Hotel/Motel Telephone Charges

Charges by hotels and other lodging establishments to guests for access to telephone service are telecommunications services that are subject to tax under *Minnesota Statutes*, section 297A.61, subdivision 24(b). Charges to a hotel or motel guest, for the actual cost of telephone services, rather than for access to those services, are not taxable if the charges are separately stated on the guest's bill.

Many hotels use "call accounting systems" to track and determine the amount to charge guests for long distance telephone calls. Using these systems, the hotel does not know how much the actual telephone service costs until receiving the bill from the telephone company the following month. In this situation, the hotel must charge sales tax on the total amount billed to the hotel guests for the long distance telephone service. The hotel must also continue to pay sales tax on purchases of telephone service from the telephone company. However, the hotel may take a deduction from gross sales reported on their sales and use tax return for the amount billed to the hotel by the telephone company for the actual cost of long distance calls made by hotel guests. This practice is only allowed when the hotel can distinguish between telephone calls billed to guests and the hotel's own administrative costs for telephone service.

Bundled Services

Even though a seller has books and records which identify each portion of the price that is attributable to a distinct and separately identifiable product, such that the products are not considered part of a bundled transaction under *Minnesota Statutes*, section 297A.61, subdivision 4(m), each portion of the price that is attributable to a taxable product is subject to sales and use tax.

Under ITFA, when an Internet access charge is aggregated and not separately stated from telecommunications services charges in a consumer bill or invoice, the Internet access charge is not subject to taxation if the Internet service provider can reasonably identify the charges for Internet access from its books and records kept in the regular course of business.

If an Internet access charge is aggregated with charges for telecommunications services, as well as other charges, and the Internet access charge can be identified from books and records, but some or all other charges cannot be identified from books and records, then the aggregated transaction would be a bundled transaction, as provided in *Minnesota Statutes*, section 297A.61, subdivision 4(m). If the aggregated transaction is a bundled transaction, then the total price of the bundled transaction, minus the portion of the price that is attributable to the Internet access charge, is the sales price subject to sales and use tax.

~~When nontaxable elements of a charge for telecommunications services are bundled with taxable elements in one sales price then the entire amount of the sales price is subject to tax. However see Revenue Notice # 02-09: Sales and Use Tax – Internet Access Charges, for the department's position on the application of the sales and use tax when internet access charges are included in a bundled charge.~~

Telecommunications, Cable Television, and Direct Satellite Equipment

Minnesota Statutes, section 297A.68, subdivision 35, provides an exemption for telecommunications, cable television, and direct satellite machinery and equipment purchased or leased for use directly by a telecommunications, cable television, or direct satellite service provider primarily in the provision of telecommunications, cable television, or direct satellite services that are ultimately to be sold at retail.

• ~~Cable television and telephone service providers, and direct satellite distributors~~ Telecommunications, cable television, and direct satellite service providers generally qualify for the exemption if they sell their ~~telecommunications~~ services at retail.

• Radio and television stations, and others that provide free telecommunications, cable television, or direct satellite services do not qualify for this exemption because they are not selling their ~~telecommunications~~ services at retail.

• Hotels, motels, and other establishments that do not primarily provide telecommunications, cable television, or direct satellite services do not qualify for the exemption.

• The exemption generally does not apply to the purchase of machinery and equipment by an Internet service provider, but this equipment may qualify for the capital equipment exemption for online data retrieval provided for in *Minnesota Statutes*, section 297A.68, subdivision 5. See Revenue Notice # 02-14: Sales and Use Tax – Exemption for Purchases of Telecommunications Equipment – Internet Service Providers.

Publication Date: September 8, 2003

Publication Date: 6/8/09

Raymond R. Krause

Assistant Commissioner

ELIZABETH KADOUN, Assistant Commissioner
for Tax Policy and External Relations

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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Emergency Medical Services Regulatory Board (EMSRB) Notice of Completed Application In the Matter of the License Application of the Plainview Emergency Medical Services, Plainview, Minnesota

PLEASE TAKE NOTICE that the Emergency Medical Services Regulatory Board (hereinafter EMSRB) has received a completed application from **Plainview Emergency Medical Services, Plainview, Minnesota**, for a new license, part-time advanced ambulance.

NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes*, Section 144E.11, subd. 3, each municipality, county, community health board, governing body of a regional emergency medical services system, ambulance service and other person wishing to make recommendations concerning the disposition of the application, shall make written recommendations or comments opposing the application to the EMSRB within 30 days or by July 8, 2009, 4:30 p.m.

Written recommendations or comments opposing the application should be sent to: Katherine Burke Moore, Executive Director, Emergency Medical Services Regulatory Board, 2829 University Avenue S.E., Suite 310, Minneapolis, Minnesota 55414-3222.

If fewer than six comments opposing the application are received during the comment period, and the EMSRB approves the application, the applicant will be exempt from a contested case hearing, pursuant to *Minnesota Statutes*, Section 144E.11, subd. 4. If six or more comments in opposition to the application are received during the comment period or the EMSRB denies the application, the applicant may immediately request a contested case hearing, or may try to resolve the objections of the public and/or the EMSRB within 30 days, pursuant to *Minnesota Statutes*, Section 144E.11, sub. 5(a), (b). If the applicant is unable to resolve the objections within 30 days, or if the applicant initially requests a contested case hearing one will be scheduled and notice of the hearing given pursuant to *Minnesota Statutes*, Section 144E.11, subd. 5(c), (e).

Dated: 1 June 2009

Katherine Burke Moore, Executive Director
Emergency Medical Services Regulatory Board

Department of Health (MDH)
Division of Compliance Monitoring
Managed Care Systems Section
Notice of Application for Essential Community Provider Status

NOTICE IS HEREBY GIVEN that applications for designation as an Essential Community Provider (ECP) have been submitted to the Commissioner of Health by

- 1.) Saw Tooth Mountain Clinic, Inc., 513 5th Ave. W., Grand Marais, MN 55604;
- 2.) Migrant Health Service, Inc., 810 4th Ave. S., Townsite Centre, Moorhead, MN 56560; and
- 3) NorthPoint Health and Wellness Center, 1313 Penn Ave. N., Minneapolis, MN 55411.

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

For more information contact:

Mary Ann Fena
Managed Care Systems Section
Division of Compliance Monitoring
Department of Health
P.O. Box 64882
St. Paul, MN 55164-0882
Phone: (651) 201-5164

Minnesota Department of Health (MDH)
Division of Health Policy
Notice of Proposed Technical Changes to the Minnesota Uniform Companion Guide
for the Implementation of the Health Care Claim Payment and Remittance
Advice Electronic Transaction, Pursuant to *Minnesota Statutes*, Section 62J.536

Introduction. Notice is hereby given that the Minnesota Department of Health (MDH) is seeking information or opinions from outside sources on proposed technical changes to the Minnesota Uniform Companion Guide for the Implementation of the Health Care Claim Payment and Remittance Advice Electronic Transaction (ANSI ASC X12 835), as developed by the Commissioner of Health in consultation with the Minnesota Administrative Uniformity Committee (AUC), and its EOB/Remittance Advice Technical Advisory Group (TAG).

Contact Person. MDH requests information and opinions concerning the applicability and functionality of proposed technical changes to the Minnesota Uniform Companion Guide for the Implementation of the Health Care Claim Payment and Remittance Advice Electronic Transaction. Interested persons or groups may submit data or views in writing; electronic submissions should be sent in Word format. Written statements should be addressed to Mayumi Reuvers, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN 55164-0822, or e-mail at: mayumi.reuvers@state.mn.us or, **fax:** (651) 201-5179. E-mail is preferred.

Description of the Rules. *Minnesota Statutes*, section 62J.536, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee (AUC), to promulgate rules pursuant to section 62J.61 establishing and requiring group purchasers and health care providers to use electronic claims and eligibility transactions with a single, uniform companion guide to the implementation guides described under *Code of Federal Regulations*, title 45, part 162. The statute requires that beginning December 15, 2009, all health care providers must accept from group purchasers, and all group purchasers must transmit to providers, the health care payment and remittance advice transaction described under *Code of Federal Regulations*, title 45, part 162, subpart P. The statute further (Cite 33 SR 2013)

Official Notices

requires that the transaction must be exchanged electronically, using the uniform, standard companion guide. This rule does **NOT** require electronic funds transfer (EFT). *Minnesota Statutes, section 62J.536* requires the Commissioner of Health to promulgate rules pursuant to section 62J.61, at least 12 months prior to the timelines required in subdivision 1 of the statute. Under *Minnesota Statutes, section 62J.61*, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59. A Notice of Adoption of the above referenced rule was published in the *Minnesota State Register*, Volume 33, Number 18, November 3, 2008, page 776. The Commissioner of Health, in consultation with the AUC and its EOB/Remittance Advice Technical Advisory Group has determined that it is necessary to make technical changes to the previously adopted rule in order to provide additional clarification to the transaction. Because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of the rule, the Commissioner is publishing this notice of proposed technical changes to the adopted rule.

Public Review Process. MDH will provide free copies of redline versions of the Minnesota Uniform Companion Guide for the Implementation of the Health Care Claim Payment and Remittance Advice Electronic Transaction with proposed technical changes, in paper or electronic PDF format, to persons and organizations interested in reviewing them. The redline version with proposed changes will be available as of June 8, 2009. **Comments and suggestions for improvements of the Minnesota Uniform Companion Guide for the Implementation of the Health Care Claim Payment and Remittance Advice Electronic Transaction will be accepted at the above address until 4 PM Tuesday, July 8, 2009.**

After the Commissioner of Health has considered all comments received, the Commissioner will publish a notice of adoption in the State Register. The rules will take effect 30 days subsequent to that notice.

How to Obtain the Proposed Technical Changes to Minnesota Uniform Companion Guide for the Implementation of the Health Care Claim Payment and Remittance Advice Electronic Transaction. A free copy of the proposed technical changes to the rules is available upon request. Persons who wish to obtain a paper copy should call Mayumi Reuvers at MDH, (651) 201-5508, or fax a request to (651) 201-5179, or write or email to the address above, and clearly identify the document being requested. The document will also be available for downloading on the World Wide Web at <http://www.health.state.mn.us/asa/>.

Dated: June 8, 2009

Sanne Mangan, M.D., Ph.D., Commissioner
Minnesota Department of Health
P.O. Box 64975, St. Paul, MN 55164-0975

Modifications:

The following modifications from the version adopted in the *State Register*, Volume 33, Number 18, November 3, 2008, page 776, have been proposed:

The following sections of the proposed technical changes for the *Minnesota Uniform Companion Guide for the Implementation of the Health Care Claim Payment and Remittance Advice Electronic Transaction* differ from the adopted rule published on November 3, 2008 (page numbers below are for the adopted rule published November 3, 2008):

- Title page;
- Table of Contents – Page 3;
- 1.0 Companion Guide Revision History, Page 4;
- 5.1.2 Relationship Between Condition Given to Segments and Data Elements in HIPAA IGs and the Minnesota Usage Classification Given in the Companion Guide, Table 1, Page 18

Changes were made to the following sections of Appendix B, Minnesota Crosswalk for the Claim Adjustment Reason Codes (CARC), Claim Adjustment Group Codes, and Remittance Advice Remark Codes (RARC), beginning on page 34:

- Crosswalk Updates, Page 34;
- Claim Adjustment Reason Codes, Page 34;
- Claim Adjustment Group Codes, Page 35;
- Remark Codes, Page 35.

Changes were made to the following Appendix B, Table B.1 rows, identified by “Claim Adjustment Reason Code (CARC)” row number and page number (page numbers below are for the adopted rule published November 3, 2008):

- Page 36, CARC Rows 4, 6, 7, 8, 9, 11, 13;

Page 37, CARC Row 16;
Page 38, CARC Rows 17 (deleted), 18, 22, 23;
Page 39, CARC Rows 27, 31, 32, 38, 45;
Page 40, CARC Rows 87, 96, 97;
Page 41, CARC Row 119;
Page 42, CARC Rows 125, 129, 135;
Page 43, CARC Rows 136, 142, 146, 147, 148, 151, 156 (deleted), 157;
Page 44, CARC Rows 160, 161, 163, 165, 169, 170, 171, 172, 173, 175, 176;
Page 45, CARC Rows 183, 184, 185, 192, 197, 202, 204;
Page 46, CARC Rows 207 (added), 208, 222 (added), 223 (added), 224 (added), 225 (added), 226 (added), 227 (added), 228 (added), 229 (added), 230 (added), A1;
Page 47, CARC Rows B5, B7, B14, B15, B18 (deleted), B20, B22.

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

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 June 8, 2009 the Department may add the following outpatient prescribed drugs to the state MAC list:

Drug Name
SUMATRIPTAN

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 \$15,000.00 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.

Official Notices

Department of Labor and Industry (DLI)

Labor Standards Unit

Notice of Certification of Truck Rental Rates and Effective Date Pursuant to *Minnesota Rules, Part 5200.1105*

On June 8, 2009 the commissioner certified the minimum truck rental rates for highway projects in the state's ten highway and heavy construction areas for trucks and drivers operating "four or more axle units, straight body trucks," "three axle units," "tractor only," and "tractor trailers." The certification by the commissioner came after Notice of Determination of Truck Rental Rates by the commissioner, including the determination of truck operating costs, was published in the *State Register* on March 16, 2009 and the informal conference pursuant to *Minnesota Rules, Part 5200.1105* to receive further public input prior to certification was held at the department on April 3, 2009.

The operating costs were initially determined by survey on a statewide basis and were the subject of further input prior to certification by interested parties attending the informal conference pursuant to *Minnesota Rules, Part 5200.1105* on April 3, 2009. On the basis of this input, the department contacted truck operational cost survey respondents identified from the informal conference input or by the department as having submitted cost data far out of the normal range of all data submitted or containing obvious errors. The department received corrected data from the respondents. The department recalculated the truck operational costs based on the corrected data received.

The following recalculated truck operational costs were used by the Commissioner in making this certification of minimum truck rental rates: The operating cost for "four or more axle units, straight body trucks" was determined to be \$46.81 per hour. The operating cost for "three axle units" was determined to be \$37.35 per hour. The operating cost for "tractor only" was determined to be \$57.44 per hour. The operating cost for "trailer only" was determined to be \$11.46 per hour. The operating cost for "tractor trailers" was determined to be \$68.90 per hour.

Adding the prevailing wage for drivers of these four types of trucks from each of the state's ten highway and heavy construction areas to the operating costs, the minimum hourly truck rental rate for the four types of trucks in each area is certified to be as follows:

Region	Tractor Trailer	4 or More Axle	3 Axle	Tractor Only
Region 1	105.45	68.81	62.10	93.99
Region 2	99.62	77.02	67.41	88.16
Region 3	99.62	69.31	62.93	88.16
Region 4	92.45	70.36	55.85	80.99
Region 5	95.60	73.46	62.60	84.14
Region 6	84.00	75.61	71.45	72.54
Region 7	94.75	77.02	67.41	83.29
Region 8	92.61	75.16	61.32	81.15
Region 9	105.85	83.21	73.65	94.39
Region 10	94.75	77.02	67.41	83.29

The operating costs, including the average truck broker fee paid by those survey respondents who reported paying truck broker fees, and the truck rental rates may also be reviewed by accessing the department's web site at www.dli.mn.gov. Questions regarding the operational costs and truck rental rates can be answered by calling (651) 284-5091.

The minimum truck rental rates certified for these four types of trucks in the state's ten highway and heavy construction areas will be effective for all highway and heavy construction projects financed in whole or part with state funds advertised for bid on or after June 8, 2009.

Dated: 8 June 2009

Steve Sviggum, Commissioner
Department of Labor and Industry

**Minnesota Pollution Control Agency (MPCA)
Regional Division****Public Notice of Availability of Draft Schmidt, Pomerleau, and Bass Lakes Nutrient
TMDL Report and Request for Comment****Public Comment Period Begins: June 8, 2009****Public Comment Period Ends: July 8, 2009**

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Report for the Schmidt, Pomerleau, and Bass Lakes Nutrient Total Maximum Daily Load (TMDL). The draft TMDL Report for Schmidt, Pomerleau, and Bass Lakes is available for review at: <http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>. Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. Comments must be received by the MPCA contact person listed below by July 8, 2009.

Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing an impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

Almost the entire drainage area of Schmidt, Pomerleau, and Bass Lakes is located within the city of Plymouth with a fraction located in the city of Maple Grove. The Pomerleau Lake and Schmidt Lake subwatersheds drain through the Bass Lake subwatershed to Bass Lake. Bass Lake outlets through Bass Creek to Shingle Creek, which outlets into the Mississippi River.

Schmidt, Pomerleau, and Bass Lakes have been placed on the state's impaired waters list because of excess nutrients levels, particularly phosphorus. While phosphorus is an essential nutrient for algae and plants, it is considered a pollutant when it stimulates excessive growth of algae or aquatic plants.

The TMDL study assessed the pollutant concentrations and indicated phosphorus will need to be reduced by 67 percent for Pomerleau Lake, 9 percent for Schmidt Lake, and 33 percent for Bass Lake to meet the water-quality standards during the summer growing season.

Agency Contact Person: Written or oral comments, petitions, questions, or requests to receive a draft of the TMDL Reports, and requests for more information should be directed to:

Barb Peichel
Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road North
St. Paul, MN 55155-4194
Phone: (651) 757-2646
Minnesota Toll Free: 1-800-657-3864
Fax: (651) 297-8676
E-mail: Barbara.Peichel@state.mn.us

TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

Preliminary determination on the draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report and fact sheet are available for review at the MPCA office at the address listed above, and at the MPCA Web site:

<http://www.pca.state.mn.us/water/tmdl/project-schmidtpomerleaubass-nutrients.html>.

Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

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

1. A statement of your interest in the draft TMDL Report;

Official Notices

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

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

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

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

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that:

1. There is a material issue of fact in dispute concerning the application or draft TMDL Report;
2. The MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and
3. There is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

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

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if:

1. The Commissioner grants the petition requesting the matter be presented to the Board;
2. One or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or
3. A timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

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

Dated: June 2009

Department of Transportation (Mn/DOT)

State Aid for Local Transportation Division

Notice of Appointment and Meeting of a State Aid Variance Committee

NOTICE IS HEREBY GIVEN that the Commissioner of Transportation has appointed a State Aid Variance Advisory Committee who will meet on Thursday, June 11, 2009 at 9:00 a.m. at the Mn/DOT Arden Hills Training Center, located at 1900 West County Road I, in Shoreview, Minnesota, 55126. This notice is given pursuant to *Minnesota Statute* 14.46. The purpose of this open meeting is to investigate and determine recommendations for variance requests from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820 adopted pursuant to *Minnesota Statutes* Chapters 161 and 162.

The agenda will include the following:

1. Petition of City of Ramsey for a variance from *Minnesota Rules* 8820.9936 as they apply to the reconstruction of 167th Avenue NW, so as to allow a minimum design speed of 25 mph in lieu of the required minimum 30 mph between stations 2+47.46 and 6+85.03.

2. Petition of the City of Mahtomedi for a variance from *Minnesota Rules* 8820.2800, subpart 2, as they apply to the construction of East Avenue, located between Hickory Street and Stillwater Road in the City of Mahtomedi, so as to allow the approval of the final plans after the opening of bids in lieu of before the opening of bids as required by rules.

3. Petition of City of Minnetrista for variances from *Minnesota Rules* 8820.9920 as they apply to the reconstruction of Game Farm Road, so as to allow a 30 mph vertical curve in lieu of the required minimum 40 mph between station 126+00 and station 141+00; so as to allow a 20 mph design, both vertically and horizontally in lieu of the required minimum 40 mph between station 155+00 and station 164+50; so as to allow a 30 mph horizontal curve in lieu of the required minimum 40 mph between station 167+50 and station 172+00; and so as to allow a 20 mph design, both vertically and horizontally in lieu of the required 40 mph between station 181+00 and station 191+00.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, MN 55155. If a written objection is received within 7 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: June 2, 2009

Julie A. Skallman, State Aid Engineer
State Aid for Local Transportation
Minnesota Department of Transportation

State Grants & Loans

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

Need Help Applying for Grants ?

Only *State Register* subscribers get a "Contracts & Grants" section that lists all "active" grants and contracts. Open the *State Register* and click on Bookmarks in the upper left corner. You get a list of ALL the current rules, with an INDEX, and previous volume indices, as well as a list of all "active" contracts and grants, and LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

- LINKS, LINKS, LINKS
- Early delivery, on Friday
- Word Search Capability
- Updates to Index to Vol. 33
- Indexes to Vols. 27 - 32
- "Contracts & Grants" Open for Bid
- Easy Access to *State Register* Archives
- E-mailed to you . . . its so easy

It's all E-MAILED to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us.

Minnesota Pollution Control Agency (MPCA) American Recovery and Reinvestment Act Request for Proposals Minnesota Clean Diesel Grant Program

Project Overview

The Minnesota Pollution Control Agency (MPCA) has received a grant from the U.S. Environmental Protection Agency's (EPA) National Clean Diesel Campaign, authorized in the Diesel Emissions Reduction Act (DERA) to fund clean diesel activities in the state. These funds were made available through the **American Recovery and Reinvestment Act of 2009**, otherwise known as the Recovery Act. The MPCA is publishing this Request for Proposals (RFP) to provide potential applicants with information, procedures and materials regarding competitive application for the Minnesota Clean Diesel Grant Program, administered under *Minnesota Statutes* § 116.03, subd. 2. All Minnesota Clean Diesel Grants funded by the Recovery Act will focus on reducing diesel emissions, promoting economic recovery and preserving and/or creating jobs through implementing clean diesel projects.

The MPCA is currently accepting applications, and has \$1,572,126 available for grants to implement projects that reduce diesel emissions through the purchase of the following technologies:

- idle reduction devices
- diesel hybrid replacements (for public entities only)
- emission controls devices (i.e. diesel retrofits)
- engine repowers

Certain technologies described in this RFP will have applicant match requirements. The maximum award amount for a single applicant is \$150,000.

This is a **reimbursement** based program for clean diesel technologies and eligible installation costs. Once an applicant has submitted an application, been chosen for an award and signed a contract with the MPCA, the applicant can then proceed with purchasing the technology per their application. Request for reimbursement shall include documentation that the expenses have been incurred and paid by the grant recipient, once the equipment has been received and installed.

For a copy of the Request for Proposal

The full RFP and application materials are available at www.pca.state.mn.us/air/cleandiesel-grants.html, and can also be requested via **e-mail** at: cleandiesel@pca.state.mn.us, or a paper copy may be requested by **phone** at: (651) 757-2653 and mailed to prospective applicants.

State Grants & Loans

Completed applications must be received by the application deadline to be considered for funding. Electronic submission of applications is preferred to cleandiesel@pca.state.mn.us.

Applications are due by 2:00 p.m. CDST, Thursday, June 25, 2009.

Mailed applications must be postmarked by the due date.

Questions

The opportunity for application assistance is available on an equal basis to all potential applicants. Prospective applicants who have questions should send questions to cleandiesel@pca.state.mn.us – email is the preferred method for questions. Applicants may also call Lynette Podritz at (651) 757-2653 or Sally Peterson at (651) 757-2649. The MPCA will maintain a list of Frequently Asked Questions (FAQ) on the clean diesel grant web site: www.pca.state.mn.us/air/cleandiesel-grants.html that will be updated every Thursday with new questions and responses through June 18, 2009. The FAQ document will be used to communicate clarifications to all applicants.

State Contracts

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

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

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

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

All “Active” Contracts and Grants

A summarized “Contracts & Grants” section lists **all “active” contracts and grants**. It is available **only to subscribers** to the *State Register*. Subscribers also receive LINKS to the *State Register*, as well as Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. Subscribers open their *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

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Subscriptions cost \$180 a year (an \$80 savings). It's all E-MAILED to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us

State Contracts

State Department of Administration (Admin)

Notice of Availability of Request for Proposal (RFP) for Designer Selection for Road and Utility Infrastructure Improvements in the Cantonment Area at Camp Ripley, Little Falls, Minnesota (Project No. 09930)

The State of Minnesota, Department of Administration, is soliciting proposals from interested, qualified consultants for civil engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota National Guard's website: <http://www.MinnesotaNationalGuard.org/rfp>.

A non-mandatory informational meeting is scheduled for Thursday, June 18, 2009, at 10:00 a.m. Central Daylight Time at the Facilities Management Office, Camp Ripley, Building 11-1 (National Guard Armory), 15000 Highway 115, Little Falls, MN 56345-4173.

Project questions will be taken by Stephen Meyer at fax number (320) 632-7473 or: steve.meyer@mn.ngb.army.mil Project questions will be **answered** by addendum posted on the website: <http://www.MinnesotaNationalGuard.org/rfp>.

Proposals must be delivered to Carol Prozinski, Facilities Management Office, Camp Ripley, 15000 Highway 115, Little Falls, MN 56345-4173; **phone:** (320) 616-2629, not later than **2:00 p.m. Central Daylight Time on Monday, June 29, 2009**. Late responses will not be considered.

The Minnesota National Guard is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Department of Agriculture

Commissioner's Office

Notice of Requests for Proposals for Minnesota Farm Advocates

The Minnesota Department of Agriculture announces the availability of contracts for farm advocates for the period of July 1, 2009 through June 30, 2010. Applicants must be farmers or former farmers; be familiar with or experienced in farm financial planning (cash flows through financial statements); be knowledgeable of farmers' borrowers rights and responsibilities with the ability to comprehend state and federal rules and regulations governing agricultural credit; have good communication skills (written, oral and listening); and have compassion for and interest in helping other farmers. Resumes will be accepted through June 19, 2009.

For more information, contact:

Jim Boerboom, Deputy Commissioner
Minnesota Department of Agriculture
625 Robert St. No.
St. Paul, MN 55155
Phone: (651) 201-6395

Minnesota State Colleges and Universities (MnSCU)

Office of the Chancellor

Request for Bid: (REVISED 6-8-09) PRINT and FULFILLMENT of Go Places Publications

The Office of the Chancellor is requesting bids from qualified vendors for the printing and fulfillment of Go Places publications. Please note **REVISED print specifications** dated 6-8-09 and extension of deadline to **NOON CDT, FRIDAY, JUNE 19, 2009**.

REVISED print specifications are available by visiting the website: <http://www.pa.mnscu.edu/goplacesrfb> or by contacting Christine McGing, Minnesota State Colleges and Universities, Wells Fargo Place, 30 - 7th St. E., Suite 350, St. Paul, Minnesota 55101, **phone:** (651) 297-2720, **e-mail:** christine.mcging@so.mnscu.edu.

Sealed bids must be received by NOON CDT, FRIDAY, JUNE 19, 2009.

This request does not obligate Minnesota State Colleges and Universities to complete the proposed project, and the system reserves the right to cancel this solicitation if it is considered to be in its best interest.

The Minnesota State Colleges and Universities system is an Equal Opportunity employer and educator.

Minnesota State Colleges and Universities (MnSCU)

Dakota County Technical College

Sealed Bids Sought for Door Hardware Modifications

Sealed Bids for: DOOR HARDWARE MODIFICATIONS
Dakota County Technical College, Rosemount, Minnesota

will be received by: Mr. Paul Demuth
Director of Operations
Dakota County Technical College
1300 145th Street East
Rosemount, MN 55068

Until **2:00 P.M. CDT, Tuesday, July 14, 2009**, at which time the bids will be opened and publicly read aloud.

Project Scope: The Project consists of providing new door locking hardware and software to approximately 310 existing doors, to facilitate both wired and wireless access control.

A Pre-bid Meeting and Walk Through will be held on Monday June 15, 2009 at 10:00 A.M. All bidders are strongly encouraged to attend this meeting.

Bidding Documents as prepared by the Project Architect/Engineer; TKDA, are on file at the offices of the:

- 1) above named Project Architect/Engineer
- 2) following Builders' Exchanges: Minneapolis and St. Paul,
- 3) MEDA Minority Contractors Plan Room
- 4) National Association of Minority Contractors of Upper Midwest
- 5) McGraw Hill Construction Plan Room

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

State Contracts

TKDA
444 Cedar Street, Suite 1500
Saint Paul, Minnesota 55101
Telephone: 651-292-4400

A deposit of **\$25.00** is required for each set. Deposits are non-refundable.

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

Each Bidder requesting that Bidding Documents (complete sets only) be mailed to them may send a separate non-refundable payment (check made out to TKDA) for \$25.00 per set for shipping and handling in addition to the \$25.00 deposit. Documents will be sent to street addresses only, PO boxes are not acceptable.

Minnesota State Colleges and Universities (MnSCU) Metropolitan State University Request for Proposals for Commissioning of Building Systems Services

NOTICE IS HEREBY GIVEN that proposals will be received by the Director of Purchasing, Metropolitan State University, until 2:00 pm, June 25, 2009, for the purpose of the Commissioning of Building Systems Services.

Purpose of this Request for Proposal

Metropolitan State University (MSU) is requesting proposals for Commissioning of Building Systems services for the Metropolitan State Law Enforcement and Criminal Justice Training Educational Center. The construction project includes construction 67,154 sq. ft., two story Law Enforcement/Criminal Justice Education Center building on the Hennepin Technical College's Brooklyn Park Campus to include offices, classrooms, and tactical training areas.

Minnesota State Colleges and Universities, MSU is seeking proposals from prospective firms to act as the Owner's Independent Commissioning Agent (CA) to provide Commissioning of Building Systems services for the Project. The CA shall work with the Owner's appointed Project Manager, the Owner's Office of the Chancellor Facilities Unit, the Architect/Engineer (A/E) design team, the Owner's Representative (OR), related consultants and the construction contractor(s) throughout the Project as applicable. A full Request for Proposals is available by contacting John Stelten (612) 963-1274, or: jstelten@cpmi.com.

Proposals shall be delivered to:

Metropolitan State University
Dave Peasley
Founders Hall, Room 329
Metropolitan State University
St. Paul, MN 55106-5000
E-mail: Dave.Peasley@metrostate.edu

Sealed proposals can be hand delivered to the cashiers' window at Founders Hall, Room 329 on the Saint Paul Campus or mailed at the above address. Proposals received after this date and time will be rejected and returned unopened.

Faxed submissions are not acceptable. E-mail is acceptable if followed by a hard copy. This request for proposal does not obligate the state to complete the proposal project and the state reserves the right to cancel the solicitation process if it is considered to be in its best interest.

All communications, questions, and requests for clarification from potential Respondents shall be sent via e-mail to:

John Stelten, Sr. Project Manager
Owner's Representative
CPMI, 3265 Northwood Circle, Suite 170, Eagan, MN 55121
Phone: (612) 963-1274
E-mail: jstelten@cpmi.com

Minnesota State Colleges and Universities (MnSCU) Normandale Community College Request for Bids for Parking Lot Improvement

Project Description

- Crack filling, Asphalt Repair and Chip Sealing of Normandale Parking lots # 1 & 2. (approximately 1,000 Parking stalls)
- Crack Filling and Asphalt Repairs to remaining lots and campus roadways.
- Striping and painting of all parking lots stalls, all yellow curbing, and arrows and crosshatching of all remaining lots.
- Small parking lot alterations and creation of a new campus bus stop. This will be bid as an alternate to the project as a possible addition.

(Project specifications available at Pre-bid Meeting)

Project Timing:

Work is to begin July 1st, 2009, to be completed by July 31st, 2009. (NCC plans to close only one lot at a time)

Contractor Information:

Pre-bid Meeting: June 16th, 2009 at 11 a.m. Room B1611
Sealed Bid Opening: June 23rd, 2009 at 11 a.m. B1611

Bids must be delivered to Room B1605 of the Building Services Building, 9700 France Ave South, Bloomington, MN 55431, not later than 11 a.m. June 23rd, 2009. Late responses will not be considered.

Normandale Community College is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

College Contact Information: **Jon Hanson** (952) 487-8106 [office]; (952) 292-7217 [cell]; or **Michael Koreen** (952) 487-7007.

Minnesota State Colleges and Universities (MnSCU) Northland Community and Technical College ADVERTISEMENT FOR BIDS for Air Handling Unit Replacement

Sealed Bids for: Air Handling Unit Replacement
Northland Community and Technical College
Thief River Falls, MN 56701

will be received by: Mr. Clinton Castle
Physical Plant Supervisor
Northland Community and Technical College
1101 Highway One East
Thief River Falls, MN 56701

State Contracts

Until Tuesday, June 16, 2009, 3:00 p.m. local time, at which time the bids will be opened and publicly read aloud.

Project Scope: Replacement of five air handling units with four air handling units. A new variable air volume system to replace multi-zone and reheat systems. Heat exchanger and pumps to provide a new heating system connected to the existing campus hot water heating system.

A **Pre-Bid Meeting** will be held at 2:00 P.M., Monday, June 9, 2009, in Drafting Room 701, Northland Community and Technical College, Thief River Falls, MN. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; MBN Engineering are on file at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges: St. Paul, Minneapolis, Duluth and Fargo-Moorhead.
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

MBN Engineering
503 7th St. N., Suite 200
Fargo, North Dakota 58102
Phone: (701) 478-6336

A deposit of \$50.00 is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for \$10.00 per set for shipping & handling (in addition to the \$50.00 deposit) to the Architect. Such deposits and payments may be sent prior to June 8, 2009. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

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

Minnesota State Colleges and Universities (MnSCU) Ridgewater College **RETRACTION Notice #C4002 for the East Campus Remodel**

Ridgewater College has decided to retract the notice for the "East Campus Remodel" published in the *State Register* on May 26, 2009, page 1936 (33 SR 1936). A new notice will be published for the project at a later date.

Minnesota State Colleges and Universities (MnSCU) Rochester Community and Technical College Advertisement for Sealed Bids for Mass Notification System

Sealed Bids for: Mass Notification System
Rochester Community and Technical College
Rochester, Minnesota

will be received by: June Meitzner
Student Services, Room 153
Rochester Community and Technical College
Rochester, Minnesota 55904-4999

Until 2:00 PM, local time, June 25, 2009 at which time the bids will be opened and publicly read aloud.

Project Scope: the project consists of the demolition of the existing fire alarm and installation of a mass notification system for Memorial Hall, Plaza Hall, Art Hall, College Center, East Hall, Student Services, Goddard Library, Atrium, Singley Hall, Coffman Center, Endicott Hall, Health Sciences and Science/Technology.

A Pre-Bid Meeting will be held at 10:00 AM, Tuesday, June 16, 2009, in Room CC408, College Center, Rochester Community and Technical College. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bidding Documents as prepared by the Project Architect/Engineer; Antal & Associates, Inc., are on file at the offices of the:

- 1) above named Project Architect/Engineer.
- 2) following Builders' Exchanges: Rochester, St. Paul, Minneapolis.
- 3) McGraw Hill Construction Plan Room
- 4) Reed Construction Data Plan Room
- 5) MEDA Minority Contractors Plan Room
- 6) National Association of Minority Contractors of Upper Midwest

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained at the following address:

Antal & Associates, Inc.
c/o Gopher Graphics
15400 Highway 7
Minnetonka, Minnesota 55345
Phone: (952) 933-1090 (Judy)

A deposit of \$100.00 is required for each set.

Prospective Bidders requesting that Bidding Documents (complete sets only) be mailed to them, may send a separate non-refundable payment (check made out to the Architect) for \$50.00 per set for shipping & handling (in addition to the \$100.00 deposit) to the Architect in c/o Gopher Graphics. Such deposits and payments may be sent prior to June 15, 2009. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

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

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Rochester Community and Technical College

Notice of Request for Bid for a Sound Reinforcement and Video Distribution System

NOTICE IS HEREBY GIVEN that Rochester Community and Technical College Request for Bid (RFB) for a Sound Reinforcement and Video Distribution System.

To receive a copy of the RFB, send an e-mail to: june.meitzner@roch.edu or fax your request to (507) 285-7104.

Proposals are due back by Monday, June 22nd, 2009, 4:00 CDT and are to be addressed to June Meitzner, Rochester Community and Technical College, 851 - 30th Ave., S.E., Rochester, MN 55904.

Faxes are not acceptable. Late responses will not be considered.

Any question should be in a form of an RFI and directed to Jon Krusmark: jon.krusmark@roch.edu

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel this solicitation.

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Technical College

Request for Bid (RFB) for Maintenance, Parts and Supplies for Truck Drivers' Training Program

RESPONSE DUE DATE AND TIME: Monday, June 22, 2009 by 10:00am Central Time

The complete Request for Bid will be available on Monday, June 8, 2009 on the website: <http://www.sctc.edu/rfp>

TITLE OF PROJECT: Provide maintenance, parts and supplies for the Truck Drivers' Training Program

GEOGRAPHIC LOCATION REQUIREMENTS: Location must be no more than 20 (twenty) miles from St. Cloud Technical College

RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:

Susan Meyer, Purchasing Agent Room 1-401
St. Cloud Technical College
1540 Northway Drive
St. Cloud, MN 56303
Phone: (320) 308-5973
Fax: (320) 308-5027
E-mail: smeyer@sctc.edu

CONTACT FOR QUESTIONS: Diane Denne-Morgan, Phone: (320) 308-6522, e-mail: dmorgan@sctc.edu

Your response to this Request for Bid (RFB) must be returned sealed. Sealed responses must be received no later than the due date and time specified above, at which time the names of the vendors responding to this RFB will be read. **Late responses** cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFB.

State Contracts

All attached General RFB Terms and Conditions, Specifications and Special Terms and Conditions are part of this RFB and will be incorporated into any contract(s) entered into as a result of this RFB.

All responses to this RFB must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFB to the Contact person named above. This is a request for responses to an RFB and is not a purchase order.**

Department of Education

Notice of Availability of Contract for Content Alignment Study between National Assessment of Educational Progress (NAEP) Content Areas and Minnesota Academic Content Standards

The Minnesota Department of Education is requesting proposals for the purpose of an alignment study (evaluation/analysis) between the National Assessment of Educational Progress (NAEP) content areas and objectives and the Minnesota Department of Education's (MDE) K-12 academic content standards and benchmarks to determine the extent to which NAEP's content areas and objectives align with the State's system of State-mandated academic content standards and benchmarks.

Work is proposed to start after **August 24, 2009**.

A Request for Proposals will be available by mail from this office through **June 15, 2009**. **A written request to Kate Beattie (by direct mail or fax) is required to receive the Request for Proposal.** After **June 15, 2009**, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Name: Kate Beattie
Phone: (651) 582-8532
E-mail: kate.beattie@state.mn.us
Fax: (651) 582-8874

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than July 6th, 2009 at 3pm (CST). **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

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

Department of Health

Notice of Availability of Contract for OpenELIS-Implementation and Integration Project

The Minnesota Department of Health, Public Health Laboratory (MN PHL) is requesting proposals for the purpose of obtaining a Java Developer contract resource to perform tasks necessary for the implementation of the OpenELIS laboratory information system and integration of OpenELIS with MEDSS, the Minnesota Electronic Disease Surveillance System.

Work is proposed to start after 6/30/2009.

A Request for Proposals will be available by mail from this office through 6/19/2009 **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After 6/19/2009, the Request for Proposal must be picked up in person.

State Contracts

The Request for Proposal can be obtained from:

Christina Tamondong
Minnesota Department of Health
Public Health Laboratory
601 N. Robert Street
St. Paul, MN 55155
Fax: (651) 201-5471

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 6/26/2009, 2:30pm. **Late proposals will NOT be considered.** Faxed or emailed proposals will **NOT** be considered.

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

Minnesota Department of Human Services (DHS) Performance Measurement and Quality Improvement Division Notice of Request for Proposals to Assist with the 2010 Minnesota Student Survey

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) is interested in contracting for professional and technical services related to the 2010 Minnesota Student Survey (MSS) Project. The contractor will work with the Minnesota Department of Administration's MSS printing vendor to validate the MSS printing; accept delivery of the completed printing order and store in a secured storage facility; provide a web-based registration and order system; carry out the packaging, distribution and collection of the MSS with participating Minnesota school districts, alternative learning settings and juvenile correctional facilities; establish a tracking system for survey distribution, collection and scanning status; conduct production-level optical mark read scanning of completed surveys; and produce data files of scanned survey data in ASCII or SPSS. In addition, the contractor will provide overall coordination of the MSS Project in consultation with DHS and the MSS Interagency Team.

The term of any resulting contract is anticipated to be approximately seventeen months, from September 01, 2009 through January 31, 2011. For more information, or obtain a copy of the Request for Proposals, contact:

Sara Koppe
Minnesota Department of Human Services
Performance Measurement and Quality Improvement Division
P. O. Box 64986
444 Lafayette Road North
St. Paul, MN 55155
Phone: (651) 431-2616
Fax: (651) 431-7422
E-mail: sara.koppe@state.mn.us

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

Proposals submitted in response to this Request for Proposals must be received (not postmarked) at the address above no later than **4:00 p.m. Central Time on July 08, 2009. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The Request for Proposals can be viewed by visiting the Minnesota Department of Human Services RFP website at http://www.dhs.state.mn.us/main/id_000102 (Grants and RFPs).

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

Minnesota Management & Budget (MMB)

State Employee Group Insurance Program

Notice of a Request for Proposal for a State Employee Electronic Personal Health Record

Minnesota Management & Budget (MMB) is responsible for managing the State Employee Group Insurance Program (SEGIP). SEGIP administers the state's comprehensive employee insurance benefits serving over 115,000 members. SEGIP is soliciting proposals to provide state employees and their *insurance eligible* dependents with a voluntary electronic personal health record (PHR) through a private, secure and interoperable, online environment.

A complete Request for Proposal is available by email from:

Lorna Smith
Minnesota Management & Budget
400 Centennial Office Building
658 Cedar Street
Saint Paul, Minnesota 55155
Phone: (651) 259-3604
E-mail: lorna.smith@state.mn.us

Details concerning submission requirements, including due dates are include in the Request for Proposal. No other person is authorized to discuss this project with potential responders before the submittal of the RFP response.

Deadline for submission of the RFP response is no later than July 13, 2009 at 4 P.M. CDT

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

Department of Natural Resources (DNR)

Notice of Availability of Contract for DNR Safety Training for Supervisors and Managers

CERTIFICATION # 19075
Amount of proposed contract: \$100,000

The Minnesota Department of Natural Resources is requesting proposals for the purpose of developing and delivering a safety education program to agency managers and supervisors. The training program is intended to bring clarity and understanding of safety and supervisory leadership responsibilities to DNR leaders.

Work is proposed to start after July, 2009.

The Request for Proposal can be obtained from:

Julie Johansen
Department of Natural Resources
Management Resources
500 Lafayette Road
St. Paul, MN 55155-4016
Fax: (651) 297-5818
E-mail: Julie.johansen@dnr.state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than

State Contracts

3:00 p.m., June 29, 2009. **Late proposals will NOT be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

Department of Public Safety Division of Emergency Communication Networks Request for Proposals (RFP) for Minnesota Strategic Technology Reserve (STR) Organizational and Infrastructure Development

Professional/Technical Services are needed to provide the Minnesota Department of Public Safety, Division of Emergency Communication Networks (DPS) and the Statewide Radio Board (SRB) with assistance in supporting the organizational structure for the implementation of the state's STR capability, reviewing the state's existing STR strategy and capability, developing STR equipment specifications, and developing standard operating procedures and training for the state's STR capability.

The primary output of this contract will be to support the STR Sub-Committee of the SRB, Interoperability Committee which was created to provide statewide coordination in the establishment and maintenance of a STR capability, identify and acquire appropriate STR equipment (transportable communication repeaters, transportable trunking sites and satellite capabilities) needed to establish the state's STR capability and the development of standard operating procedures and training respecting the STR capability.

Anticipated contract start date is July 22, 2009 with an anticipated completion date of September 30, 2010. However, if funding is available beyond this date and if DPS and the Statewide Radio Board require continued services on this project that are to be funded by DPS, the DPS will retain the option, with the contractor's consent, to extend this contract for up to 4 additional 1 year periods. The value of the contract for subsequent extension periods may be adjusted. Details are contained in the complete RFP, which may be obtained by e-mailing: scott.wiggins@state.mn.us. All questions concerning this RFP should be emailed to and received by Scott Wiggins no later than 2:00 p.m. Central Daylight Time on Tuesday, June 17, 2009. Answers to questions will be provided to all entities requesting a complete RFP by the end of business day on June 19, 2009. Final date for submitting proposals is 2:00 p.m. Central Daylight Time on June 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>.

Send completed application material to:

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

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

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

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

Non-State Bids, Contracts & Grants

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

Dakota County

Notice of Request for Proposal (RFP) for Interpreter, Translator and American Sign Language Interpretation (ASL) Service

NOTICE IS HEREBY GIVEN that the Dakota County is seeking qualified Contractors to provide Interpreter, Translator and American Sign Language (ASL) service County wide. The most common non-English languages encountered are Spanish, Russian, Somali, Hmong, Laotian, Vietnamese, and American Sign Language. Primary users of interpreter service include but are not restricted to the following Departments: Employment and Economic Assistance, Public Health, Social Services and Community Corrections. Successful responder's will have staff with proven experience working in settings such as health clinics, home visitation and in correctional facilities.

Additional consideration may be given to providers who can demonstrate the ability to access third party insurance reimbursement through contracted relationships with pre-paid medical assistance plans (PMAP) providers. The capacity to provide rare languages and dialects is a must. Interest in supporting the County in the area of emergency preparedness planning is a plus. Provider must be able to assure access to service though out the entire area served by Dakota County and submit a proposal with a competitive rate structure. It is estimated that the County purchases in excess of \$300,000 of interpreter and related service annually. This contract will be in effect from October 1, 2009 through September 30, 2012 with an option to renew for two additional years on an annual basis.

As of June 8, 2009 the entire Request for Proposal and can be accessed at the following address:

<http://www.dakotacounty.us/Doing Business/Bids & Proposals>

Contact: Therese J. Branby, Contract Manager

Dakota County Community Services Division
1 Mendota Road West, Suite 500
West St. Paul, MN 55118-4773
Phone: (651) 554-5878
Fax: (651) 554-5948
E-mail: therese.branby@co.dakota.mn.us

Responder's Meeting is scheduled from 9:30 –10:30 a.m., on Monday, June 15, 2009 **at the Dakota County Northern Service Center, 1 Mendota Road West, West St. Paul, MN 55118. See proposal for details.**

Deadline for proposals is 12:00 p.m. CDT on Wednesday, June 24, 2009. No late proposal will be considered.

Metropolitan Council Contracting Opportunities

The Metropolitan Council posts all notices of Requests for Proposals (RFP) and Invitations for Bids (IFB) for all of its divisions on its website: <http://www.metrocouncil.org> (see **Doing Business with the Council, Contracting Opportunities**). Project-specific instructions for obtaining the solicitation documents are provided in each notice.

If you have any questions regarding this advertisement, or need assistance accessing the notices, please contact: Miriam, for Metropoli-

Non-State Bids, Contracts & Grants

tan Council projects, at (651) 602-1095 or miriam.lopez-rieth@metc.state.mn.us; or Candace, for Metro Transit projects, at (612) 349-5070 or candace.osiecki@metc.state.mn.us.

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

The University of Minnesota offers 24-hour/day, 7-day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at 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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