

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- Withdrawn Rules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
- Revenue Notices
- Official Notices
- State Grants and Loans
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# 2	Monday 13 July	Noon Tuesday 7 July (FY-10)	Noon Wednesday 1 July (FY-10)
# 3	Monday 20 July	Noon Tuesday 14 July	Noon Wednesday 8 July
# 4	Monday 27 July	Noon Tuesday 21 July	Noon Wednesday 15 July

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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 subscription to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

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

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

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

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

## Minnesota Department of Human Services

### Proposed Permanent Rules Relating to Medical Assistance Coverage of Hearing Aid Services

#### 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

#### Proposed Amendment to Rules Governing Medical Assistance (MA) Provider Services, Hearing Aid Services, *Minnesota Rules*, part 9505.0287

**Introduction.** The Minnesota Department of Human Services (hereinafter, "the department") intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on August 6, 2009, the department will hold a public hearing in room 3148, Minnesota Department of Human Services, 444 Lafayette Road N., St. Paul, Minnesota 55155, starting at 9:00 a.m. on Friday, August 21, 2009. To find out whether the department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after August 6, 2009 and before August 21, 2009.

**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: Marsha West at Minnesota Department of Human Services, P.O. Box 64941, St. Paul, MN 55164-0941; **phone:** (651) 431-3612; **e-mail:** [Marsha.West@state.mn.us](mailto:Marsha.West@state.mn.us); **FAX:** (651) 431-7523. **TTY** users may call the Minnesota Department of Human Services through Minnesota Relay at 711 or (800) 627-3529. For Speech-to-Speech, call (877) 627-3848.

**Subject of Rules and Statutory Authority.** *Minnesota Rules*, part 9505.0287, entitled "Hearing Aid Services" needs to be amended to expand the definition of "hearing aid services provider" which is found in *Minnesota Rules*, part 9505.0287, subpart 1, item E to include business entities such as corporations and partnerships so that they may bill for their employee's services directly. Currently, the rule requires payments to be made to a hearing aid services provider who is defined as a natural person such as a dispenser of hearing instruments, an audiologist, or an otolaryngologist. The statutory authority to adopt the rules is *Minnesota Statutes*, section 256B.04, subdivision 2. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. You may also download a copy of the rules from the Minnesota Department of Human Services by visiting this web site and scrolling down to the section titled "Available Documents": [http://www.dhs.state.mn.us/main/dhs16\\_143312](http://www.dhs.state.mn.us/main/dhs16_143312)

# Proposed Rules

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**Comments.** You have until 4:30 p.m. on August 6, 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.

**Request for a Hearing.** In addition to submitting comments, you may also request that the department 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 August 6, 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 department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for a 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 department 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 department 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 department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the department encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The department will cancel the hearing scheduled for August 21, 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) 431-3612 after August 6, 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 department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The department 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 Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620; **telephone:** (651) 361-7842; and **FAX:** (651) 361-7936.

**Hearing Procedure.** If the department 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.

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# Proposed Rules

**Statement of Need and Reasonableness.** The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. You may also download the statement of need and reasonableness from the Minnesota Department of Human Services by visiting this web site and scrolling down to the section titled "Available Documents":

[http://www.dhs.state.mn.us/main/dhs16\\_143312](http://www.dhs.state.mn.us/main/dhs16_143312)

**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 department 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: 18 May 2009

Cal R. Ludeman, Commissioner  
Minnesota Department of Human Services

## 9505.0287 HEARING AID SERVICES.

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

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

E. "Hearing aid services provider" means:

(1) a person who has a permit certificate from the commissioner of health as a seller dispenser of hearing instruments and, when applicable, meets the specific state licensure and registration requirements of the commissioner of health for the hearing aid services the person provides; as specified in Minnesota Statutes, chapter 153A;

(2) an audiologist;

(3) an otolaryngologist; or

(4) a provider, as specified in part 9505.0175, subpart 38, who employs dispensers of hearing instruments, audiologists, or otolaryngologists.

A hearing aid services provider who is not an audiologist or an otolaryngologist must not perform an audiologic evaluation.

[For text of items F and G, see M.R.]

[For text of subps 2 to 10, see M.R.]

# Proposed Rules

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## Minnesota Department of Management and Budget (Department of Finance)

### Division of Human Resource Management

#### Proposed Permanent Rules Governing Consideration of Applicants for Individual Vacancies

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

#### Proposed Amendment to Rules Governing Consideration of Applicants for State Jobs, *Minnesota Rules*, Part 3900.4200

**Introduction.** The Department of Management and Budget intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until August 4, 2009.

**Agency Contact Person.** You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Laurie Hansen at Department of Management and Budget, 400 Centennial Building, 658 Cedar Street, St. Paul, MN 55155; **phone:** (651) 259-3620; **fax:** (651) 296-4446; and **e-mail:** [laurie.m.hansen@state.mn.us](mailto:laurie.m.hansen@state.mn.us). **TTY** users may contact the Department through the Minnesota Relay Service (MRS) at 711 or 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about consideration of applicants for unlimited, classified job openings in agencies of the state Executive Branch. The change would eliminate the requirement for agencies to use the state applicant resume database when filling job openings. At its discretion, the hiring agency could limit consideration to only those individuals who directly nominate themselves for the vacancy or the agency could choose to supplement self nominations by searching the resume database for additional qualified applicants. The statutory authority to adopt the rules is *Minnesota Statutes*, section 43A.04, subdivision 3. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. A free copy of the rules is available upon request from the agency contact person listed above and is posted on agency websites at:

<http://www.mmb.state.mn.us> and <http://www.careers.state.mn.us>.

**Comments.** You have until 4:30 p.m. on Tuesday, August 4, 2009, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Department encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

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

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

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



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## Proposed Rules

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

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person and is also posted on agency websites at <http://www.mmb.state.mn.us> and <http://www.careers.state.mn.us>. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules.

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

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

Dated: 3 June 2009

Tom J. Hanson, Commissioner  
Minnesota Department of Management and Budget

### **3900.4200 CONSIDERATION OF APPLICANTS FOR INDIVIDUAL VACANCIES.**

Subpart 1. **Admission to applicant pool.** The appointing authority shall review the qualifications of all applicants who indicate an interest in being considered for a particular vacancy, whose completed applications are received at the place specified and who meet any limitations on applicant admission in the vacancy announcement, and shall admit to the applicant pool any such applicant who meets the minimum qualifications. The appointing authority ~~shall~~ may also admit to the applicant pool any identified individuals whose applications were received in the resume database and who appear to best meet the announced minimum qualifications and limitations on admission, and who indicated availability for the geographic location, employment condition, shift, travel status, and job grouping specified in the vacancy notice. The appointing authority may consider additional qualified applicants who may have indicated availability for different locations, employment conditions, travel status, and job groupings if the original number of applicants available is insufficient to fill the vacancy. The appointing authority may consider an applicant who has submitted an incomplete timely application but shall require completion of the application. The appointing authority may withdraw from consideration applicants who fail to respond to requests for information within a specified period.

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

# Adopted Rules

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

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

## Department of Health

### Adopted Permanent Rules Relating to Minnesota Health Care Claims Reporting System

The rules proposed and published at *State Register*, Volume 33, Number 38, pages 1593-1597, March 23, 2009 (33 SR 1593), are adopted with the following modifications:

#### 4653.0100 DEFINITIONS.

Subp. 3. **Complete submission.** "Complete submission" means data submitted to the data processor by a data submitter that ~~contains the data processor has determined to contain~~ the required data ~~that meets~~ meeting the required threshold in a format that allows further review and verification of the accuracy of the data.

Subp. 5. **Data element.** "Data element" means the smallest named unit of information in a transaction.

Subp. 6. **Data element characteristic.** "Data element characteristic" means an attribute of a data element required to be submitted for enrollment data and health care claims data: element number, element name, encrypt, type, max len, description, threshold, and reference standard.

Subp. 5.7. **Data processor.** "Data processor" means the private entity selected by the commissioner to collect and process health care claims.

Subp. 6.8. **Data submitter.** "Data submitter" means a health plan company or third-party administrator that has covered individuals and that paid a total of at least \$3,000,000 in health care claims for covered individuals during the previous calendar year, or a pharmacy benefit manager that has covered individuals and that paid at least \$300,000 in claims for covered individuals during the previous calendar year. In calculating its paid claims, each data submitter must include all health care claims for covered individuals processed by any subcontractor on its behalf ~~unless the subcontractor submits the identical data as a data submitter in its own right.~~

Subp. 7.9. **Enrollment data.** "Enrollment data" means demographic information and other information relating to all covered individuals eligible to receive health care benefits.

Subp. 8.10. **Health care claims data.** "Health care claims data" means information included in an institutional, professional, or pharmacy drug claim or equivalent encounter information transaction for a covered individual that is required under Minnesota Statutes, section 62J.536.

Subp. 9.11. **Health plan company.** "Health plan company" has the meaning given in *Minnesota Statutes*, section ~~62Q.01, subdivision 4, except that it excludes insurance coverage explicitly excluded from the definition of a health plan in~~ *Minnesota Statutes*, section 62A.011, subdivision 3, clauses (1) to (9) and (11) 62U.01, subdivision 8.

Subp. 12. **Material error.** "Material error" means omission of records or of data within records, or submission of inaccurate information that is of sufficient magnitude to cause the results of analysis performed with the data to be inaccurate or biased.

Subp. ~~10~~ 13. **Minnesota resident.** "Minnesota resident" means a natural person for whom the data submitter has identified a Minnesota address as the individual's primary place of residence.

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# Adopted Rules

Subp. ~~11~~ **14. Pharmacy benefit manager.** “Pharmacy benefit manager” means a third-party administrator under contract to administer drug benefit programs for self-insurance or health insurance plans.

Subp. ~~12~~ **15. Pricing data.** “Pricing data” means the amount paid by a data submitter to a provider on a claim plus any amount owed by the covered individual, including prepayment, deductible, coinsurance, or co-payment.

Subp. ~~13~~ **16. Provider or health care provider.** “Provider” or “health care provider” has the meaning given in *Minnesota Statutes*, section 62J.03, subdivision 8.

Subp. **17. Subcontractor.** “Subcontractor” means an individual or entity that performs on behalf of a health care company or third-party administrator any function or activity involving enrollment data or health care claims data, and is not a part of the health care company’s or third party administrator’s workforce.

Subp. ~~14~~ **18. Third-party administrator.** “Third-party administrator” means a vendor of risk-management services or an entity administering a self-insurance or health insurance plan as defined in *Minnesota Statutes*, section 60A.23, subdivision 8.

Subp. ~~15~~ **19. Threshold.** “Threshold” means the required completeness percentage for a particular data element.

## 4653.0200 DATA COLLECTED.

B. Data submitters ~~must submit~~ are responsible for submission of the following data for each covered individual, including health care claims processed by any subcontractor on the data submitter’s behalf ~~unless the subcontractor submits the identical data as a data submitter in its own right.~~

(3) Data submitters must submit encounter data elements and pricing data for all pharmacy drug claims paid by the data submitter under Appendix C. The appendix is incorporated by reference in part 4653.0600.

The data processor will accept data submitted directly by a data submitter’s subcontractor.

## 4653.0300 DATA SUBMISSION REQUIREMENTS.

Subpart 1. **Duties of data submitters.** To support the collection of the data described in part 4653.0200, a data submitter must:

B. report to the data processor any significant discrepancies in the data with respect to consistency, completeness, accuracy, or any other issue that may affect further review and verification of the accuracy of the data.

~~A data submitter must comply with these requirements on its own behalf and for any subcontractor on its behalf unless the subcontractor submits the identical data as a data submitter in its own right.~~

Subp. 2. **Submission schedule.** Health plan companies, third-party administrators, and pharmacy benefit managers that meet the definition of data submitter in part 4653.0100, subpart 7.8, on December 31, 2008, must submit the required data on or before July 1, 2009, and at least once every six months thereafter. Health plan companies, third-party administrators, and pharmacy benefit managers that meet the definition of data submitter in part 4653.0100, subpart 7.8, on December 31 of any year subsequent to 2008 must submit the required data on or before July 1 of the following year and at least once every six months thereafter. Data submitters may submit the required data more frequently than every six months, but no more frequently than monthly.

### Subp. 4. Complete submissions.

A. ~~A data submission is considered complete and formally submitted on the day the data processor determines that the data submission is complete. The data processor will notify a data submitter of receipt of a data transmission within two business days of a data submission. Within 30 calendar days after receipt of the data submission, the data processor will notify the data submitter whether the data qualifies as a complete submission.~~

B. ~~If the data processor does not notify the data submitter that the submission is incomplete within 30 calendar days after receiving the data submission, the data submission is considered complete and formally submitted on the day the submission was received by the data processor.~~

C. ~~If the data processor notifies a data submitter that a data submission is incomplete, it will include in the notification a statement describing why the data submission’s deficiencies is incomplete. The data submitter must correct the deficiencies and resubmit the complete data or request an extension or reconsideration within ten business days after the data submitter receives the notification. If the data processor determines that the resubmitted data are complete, the resubmitted data are considered complete and formally submitted on the date the data processor receives the resubmitted data.~~

D. ~~If a data submitter discovers a material error in any of its data submissions that have been ascertained by the data processor to~~

# Adopted Rules

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be complete, the data submitter must immediately inform the data processor of the error and, within 30 days, submit a written amendment to the report identifying the error and providing the correct information via resubmission. Submission of an amendment under this subpart does not affect the date of filing.

## Subp. 5. Material error.

A. If the data processor notifies a data submitter of a material error in a complete submission, the data submitter must file a corrected submission or request an extension reconsideration within 30 days.

B. If a data submitter discovers a material error in a complete submission in any of its data submissions that have been ascertained by the data processor to be complete, the data submitter must immediately inform the data processor of the error and, within 30 days, file a corrected submission. Submission of an amendment under this item does not affect the date of filing.

Subp. 6. Dispute resolution. If a data submitter disagrees with the data processor's determination that a submission is incomplete or that it contains a material error, the data submitter may submit a written request for reconsideration to the data processor within ten days, stating its reasons that the submission should be considered complete or why it does not contain a material error. If the data processor denies the request, the data submitter may submit a written request for reconsideration to the commissioner within ten days after receiving the data processor's written denial. The commissioner's decision shall be final.

Subp. 5.7. Discontinuance of data submission. A data submitter may discontinue submitting health care claims data if it pays less than \$1,000,000 in health care claims for covered individuals for each of two consecutive calendar years, except that a pharmacy benefit manager may discontinue submitting health care claims data if it pays less than \$100,000 in health care claims for covered individuals for each of two consecutive calendar years. The data submitter must provide three months' written notice to the commissioner before it discontinues reporting.

## ~~4653.0400 GENERAL VARIANCES TO DATA ELEMENTS, SUBMISSION SPECIFICATIONS, AND THRESHOLDS.~~

~~Subpart 1. Addition of data elements.~~ When the commissioner identifies an additional data element not listed in Appendix A, B, or C as important to achieve the purpose of the data collection, the commissioner may require that the additional data element be collected under part 4653.0200 if the commissioner determines that:

- ~~A. the change is needed to comply with a new or revised state or federal law;~~
- ~~B. the change will improve the quality of or directly enhance the use of data currently being collected; or~~
- ~~C. the data element is readily available and will not create a material additional burden on data submitters and will assist in meeting purposes of Minnesota Statutes, section 62U.04.~~

~~Subp. 2. Removal of data elements.~~ The commissioner must no longer collect under part 4653.0200 a data element included in Appendix A, B, or C if the commissioner determines that:

- ~~A. the change is needed to comply with a new or revised state or federal law;~~
- ~~B. the data element is replaced by the collection of a data element added according to subpart 1; or~~
- ~~C. the change will not detract from the quality of or the purpose for which the data is collected.~~

## ~~Subp. 3. Modification of thresholds.~~

~~When the commissioner determines that modification of a threshold in Appendix A, B, or C is important to facilitate the data collection, the commissioner may require that the threshold be modified if the following criteria are met:~~

- ~~A. The commissioner may increase a threshold if the degree of completeness of submissions by data submitters demonstrates that a majority of data submitters are able to meet the higher threshold.~~
- ~~B. The commissioner may decrease a threshold if the degree of completeness by data submitters demonstrates that a majority of data submitters are unable to meet the current threshold.~~

~~Subp. 4. Change to submission specification.~~ When the commissioner determines that a modification to the submission specifications in Appendix D is important to facilitate the data collection, the commissioner may require that the submission specifications be modified if the commissioner determines that:

- ~~A. the change is needed to comply with a new or revised state or federal law;~~
- ~~B. the change will improve the quality of or directly enhance the use of data currently being collected; or~~
- ~~C. the change will not create a material additional burden on data submitters and will assist in meeting purposes of Minnesota Statutes, section 62U.04.~~

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# Adopted Rules

Subp. 5. ~~Notice to data submitters.~~ If the commissioner determines that a data element will be added or deleted, or that a threshold or a submission specification will be modified, the commissioner must notify data submitters in writing at least three months in advance of the change. Data submitters must make the modification for all claims paid after the date of the change.

## 4653.0500 INDIVIDUAL VARIANCES.

~~A.~~ The commissioner ~~may~~ must grant a variance to a data submitter with respect to submission of a specific data element, ~~threshold,~~ or submission specification if the data submitter demonstrates good cause. To request a variance, a data submitter must submit a petition, according to Minnesota Statutes, section 14.056, and demonstrate that it meets the ~~following~~ criteria in subitems (1) to (3):

~~A.~~ (1) failure to grant the variance would result in hardship or injustice to the data submitter;

~~B.~~ (2) the variance would be consistent with the public interest; and

~~C.~~ (3) the variance would not prejudice the substantial legal or economic rights of any person or entity.

B. The commissioner must grant a variance to a data submitter with respect to a threshold for one year if the data submitter demonstrates good cause. To request a variance, the data submitter must submit a petition stating the reason it is unable to meet the standard threshold, the proposed threshold, and the basis for the proposed threshold.

## 4653.0600 INCORPORATION BY REFERENCE.

“Minnesota Health Care Claims Reporting System: Appendices to *Minnesota Administrative Rules*, Chapter 4653,” issued by the Minnesota Department of Health, May 2009, is incorporated by reference. It is available through the Minitex interlibrary loan system and the Minnesota Department of Health Web site at <http://www.health.state.mn.us/healthreform/encounterdata>. They are not subject to frequent change.

# Pollution Control Agency

## Adopted Permanent Rules Relating to Renovation and Demolition Solid Waste

The rules proposed and published at *State Register*, Volume 33, Number 22, pages 969-974, December 1, 2008 (33 SR 969), are adopted with the following modifications:

## 7035.0805 RENOVATION AND DEMOLITION.

Subp. 3. **Removal requirements.** The owner, person authorizing the renovation or demolition, and person conducting the renovation or demolition shall ensure that the items and materials listed in subpart 5 are removed from the structure being demolished or from the portion of the structure being renovated prior to the commencement of renovation or demolition.

Subp. 5. **All items and materials to be removed before renovation and demolition.** All items and materials removed must be properly characterized, tested, managed, and disposed of and reused or recycled in accordance with applicable standards. ~~Persons authorizing or conducting renovation or demolition or arranging for removal of items are encouraged to contact the agency regarding opportunities to reuse or recycle the items and materials listed in this subpart, as well as other materials comprising the structure, and to obtain checklists or other guidance documents that have been developed to assist with compliance with this part.~~ The following items and materials must be removed prior to the commencement of renovation or demolition:

A. ~~items that would normally be disposed of as mixed municipal solid waste, including, but not limited to;~~ furniture, carpeting unattached to the substrate, bedding, mattresses, clothing, small appliances, food, and food waste;

B. household hazardous waste as defined in *Minnesota Statutes*, section 115A.96, subdivision 1, ~~including, but not limited to;~~ automotive fluids, lawn and garden chemicals, pest control products, household cleaners, paint, and home improvement products;

F. items that ~~may~~ contain elemental mercury, ~~including, but not limited to, the following:~~

G. items that ~~may~~ contain polychlorinated biphenyls (PCBs), ~~including, but not limited to;~~ transformers, transistors, capacitors in old appliances and electronic equipment, heat transfer equipment, and light ballasts;

H. items that ~~may~~ contain chlorofluorocarbons (CFCs) as defined in *Minnesota Statutes*, section 116.70, subdivision 3, ~~including, but not limited to;~~ fire extinguishers; both portable and installed halon suppression systems; rooftop, room, and central air conditioners; walk-in coolers for refrigeration or cold storage areas; water fountains and dehumidifiers; refrigerators, freezers, and chillers; heat pumps; vending machines; and food display cases;

I. oils, ~~including, but not limited to;~~ used oil, hydraulic oils in door closers and elevator-related tanks and piping, and oils located in heating oil tanks, piping, sumps, and traps;

# Adopted Rules

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J. lead-containing items, including, ~~but not limited to~~, lead-acid batteries, lead pipes, lead sheeting, lead flashing in roof vents, and lead paint that is not firmly adhered to the substrate. For purposes of this item, “lead paint” means a coating that contains one-half of one percent (0.5 percent) or more or 5,000 parts per million (5,000 ppm) or more of total lead by weight in the dried film, as determined by acid digestion and analysis, or contains one milligram per square centimeter (1.0 mg/cm<sup>2</sup>) or more of lead, as determined by X-ray fluorescence analyzer;

K. electronic products containing a cathode ray tube, as described in Minnesota Statutes, section 115A.9565, including, ~~but not limited to~~, televisions and computers;

## Subp. 6. **Exemption.**

A. The requirement to remove items or materials listed in subpart 5 prior to commencement of renovation or demolition does not apply under the following circumstances:

(3) the items or materials that are within components of the structure, such as elevators, vertical lifts, or lighting, that ~~need to remain intact~~ are being used during the course of renovation or demolition, provided that the items or materials are removed after use of the component is no longer required for renovation or demolition work; or

B. If the removal of hazardous materials or items is not required as provided under this subpart, the owner, person who will authorize renovation or demolition, and person who will conduct the renovation or demolition must comply with the requirements of this part ~~to the extent reasonable~~, by removing the items and materials listed in subpart 5 that are accessible before or after renovation or demolition.

Subp. 8. **Debris characterization.** If the owner, person authorizing renovation or demolition, or person conducting the renovation or demolition knows or has reason to know that portions of the structure may be contaminated by hazardous substances or petroleum as defined in *Minnesota Statutes*, section 115C.02, subdivision 10, based on past uses of the structure, such as a medical building, laboratory, or manufacturing facility, the owner, person authorizing renovation or demolition, or person conducting the renovation or demolition shall, prior to the commencement of renovation or demolition, obtain appropriate samples and receive results from laboratory analysis as necessary to ensure the proper management and disposal of contaminated structural elements and any resulting debris generated. ~~All persons are encouraged to contact the regional agency solid waste inspector for assistance with compliance with this part.~~

# Expedited Rules

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

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

## Minnesota Department of Health

### Division of Executive Office

#### Proposed Expedited Permanent Rules Relating to Health Care Homes

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

#### Proposed Permanent Rules Relating to Health Care Homes, *Minnesota Rules*, Chapter 4764

**Introduction.** The Department of Health intends to adopt rules under the expedited rulemaking process following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until August 6, 2009.

**Agency Contact Person.** You must submit comments or questions on the rules to: Marie Maes-Voreis at MN Department of Health, P.O. Box 64882, St. Paul, MN 55164-0882; Phone: (651) 201-3626, and **e-mail:** [health.healthcarehomes@state.mn.us](mailto:health.healthcarehomes@state.mn.us). **TTY** users may call the Department of Health at (651) 201-5797

**Subject of the Expedited Rules and Statutory Authority.** The proposed expedited rules establish the Minnesota Health Care Homes Certification Program. *Minnesota Statutes* §256B.0751, subd.2, directs the Minnesota Departments of Health and Human Services to develop and implement standards of certification for health care homes for state health care programs. These proposed rules carry out these directions by developing and implementing the standards. They also spell out the procedures for certification and re-certification of health care homes. The statutory authority to adopt the rules is *Minnesota Statutes* §256B.0751-§256B.0753. The statutory authority to adopt the rules under the expedited rulemaking process is *Minnesota Statutes* §256B.0751, subd.2.10 (c).

A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed expedited rule may be viewed at: [www.health.state.mn.us/healthreform/homes](http://www.health.state.mn.us/healthreform/homes).

**Comments.** You have until 4:30 p.m. on Thursday, August 6, 2009 to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must be made during this comment period. If the proposed expedited rules affect you in any way, the agency encourages you to participate in the rulemaking process.

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

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

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

# Expedited Rules

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

Dated: 29 June 2009

Sanne Mangan, M.D., Ph.D., Commissioner  
Minnesota Department of Health

## **4764.0010 APPLICABILITY AND PURPOSE.**

**Subpart 1. Applicability.** Parts 4764.0010 to 4764.0070 apply to an eligible provider that is an applicant or is certified as a health care home.

**Subp. 2. Purpose.** Parts 4764.0010 to 4764.0070 establish the standards and procedures for certification of health care homes. The purpose of the standards is to require health care homes to deliver services that:

A. facilitate consistent and ongoing communication among the health care home and the patient and family, and provide the patient with continuous access to the patient's health care home;

B. use an electronic, searchable patient registry that enables the health care home to manage health care services, provide appropriate follow-up, and identify gaps in patient care;

C. include care coordination that focuses on patient and family-centered care;

D. include a care plan for selected patients with a chronic or complex condition, involve the patient and, if appropriate, the patient's family in the care planning process; and

E. reflect continuous improvement in the quality of the patient's experience, the patient's health outcomes, and the cost-effectiveness of services.

## **4764.0020 DEFINITIONS.**

**Subpart 1. Scope.** The terms used in parts 4764.0010 to 4764.0070 have the meanings given them in this part.

**Subp. 2. Applicant.** "Applicant" means an eligible provider that has applied for certification or recertification under parts 4764.0010 to 4764.0070.

**Subp. 3. Care coordination.** "Care coordination" means a team approach that engages the participant, the personal clinician or local trade area clinician, and other members of the health care home team to enhance the participant's well-being by organizing timely access to resources and necessary care that results in continuity of care and builds trust.

**Subp. 4. Care coordination payment system.** "Care coordination payment system" means a system established under Minnesota Statutes, section 256B.0753, subdivision 1, or 62U.03, paragraph (a), to compensate health care homes.

**Subp. 5. Care coordinator.** "Care coordinator" means a person who has primary responsibility to organize and coordinate care with the participant in a health care home.

**Subp. 6. Care plan.** "Care plan" means an individualized written document to guide a participant's care.

**Subp. 7. Chronic condition.** "Chronic condition" means a medical condition that has lasted at least six months, can reasonably be expected to continue for at least six months, or is likely to recur.

**Subp. 8. Clinic.** "Clinic" means an operational entity through which personal clinicians or local trade area clinicians deliver health care services under a common set of operating policies and procedures using shared staff for administration and support. The operational entity may be a department or unit of a larger organization as long as it is a recognized subgroup.

**Subp. 9. Commissioner.** "Commissioner" means the commissioner of health.

**Subp. 10. Commissioners.** "Commissioners" means the commissioners of health and human services.

**Subp. 11. Complex condition.** "Complex condition" means one or more medical conditions that require treatment or interventions



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# Expedited Rules

across a broad scope of medical, social, or mental health services.

**Subp. 12. Comprehensive care plan.** “Comprehensive care plan” means the care plan for a participant plus all available and relevant portions of any external care plans created for that participant.

**Subp. 13. Continuous.** “Continuous” means 24 hours per day, seven days per week, 365 days per year.

**Subp. 14. Cost-effectiveness.** “Cost-effectiveness” means the measure of a service or medical treatment against a specified health care goal based on quality and cost, including use of resources.

**Subp. 15. Eligible provider.** “Eligible provider” means a personal clinician, local trade area clinician, or clinic that provides primary care services.

**Subp. 16. End-of-life care.** “End-of-life care” means palliative and supportive care and other services provided to terminally ill patients and their families to meet the physical, nutritional, emotional, social, spiritual, and special needs experienced during the final stages of illness, dying, and bereavement.

**Subp. 17. Evidence-based guidelines.** “Evidence-based guidelines” means clinical practice guidelines that are recognized by the medical community for achieving positive health outcomes and are based on scientific evidence and other authoritative sources, such as clinical literature or expert consensus.

**Subp. 18. External care plan.** “External care plan” means a care plan created for a participant by an entity outside of the health care home such as a school-based individual education plan, a plan by a social worker or case manager, or a hospice plan.

**Subp. 19. Family.**

A. For a patient who is 18 years of age or older, “family” means:

- (1) any person or persons identified by the patient as a family member;
- (2) legal guardian according to appointment or acceptance under Minnesota Statutes, sections 524.5-201 to 524.5-317; and
- (3) a health care agent as defined in Minnesota Statutes, section 145C.01, subdivision 2.

B. For a patient who is under the age of 18, “family” means:

- (1) any person or persons identified by the patient as a family member, if age appropriate for the patient;
- (2) the natural or adoptive parent or parents and stepparent who live in the home with the patient;
- (3) a legal guardian according to appointment or acceptance under Minnesota Statutes, sections 260.325 or 524.5-201 to 524.5-317;
- (4) any adult who lives with and provides care and support for the patient when the patient’s natural or adoptive parents or stepparents do not reside in the same home as the patient; and
- (5) a spouse.

**Subp. 20. Health care home.** “Health care home” means a clinic, personal clinician, or local trade area clinician that is certified under parts 4764.0010 to 4764.0070.

**Subp. 21. Health care home learning collaborative or collaborative.** A “health care home learning collaborative” or “collaborative” means an organization established under Minnesota Statutes, section 256B.0751, subdivision 5, in which health care home team members and participants from different health care organizations work together in a structured way to improve the quality of their services by learning about best practices and quality methods, and sharing experiences.

**Subp. 22. Health care home team or care team.** “Health care home team” or “care team” means a group of health care professionals who plan and deliver patient care in a coordinated way through a health care home in collaboration with a participant. The care team includes at least a personal clinician or local trade area clinician and the care coordinator.

**Subp. 23. Local trade area clinician.** “Local trade area clinician” means a physician, physician assistant, or advanced practice registered nurse who provides primary care services outside of Minnesota in the local trade area of a state health care program recipient and maintains compliance with the licensing and certification requirements of the state where the clinician is located. For purposes of this subpart, “local trade area” has the meaning given in part 9505.0175, subpart 22.

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Subp. 24. **Outcome.** “Outcome” means a measurement of improvement, maintenance, or decline as it relates to patients’ health status, patient experience, or measures of cost-effectiveness in a health care home.

Subp. 25. **Participant.** “Participant” means the patient and, where applicable, the patient’s family, who has elected to receive care through a health care home.

Subp. 26. **Patient and family-centered care.** “Patient and family-centered care” means planning, delivering, and evaluating of health care through shared decision-making that is based on participation, cooperation, trust, and respect, by listening to and considering participant perspectives and choices. It also incorporates the participant’s knowledge, values, beliefs, and cultural background into care planning and delivery. Patient and family-centered care applies to patients of all ages.

Subp. 27. **Personal clinician.** “Personal clinician” means a physician licensed under *Minnesota Statutes*, chapter 147, a physician assistant registered and practicing under *Minnesota Statutes*, chapter 147A, or an advanced practice nurse licensed and registered to practice under *Minnesota Statutes*, chapter 148.

Subp. 28. **Preventive care.** “Preventive care” means disease prevention and health maintenance. It includes screening, early identification, counseling, and education to prevent health problems.

Subp. 29. **Previsit planning.** “Previsit planning” means planning for the participant’s visit by reviewing the participant’s medical record and, if applicable, communicating with the participant before a health care appointment to review changes in the participant’s condition and determine a plan for the visit.

Subp. 30. **Primary care.** “Primary care” means overall and ongoing medical responsibility for a patient’s comprehensive care for preventive care and a full range of acute and chronic conditions, including end-of-life care when appropriate.

Subp. 31. **Primary care services patient population.** “Primary care services patient population” means all of the patients who are receiving primary care services from the health care home, regardless of whether a patient has chosen to participate in the health care home.

Subp. 32. **Referral.** “Referral” means a written document given by a provider to a participant recommending that the participant receive an evaluation, treatment, or services from a provider outside of the health care home.

Subp. 33. **Shared decision-making.** “Shared decision-making” means giving a patient information and assistance necessary to understand the risks, benefits, and likely outcomes of available health care options so that the patient is able to actively participate in decision-making to select among those health care options.

Subp. 34. **Specialist.** “Specialist” means a health care provider or other person with specialized health training not available within the health care home, such as a cardiologist, chiropractor, dietitian, rehabilitative therapist, mental health professional, or pharmacist.

Subp. 35. **State health care program.** “State health care program” has the meaning given in *Minnesota Statutes*, section 256B.0751, subdivision 1, paragraph (f).

Subp. 36. **Statewide measurement reporting system.** “Statewide measurement reporting system” means a system used by the commissioner to collect data necessary for monitoring compliance with certification standards and for evaluating the impact of health care homes on outcomes, which is based on quality indicators that are reported publicly as provided in *Minnesota Statutes*, section 62U.02.

Subp. 37. **Variance.** “Variance” means a specified alternative or an exemption from compliance to a requirement in parts 4764.0010 to 4764.0070 granted by the commissioner according to the requirements of part 4764.0050.

## **4764.0030 CERTIFICATION AND RECERTIFICATION PROCEDURES.**

### **Subpart 1. Who may apply.**

A. An eligible provider, supported by a care team and systems according to the requirements in part 4764.0040, may apply for certification as a health care home.

B. A clinic may not be certified unless all of the clinic’s personal clinicians and local trade area clinicians meet the requirements for participation in the health care home.

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**Subp. 2. Contents of application.** The applicant must submit the following to the commissioner:

A. a completed self-assessment in a form prescribed by the commissioner which describes how the applicant meets the requirements in part 4764.0040;

B. a completed and signed application form prescribed by the commissioner; and

C. any other information required by the commissioner to show that the applicant meets the standards for certification or recertification.

**Subp. 3. On-site review and additional documentation.** The commissioner may conduct an on-site review and may request additional documentation to determine whether the applicant complies with certification or recertification requirements.

**Subp. 4. Completed application for certification.** An application for certification or recertification is complete when the commissioner has received all information in subpart 2; the on-site review, if any, has been completed; and the commissioner has received any additional documentation requested under subpart 3.

**Subp. 5. How to seek recertification.** To retain certification, a health care home must submit a letter of intent stating its desire to be recertified no later than 60 days before the one-year anniversary of its last certification or recertification and do the following:

A. At the end of year one, an applicant must demonstrate:

(1) the requirements for initial certification continue to be met; and

(2) the requirements for the end of year one for each health care home standard in part 4764.0040 are met.

B. At the end of year two and all subsequent years, unless the applicant obtains a variance for superior outcomes and continued progress on standards as provided in part 4764.0050, subpart 3, an applicant must demonstrate:

(1) the requirements for initial certification and recertification at the end of year one continue to be met;

(2) the requirements for recertification at the end of year two in part 4764.0040, subpart 11, are met; and

(3) the benchmarks established by the commissioner for improving the quality of services based on patient health outcomes, patient experience outcomes, and outcomes related to cost-effectiveness in its primary care services patient population have been achieved.

**Subp. 6. Decision regarding recertification at the end of year two and subsequent years.** At the end of year two, the commissioner must determine whether the applicant for recertification has met the requirements for recertification and has demonstrated that the benchmarks established by the commissioner for improving the quality of services in the applicant's primary care services patient population have been achieved. The commissioner must use benchmarks announced annually to determine whether an applicant has demonstrated that it has achieved the benchmarks in its primary care services patient population. The benchmarks must be based on one or more of the following factors:

A. an improvement over time as reflected by a comparison of data measuring quality submitted by the health care home in the current year to data submitted in prior years;

B. a comparison of data measuring quality submitted by the health care home to data submitted by other health care homes;

C. standards established by state or federal law;

D. best practices recommended by a scientifically based outcomes development organization;

E. measures established by a national accrediting body or professional association; and

F. additional measures that improve the quality or enhance the use of data currently being collected.

**Subp. 7. Notice of decision and timelines.**

A. The commissioner must notify an applicant in writing regarding whether the applicant is certified or recertified as a health care home within 90 days after receiving a completed application.

B. If the commissioner certifies or recertifies the applicant as a health care home, the health care home is eligible for per-person care coordination payments under the care coordination payment system.

C. If the commissioner denies the application for certification or recertification, the commissioner must notify the applicant in writing of the reasons for the denial. The applicant may file an appeal under part 4764.0060.

## **4764.0040 HEALTH CARE HOME STANDARDS.**

**Subpart 1. Access and communication standard; certification requirements.** The applicant for certification must have a system in place to actively recruit the applicant's patients into the health care home and support effective communication among the members of the health care home team, the participant, and other providers. The applicant must do the following:

A. offer the applicant's health care home services to the applicant's patients who:

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- (1) have or are at risk of developing complex or chronic conditions;
- (2) can benefit from the services of a health care home; and
- (3) are interested in participation;

**B. establish a system designed to ensure that:**

(1) participants are informed that they have continuous access to designated clinic staff, an on-call provider, or a phone triage system;

(2) the designated clinic staff, on-call provider, or phone triage system representative has continuous access to participants' medical record information, which must include the following for each participant:

(a) the participant's contact information, personal clinician's or local trade area clinician's name and contact information, and designated enrollment in a health care home;

(b) the participant's racial or ethnic background, primary language, and preferred means of communication;

(c) the participant's consents and restrictions regarding the release of medical information, including release of information to specific family members; and

(d) the participant's diagnoses, allergies, medications related to chronic and complex conditions, and whether a care plan has been created for the participant; and

(3) the designated clinic staff, on-call provider, or phone triage system representative who has continuous access to the participant's medical record information will determine when scheduling an appointment for the participant is appropriate based on:

(a) the acuity of the participant's condition; and

(b) application of a protocol that addresses whether to schedule an appointment within one business day to avoid unnecessary emergency room visits and hospitalizations;

**C. collect information about participants' cultural background, racial heritage, and primary language and describe how the applicant will use this information to improve care;**

**D. document that the applicant is using participants' preferred means of communication, if that means of communication is available within the health care home's technological capability;**

**E. inform participants that the participant may choose a specialty care resource without regard to whether a specialist is a member of the same provider group or network as the participant's health care home, and that the participant is then responsible for determining whether specialty care resources are covered by the participant's insurance; and**

**F. establish adequate information and privacy security measures to comply with applicable privacy and confidentiality laws, including the requirements of the Health Insurance Portability and Accountability Act, *Code of Federal Regulations*, title 45, parts 160.101 to 164.534, and the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13.**

**Subp. 2. Access and communication standard; recertification at the end of year one.** By the end of the first year of health care home certification, the applicant for recertification must demonstrate that the applicant encourages participants to take an active role in managing the participant's health care, and that the applicant has improved participant involvement and communication by addressing one of the following: participants' readiness for change, literacy level, or other impediments to learning.

**Subp. 3. Participant registry and tracking participant care activity standard; certification requirements.** The applicant for certification must use a searchable, electronic registry to record participant information and track participant care.

**A. The registry must enable the health care home team to conduct systematic reviews of the health care home's participant population to manage health care services, provide appropriate follow-up, and identify any gaps in care.**

**B. The registry must contain:**

(1) for each participant, the name, age, gender, contact information, and identification number assigned by the health care provider, if any; and

(2) sufficient data elements to issue a report that shows any gaps in care for specific subgroups of participants with a chronic or complex condition.

**Subp. 4. Participant registry and tracking participant care activity standard; recertification at the end of year one.** By the end of the first year of health care home certification, the applicant for recertification must use the registry to identify gaps in care and implement remedies to prevent gaps in care such as appointment reminders and previsit planning.

**Subp. 5. Care coordination standard; certification requirements.** The applicant for certification must adopt a system of care coordination that promotes patient and family-centered care through the following steps:

**A. collaboration within the health care home, including the participant, care coordinator, and personal clinician or local trade area clinician as follows:**

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(1) one or more members of the health care home team, usually including the care coordinator, and the participant set goals and identify resources to achieve the goals;

(2) the personal clinician or local trade area clinician and the care coordinator ensure consistency and continuity of care; and

(3) the health care home team and participant determine whether and how often the team will initiate contact with the participant, other providers involved in the participant's care, and other community resources involved in the participant's care;

B. uses health care home teams to provide and coordinate participant care, including communication and collaboration with specialists. If a health care home team includes more than one personal clinician or local trade area clinician, or more than one care coordinator, the applicant must identify one personal clinician or local trade area clinician and one care coordinator as the primary contact for each participant;

C. locates the care coordinator at the same site as the personal clinician or local trade area clinician and provides for direct communication between the care coordinator and the personal clinician or local trade area clinician;

D. provides the care coordinator with dedicated space and time to perform care coordination functions; and

E. documents the following elements of care coordination in the participant's chart or care plan:

(1) referrals for specialty care, whether and when the participant has been seen by a provider to whom a referral was made, and the result of the referral;

(2) tests ordered, when test results have been received and communicated to the participant;

(3) admissions to hospitals or skilled nursing facilities, and the result of the admission;

(4) timely postdischarge planning according to a protocol for participants discharged from hospitals, skilled nursing facilities, or other health care institutions;

(5) communication with participant's pharmacy regarding use of medication and medication reconciliation; and

(6) other information, such as links to external care plans, as determined by the care team to be beneficial to coordination of the participant's care.

**Subp. 6. Care coordination standard; recertification at the end of year one.** By the end of the first year of health care home certification, the applicant for recertification must enhance the applicant's care coordination system by adopting and implementing the following additional patient and family-centered principles:

A. ensure that participants are given the opportunity to fully engage in care planning and shared decision-making regarding the participant's care, and that the health care home solicits and documents the participant's feedback regarding the participant's role in the participant's care;

B. identify and work with community and public health resources such as disability and aging services, social services, transportation services, school-based services, and home health care services to facilitate the availability of appropriate resources for participants;

C. permit and encourage professionals within the health care home team to practice at a level that fully uses the professionals' training and skills; and

D. engage participants in planning for transitions among providers, and between life stages such as the transition from childhood to adulthood.

**Subp. 7. Care plan standard; certification requirements.** The applicant for certification must meet the following requirements:

A. establish and implement policies and procedures to guide the health care home in assessing whether a care plan will benefit participants with complex or chronic conditions. The applicant must do the following in creating and developing a care plan:

(1) actively engage the participant;

(2) engage all appropriate members of the health care team, such as nurses, pharmacists, and social workers;

(3) include an assessment of health risks and chronic conditions;

(4) review, evaluate, and, if appropriate, amend the care plan, jointly with the participant, at specified intervals appropriate to manage the participant's health and measure progress toward goals;

(5) provide a copy of the care plan to the participant upon completion of creating or amending the plan; and

(6) use and document the use of evidence-based guidelines for significant medical services and procedures, if those guidelines and methods are available;

B. a participant's care plan must include goals and an action plan for the following:

(1) preventive care, including reasons for deviating from standard protocols;

(2) care of chronic illnesses;

(3) exacerbation of a known chronic condition, including plans for the participant's early contact with the health care home team during an acute episode; and

(4) end-of-life care and advance directives, when appropriate; and

C. the applicant must update the goals in the care plan with the participant as frequently as is warranted by the participant's

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condition.

**Subp. 8. Care plan standard; recertification at the end of year one.** By the end of the first year of health care home certification, the applicant must ask each participant with a care plan whether the participant has any external care plans and, if so, create a comprehensive care plan by consolidating appropriate information from the external plans into the participant's care plan.

**Subp. 9. Performance reporting and quality improvement standard; certification requirements.** The applicant for certification must measure the applicant's performance and engage in a quality improvement process, focusing on participants' experience and health, and measuring the cost-effectiveness of services, by doing the following:

A. establishing a health care home quality improvement team that includes, at a minimum:

- (1) one or more personal clinicians or local trade area clinicians who deliver services within the health care home;
- (2) one or more care coordinators;
- (3) two or more participant representatives; and
- (4) if the health care home is a clinic, one or more representatives from clinic administration or management;

B. demonstrating capability in performance measurement by showing that the applicant has measured, analyzed, and tracked changes in at least one quality indicator selected by the applicant based upon the opportunity for improvement; and

C. participating in a health care home learning collaborative as follows:

(1) the following representatives from the health care home must participate in a collaborative:

- (a) one or more clinicians or local trade area clinicians who deliver services in the health care home;
- (b) one or more care coordinators; and
- (c) if the health care home is a clinic, one or more representatives from clinic administration or management;

(2) the health care home must provide participants the opportunity and encourage participation in a collaborative, with the goal of having two participants of the health care home take part; and

(3) the health care home must establish procedures for representatives of the health care home to share information learned through the collaborative with other staff and participants of the health care home.

**Subp. 10. Performance reporting and quality improvement standard; recertification at the end of year one.** By the end of year one of health care home certification, the applicant for recertification must:

A. participate in the statewide quality reporting system under *Minnesota Statutes*, section 62U.02, by submitting outcomes for the quality indicators identified by the commissioner; and

B. show that the applicant has selected at least one quality indicator from each of the following categories and has measured, analyzed, and tracked those indicators during the previous year:

- (1) improvement in participants' health;
- (2) quality of participants' experience; and
- (3) measures related to cost-effectiveness of services.

**Subp. 11. Performance reporting and quality improvement standard; recertification at the end of year two and subsequent years.**

A. By the end of the second year of certification as a health care home, and each year thereafter, the applicant must continue to participate in the statewide quality reporting system under *Minnesota Statutes*, section 62U.02, by submitting outcomes for the additional quality indicators identified by the commissioner.

B. To qualify for recertification, the outcomes must demonstrate that the applicant has achieved the benchmarks established under part 4764.0030, subpart 6, in the applicant's primary care services patient population.

## **4764.0050 VARIANCE.**

**Subpart 1. Criteria for variance.** At certification or recertification, the applicant may request and the commissioner may grant or renew a variance from a requirement in parts 4764.0010 to 4764.0040 to an applicant who demonstrates good cause. To request a variance, an applicant must submit a petition, according to the requirements of *Minnesota Statutes*, section 14.056, and demonstrate that the petition meets the following criteria:

A. application of the requirements, as applied to the circumstances of the applicant, would not serve any of the rule's purposes; or

B. failure to grant the variance would result in hardship or injustice to the applicant, the variance would be consistent with the public interest, and the variance would not prejudice the substantial legal or economic rights of any person or entity.

**Subp. 2. Conditions and duration.** The commissioner may impose conditions on the granting of a variance according to *Minnesota*

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Statutes, section 14.055. The commissioner may limit the duration of a variance and may renew a variance.

**Subp. 3. Variance for superior outcomes and continued progress on standards.** The commissioner may grant a variance to the requirements in part 4764.0030, subpart 5, item B, based on superior achievement reflected in the outcomes data and continued progress on the health care home standards in part 4764.0040. The commissioner must annually announce benchmarks for superior achievement based on the factors in part 4764.0030, subpart 6. To receive the variance, the applicant must:

A. demonstrate that the applicant has met or surpassed the benchmarks for superior achievement in outcomes related to patient health, patient experience, and cost-effectiveness, as reflected in the data submitted by the applicant to the statewide quality measurement system;

B. submit a signed statement affirming that the applicant continues to comply with the requirements for initial certification, recertification at the end of year one, and recertification at the end of year two, according to part 4764.0040;

C. demonstrate continued progress on the health care home standards by identifying at least one approach that is new to the applicant for each of the five health care home standards in part 4764.0040, except for the standard for performance reporting and quality improvement;

D. provide any additional documentation requested by the commissioner; and

E. continue to participate in a health care home learning collaborative.

**Subp. 4. Experimental variance.** The commissioner may grant a variance from one or more requirements to permit an applicant to offer health care home services of a type or in a manner that is innovative if the commissioner finds that the variance does not impede the achievement of the criteria in *Minnesota Statutes*, section 256B.0751, subdivision 2, paragraph (a), and may improve the health care home services provided by the applicant.

**Subp. 5. Variance for justifiable failure to show measurable improvement.** The commissioner may grant a variance to a health care home seeking recertification that fails to show measurable improvement as required by parts 4764.0030, subpart 5, item B, subitem (3), and 4764.0040, subpart 11, if the applicant demonstrates the following:

A. reasonable justification for the applicant's inability to show required measurable improvement; and

B. a plan to achieve measurable improvement in the following year or a shorter time period identified by the commissioner.

## **4764.0060 APPEALS.**

**Subpart 1. Denial of certification or recertification and time for appeal.** The commissioner must notify an applicant in writing of the reasons for denial of an application for certification or recertification. An applicant has 30 days from the date of receiving notice of the decision to appeal the decision.

**Subp. 2. How to appeal.** The applicant may appeal by submitting either item A or B, or both:

A. a written statement of the applicant's grounds for disputing the commissioner's decision; or

B. a corrective action plan that describes the following specific actions for improvement:

(1) the corrective steps that have been taken by the applicant;

(2) a plan for continued improvement; and

(3) if applicable, any reasons that the applicant is unable to comply.

**Subp. 3. Optional request for meeting.** An appeal may include a request for a meeting with the commissioner's designee to discuss disputed facts and findings, present the applicant's corrective action plan, or both.

**Subp. 4. Notice of decision and timeline.** The commissioner must grant or deny the appeal and notify the applicant of the decision within 60 days after receipt of a completed appeal, or, if the applicant meets with the commissioner's designee, within 60 days after the meeting.

## **4764.0070 REVOCATION, REINSTATEMENT, AND SURRENDER.**

**Subpart 1. Revocation.** If the commissioner denies an appeal or a health care home fails to appeal the commissioner's decision to deny recertification, the provider will no longer be certified as a health care home or be eligible to receive per-person care coordination payments.

**Subp. 2. Reinstatement.** A provider whose certification as a health care home has been revoked may apply for reinstatement. If the provider was previously certified for one year or longer at the time of revocation, it must meet the recertification requirements to be reinstated. During the 12 months following revocation of certification, the provider may obtain technical or program assistance from the

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Minnesota Department of Health and through a health care home learning collaborative to assist the provider to regain certification.

Subp. 3. **Surrender.** A health care home may voluntarily surrender the health care home certification by providing the commissioner and the health care home participants with 90 days' written notice. After the expiration of the 90-day notice period, a provider that has surrendered health care home certification is no longer eligible for per-person care coordination payments based on certification.

## Commissioners' Orders

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

## Minnesota Department of Natural Resources (DNR)

### Commissioner's Order on Permit Fees to Conduct Fishing Contests

**EFFECTIVE DATE:** July 1, 2009 or when published in the *State Register* if after July 1

**Statutory Authority:** *Laws of 2009*, Chapter 176, Article 2, Section 52,

**Supersedes:** This order supersedes the fees established by Order #1,

**Permit Fees to Conduct Fishing Contests dated July 17, 2007**

**WHEREAS**, the Department has been directed by the legislature as per the *Laws of 2009*, Chapter 176, Article 2, Section 52 to amend fishing contest fees.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, section 97C.081, subdivision 3, that the following amended permit fees are prescribed by the Commissioner of the Minnesota Department of Natural Resources for permitted fishing contests.

- 1) \$60 for an open water contest not exceeding 50 boats and without an off-site weigh-in;
- 2) \$200 for an open water contest with more than 50 boats and without an off-site weigh-in
- 3) \$250 for an open water contest not exceeding 50 boats with an off-site weigh-in;
- 4) \$500 for an open water contest with more than 50 boats with an off-site weigh-in; or
- 5) \$120 for an ice fishing contest with more than 150 participants.

Permit fees for permitted fishing contests must be submitted at the time of application to the appropriate Regional Fisheries Office.

Dated: June 19, 2009

Mark Holsten, Commissioner  
Department of Natural Resources



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# Commissioner's Orders

## Natural Resources Department (DNR)

### Commissioner's Order No. SNA Order #199: Butternut Valley Prairie Scientific and Natural Area

**EFFECTIVE DATE: June 29, 2009**

**Statutory authority: MS 84.033, 86A.05, Subd. 5, and 97A.093**

**Supercedes: NA**

**WHEREAS**, certain lands in Blue Earth County, Minnesota, described as:

That part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 108 North, Range 29 West, Blue Earth County, Minnesota, described as follows:

Commencing at the southeast corner of said Southeast Quarter of the Southeast Quarter; thence on a bearing based on the 1983 Blue Earth County Coordinate System (1996 Adjustment), of North 00 degrees 33 minutes 09 seconds West 476.90 feet along the east line of said Southeast Quarter of the Southeast Quarter to a ¾ inch diameter rebar with a plastic cap stamped "MN DNR LS 17003" (DNR MON) and the POINT OF BEGINNING; thence South 89 degrees 03 minutes 50 seconds West 629.78 feet to a DNR MON; thence North 02 degrees 53 minutes 03 seconds West 511.56 feet to a DNR MON; thence North 00 degrees 08 minutes 30 seconds West 285.68 feet to a DNR MON; thence North 77 degrees 23 minutes 13 seconds East 66.19 feet to a DNR MON; thence North 00 degrees 31 minutes 36 seconds West 41.87 feet to the north line of said Southeast Quarter of the Southeast Quarter and a DNR MON; thence North 89 degrees 27 minutes 17 seconds East 583.78 feet along the north line of said Southeast Quarter of the Southeast Quarter to the northeast corner of said Southeast Quarter of the Southeast Quarter and a DNR MON; thence South 00 degrees 33 minutes 09 seconds East 848.23 feet along the east line of said Southeast Quarter of the Southeast Quarter to the point of beginning; containing 12.50 acres is under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain high-quality native Southern Mesic Prairie and Southern Wet Prairie, and habitat for rare plant and animal species including Tuberous Indian pliantain (*Cacalia plantaginea*) which is a state-listed Threatened species, Sullivant's milkweed (*Asclepias sullivantii*) which is a state-listed Threatened species, and nearly 100 individuals of Rattlesnake master (*Eryngium yuccifolium*) which is a state-listed Special Concern species,

and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**NOW THEREFORE**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and 97A.093, I do hereby designate the above-described lands as the Butternut Valley Prairie Scientific and Natural Area.

**FURTHERMORE**, the Butternut Valley Prairie Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area.

This order takes effect upon signature. A copy of this order shall be filed with the Secretary of State.

**Date signed: June 29, 2009**

**Mark Holsten, Commissioner  
Department of Natural Resources**

# Commissioner's Orders

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## Natural Resources Department (DNR)

### Commissioner's Order - SNA Order #200: Franconia Bluffs Scientific and Natural Area

**EFFECTIVE DATE: June 29, 2009**

**Statutory authority: MS 84.033, 86A.05, Subd. 5, and 97A.093**

**Supercedes: SNA Order # 195**

**WHEREAS**, certain lands in Chisago County, Minnesota, described as:

The Northwest Quarter of the Northeast Quarter (NW1/4 NE1/4), Section Ten (10), Township Thirty-three (33), Range Nineteen (19), and the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) Section Three (3), Township Thirty-three (33), Range Nineteen (19) West, except a parcel described as follows:

Beginning at the Northwest corner of said SW1/4 SE1/4, Section 3, Township 33, Range 19 West, thence east 165 feet, thence South 750 feet, thence West 165 feet, thence North 750 feet to point of beginning, also except the following described parcel, Commencing at the Southeast corner of said SW1/4 of SE1/4; thence running West on the South line thereof, a distance of 275 feet, thence running North 38 degrees East a distance of 446 feet to the East line of said Quarter Section; thence due South on the said East line of said Quarter Section a distance of 350 feet to the point of beginning, containing 1.11 acres or more.

AND except part of NW1/4 NE1/4 lying SE of a line begin at a point 275 feet W of NE corner of and ending at SW corner of said NW1/4 NE1/4 containing 24.17 acres, + or -, Sec 10, Rng 19 W, 4th Prin Mer.

**ALSO EXCEPTING** therefrom **that part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 33 North, Range 19 West, Chisago County, Minnesota described as follows:**

That part of the east 193.00 feet of said Southwest Quarter of the Southeast Quarter lying southerly of the center line of Franconia Trail and lying northerly of the following described parcel: Commencing at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence running West on the south line thereof a distance of 275 feet; thence running North 38 degrees East a distance of 446 feet to the east line of said Southwest Quarter of the Southeast Quarter; thence running South on said east line a distance of 350 feet to the point of beginning.

**TOGETHER WITH** an easement for ingress and egress over and across the north 4 rods of the Southeast Quarter of the Southwest Quarter, lying easterly of the centerline of State Highway No. 95 and over the north 4 rods of the west 165 feet of the Southwest Quarter of the Southeast Quarter, all in Section 3, Township 33 North, Range 19 West,

and

All that tract or parcel of land lying and being in the County of Chisago and State of Minnesota, described as follows, to-wit:

Northwest Quarter of the Northwest Quarter (NW1/4 of NW1/4) of Section Ten (10), Township Thirty-three (33), Range Nineteen (19), lying East of the Taylors Falls Stillwater Road, containing 85.2, more or less, acres is under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain native plant communities such as Southern Dry-Mesic Oak Forest, Southern Dry-Mesic Oak (Maple) Woodland, and Maple-Basswood Forest (East Central) and habitat for rare plant and animal species including red-shouldered hawk (*Buteo lineatus*), Cerulean warbler (*Dendroica cerulea*), Acadian flycatcher (*Empidonax virescens*), Louisiana waterthrush (*Seiurus motacilla*), bald eagle (*Haliaeetus leucocephalus*), and wood turtle (*Glyptemys insculpta*); and adjoins the St. Croix National Scenic Riverway which contains four state-listed fish species documented near the SNA and a total of 40 native mussel species, two of which are federally- and state-endangered;

and

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## Commissioner's Orders

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**NOW THEREFORE**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, and 97A.093, I do hereby designate the above-described lands as the Franconia Bluffs Scientific and Natural Area.

**FURTHERMORE**, the Franconia Bluffs Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that Scientific and Natural Area Order no. 176 is hereby superseded.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the area shall be open to hunting with such limitations as the Commissioner determines are necessary for protection of the values for which the site was designated.

This order takes effect upon signature. A copy of this order shall be filed with the Secretary of State.

**Date signed: June 29, 2009**

**Mark Holsten, Commissioner  
Department of Natural Resources**

## Official Notices

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

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

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# Official Notices

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## Department of Human Services

### Health Care Purchasing and Delivery Systems Division

#### Health Care Administration

### Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

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

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

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

No earlier than July 7, 2009 the Department may add the following outpatient prescribed drugs to the state MAC list:

**Drug Name**

CALCIUM ACETATE

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 \$45,000.00 for State Fiscal Year 2009 (July 1, 2009 through June 30, 2010).

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

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

## Metropolitan Airports Commission

### Notice of Public Hearing and Public Comment Period on St. Paul Downtown Airport Zoning Ordinance

The Joint Airport Zoning Board for the St. Paul Downtown Airport (STP) is developing an *airport zoning ordinance* for land uses around STP. The *Draft STP Zoning Ordinance* limits the height of structures and vegetation and prohibits certain land uses in an area extending approximately 2 miles from the outer boundaries of STP. The zoning is being conducted as required by *Minnesota Statutes* 360.061 – 360.074 and *Minnesota Rules* 8800.1200 and 8800.2400. Maps that are part of the proposed *Zoning Ordinance* show the precise boundaries for application of the *Ordinance* and the associated proposed restrictions.

The proposed *Zoning Ordinance* would:

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## Official Notices

(1) limit the height of structures and vegetation out to 2 miles to the northwest, southeast, east and west of STP, out to 1.5 miles in all other areas to the northwest and southeast, and to approximately the river bluff line to the north and south of STP;

(2) prohibit the development of structures in Zone A;

(3) prohibit, in Safety Zone B, the future construction of amphitheaters, hospitals, nursing homes, residential uses, schools, stadiums and ponds or other features which might attract waterfowl or other birds, (however, the proposed restrictions in Zone B do **NOT** affect additions to existing residences, residential redevelopment or future residential development in established residential neighborhoods around or near STP); and

(4) prohibit, in Zones A, B and C, the use of land that creates or causes interference with the operations of radio or electronic facilities on STP or with radio or electronic communications between STP and aircraft, makes it difficult for pilots to distinguish between Airport lights and other lights, results in glare in the eyes of pilots using STP, impairs visibility in the vicinity of STP, or otherwise endangers the landing, taking off, or maneuvering of aircraft in the runway approach areas.

THE PUBLIC COMMENT PERIOD ON THE PROPOSED ORDINANCE WILL COMMENCE AT 8:00 A.M. ON WEDNESDAY, JULY 1, 2009, AND CLOSE AT 5:00 P.M. ON THURSDAY, JULY 30, 2009. During this period, written comments will be accepted and must be addressed to:

Jenn Felger  
Secretary to the STP Joint Airport Zoning Board  
Metropolitan Airports Commission  
6040 28th Avenue South  
Minneapolis, MN 55450

THE OPEN HOUSE AND PUBLIC HEARING ON THE PROPOSED ORDINANCE WILL BE HELD FROM 5:00 P.M. TO 9:00 P.M. ON THURSDAY, JULY 23, 2009, AT THE ST. PAUL DOWNTOWN AIRPORT TERMINAL BUILDING, 644 BAYFIELD STREET, ST. PAUL, MINNESOTA. The open house will be held in the entrance rotunda from 5:00 p.m. to 6:30 p.m. A public presentation on the proposed *Zoning Ordinance* will be given in the First Floor Conference Room from 6:30 p.m. to 7:00 p.m. The public hearing will commence in the First Floor Conference Room at 7:00 p.m. and continue until 9:00 p.m., or until all persons wishing to address the Board have been heard.

Copies of the proposed *Zoning Ordinance* will be available for review beginning July 1, 2009, at the following locations: the Metropolitan Airports Commission's Main Office, 6040 - 28<sup>th</sup> Avenue South, Minneapolis, Minnesota; St. Paul Downtown Airport Terminal Building, 644 Bayfield Street, St. Paul, Minnesota; and the city halls of the cities of St. Paul, West St. Paul, and South St. Paul. The proposed *Zoning Ordinance* will also be available for review beginning July 1 on the MAC website at [www.metroairports.org](http://www.metroairports.org). Copies of the document can be obtained at the Commission's Main Office, 6040 - 28<sup>th</sup> Avenue South, Minneapolis, Minnesota.

For further information about the public comment period, the open house or the public hearing, please call Jenn Felger at (612) 726-8189.

## Minnesota Department of Natural Resources

### Division of Ecological Resources

### Request for Comments on Possible Amendments to Rules Governing Aquatic Plant Permit Fees and Aquatic Plants and Nuisances, *Minnesota Rules*, chapter 6280

**Subject of Rules.** The Minnesota Department of Natural Resources (DNR) requests comments on expanding the scope of amendments to rules governing aquatic plant permit fees and other parts of Chapter 6280.

On July 28, 2008, the DNR published a Request for Comments in the *State Register* on possible amendments to establish a fee schedule for aquatic plant management permits. The 2008 Minnesota Legislature stipulated that the fees shall be based upon the costs of receiving,

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processing, analyzing, and issuing permits, additional costs incurred after permit issuance to inspect and monitor the activities authorized by permit, and costs to enforce aquatic plant management rules and permit requirements.

Since the initial Request for Comments was published, the DNR has decided to consider additional revisions to the aquatic plant management rules in *Minnesota Rules*, chapter 6280. Some of the key areas that rule changes are being considered for include: adding definitions to clarify terms used in the proposed rules, clarify when site inspections are required prior to permit issuance, clarify when signatures on applications for permit may remain valid for longer than a single season, provide criteria that will allow aquatic plant control after September 1, clarify reporting requirements, and other changes that may arise during this rulemaking effort.

**Persons Affected.** The amendment to the rules will affect lakeshore property owners who apply for aquatic plant management permits, commercial aquatic pesticide applicators, commercial mechanical aquatic plant control companies, and businesses selling aquatic plant control products.

**Statutory Authority.** *Minnesota Statutes*, section 103G.615, subdivision 2, requires the Department to adopt rules establishing a fee schedule for permits to control or harvest aquatic plants other than wild rice. The 2008 legislature expanded this authority by eliminating a \$35 statutory fee for control of rooted aquatic vegetation for a parcel of shoreline and a \$750 maximum fee for APM permits (*Minnesota Laws 2008*, chapter 363, article 5, section 22), but also requires that fee increases may not go into affect until 45 legislative days after they have been reported to the legislature.

*Minnesota Statutes*, section 103G.615, subd. 3, requires the DNR to prescribe by rule the standards to issue and deny permits to destroy aquatic plants.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on August 14, 2009. The Department does not contemplate appointing an advisory committee at this time. An advisory committee has already been consulted about possible permit fee changes. The remaining amendments being considered are technical changes to facilitate permit issuance and effective implementation for permitted activities.

**Rules Drafts.** The Department has not yet prepared a draft of the amendments to these rules.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these rules should be directed to: Steve Enger at the Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota 55155-4025; **phone:** (651) 259-5092, **FAX:** (651) 296-1811, and **e-mail:** [steve.enger@state.mn.us](mailto:steve.enger@state.mn.us). **TTY** users may call the Department at (651) 296-5484 or 1-800-657-3929.

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

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

Dated: June 25, 2009

Mark Holsten, Commissioner  
Department of Natural Resources

**Minnesota Pollution Control Agency  
Regional Division****Notice of Availability of Lake Shaokatan Phosphorus Total Maximum Daily Load  
Report and Request for Comment****Public Comment Period Begins: July 6, 2009****Public Comment Period Ends: August 5, 2009**

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Lake Shaokatan Phosphorus Total Maximum Daily Load Report. The aquatic life use and aquatic recreation use of Lake Shaokatan is impaired because it does not meet state water quality standards for excess nutrients (phosphorus). The draft TMDL Report is available for review at:

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

Written comments on the draft TMDL Report must be sent to the MPCA contact person listed below by August 5, 2009 by 4:30 pm. The MPCA will prepare responses to comments received, make any necessary revisions of the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval.

Lake Shaokatan was listed for not meeting aquatic recreation and aquatic life designated uses due to excess nutrients in 2002. Lake Shaokatan (ID: 41-0089-00) is a shallow lake located in southwestern Minnesota in Lincoln County. Lake Shaokatan outlets to the Yellow Medicine River and eventually to the Minnesota River. The watershed is 8,896 acres or 13.9 square miles.

The data collected illustrates a declining trend in water quality due to excessive watershed loading and lake sediment-phosphorus sources. The TMDL linkage analysis indicates that Lake Shaokatan needs a 67 percent reduction in phosphorus to meet the water quality standard. Sources of phosphorus to Lake Shaokatan are mostly human influenced and include: improper fertilizer application, livestock manure runoff, noncompliant septic systems, and runoff from uplands. Other minor sources include wildlife and pets.

This project had local support from the Yellow Medicine River Watershed District, and several other local, state, and federal agencies and organizations in completing this TMDL. These local efforts will proceed with determining further implementation strategies and obtaining public input. The draft TMDL report outlines possible strategies for implementation.

**Agency Contact Person:**

Written comments and requests for more information should be directed to:

Kelli Daberkow  
Minnesota Pollution Control Agency  
1420 East College Drive, Suite 900  
Marshall, Minnesota 56258  
**Phone:** (507) 476-4251 (direct)  
**MN Toll Free:** 1-800-657-3864  
**Fax:** (507) 537-6001  
**E-mail:** *[Kelli.Daberkow@pca.state.mn.us](mailto:Kelli.Daberkow@pca.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 below and at the MPCA Website:  
*<http://www.pca.state.mn.us/water/tmdl/project-lakeshaokatan.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.

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Written comments must include the following:

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



**Minnesota Pollution Control Agency****Industrial Division****Public Notice for the National Pollutant Discharge Elimination System/State Disposal System Multi-Sector General Permit for Industrial Stormwater Activity**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (Agency) intends to issue National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) General Permit MN R050000, under the provisions of *Minnesota Rules* 7001.0210, for discharges of stormwater associated with industrial activity. Comments on the proposed permit are requested from affected or interested parties. Comments should be submitted in writing in accordance with the provisions of this notice.

This public notice is for the draft NPDES/SDS Industrial Stormwater Multi-Sector General Permit to discharge stormwater associated with industrial stormwater activity into waters of the state of Minnesota. This notice and permit are issued under the following authorities: Section 402, Clean Water Act, as amended; *Minnesota Statutes*, Chapters 115 and 116, as amended; and *Minnesota Rules*, Chapters 7001 and 7090.

**Public Notice Issued On: July 6, 2009**  
**Last Day to Submit Comments: August 5, 2009**

**Potential Applicants:** Public and private facilities with industrial activities described in 40 *Code of Federal Regulations* 122.26(b)(14) categories (i-ix and xi).

**NOTICE:** The Agency proposes to issue NPDES/SDS Multi-Sector General Permit MN R050000, which replaces the expired NPDES/SDS General Permit MN G610000. This general permit covers the discharge of stormwater associated with industrial activity to waters of the state of Minnesota from facilities with industrial activity described in federal regulation, 40 *Code of Federal Regulations* 122.26(b)(14). This general permit reorganizes the federal categories into sectors. The duration of this permit is five years.

The authority to develop and issue a general permit is based on the 1979 U.S. Environmental Protection Agency (USEPA) revisions to the NPDES Program regulations, 40 *Code of Federal Regulations* 122.28, which created a class of permits called general permits. General permits are issued by the Agency in the State of Minnesota under *Minnesota Statutes*, Chapters 115 and 116, and *Minnesota Rules* 7001.0210. General permits can be issued in states with NPDES authority if the state program includes general permit authority from the USEPA. The Agency's general permit program was approved by the USEPA on December 15, 1987. This general permit is based on federal requirements in 40 *Code of Federal Regulations* 122.26, and state requirements in *Minnesota Rules* 7001.0210 and *Minnesota Rules*, Chapter 7090.

This general permit requires the Permittee to develop and implement specific stormwater control measures that will reduce, minimize, or eliminate contaminated stormwater discharge in order to protect water quality and satisfy appropriate requirements of the Clean Water Act. This general permit requires a Stormwater Pollution Prevention Plan that describes site-specific implementation of best management practices and operational activities for each category of the control measures. This general permit requires benchmark monitoring for all covered sectors of industrial activity and effluent limit monitoring for a limited set of industrial activities. Monitoring stormwater discharges provides assurance that control measures required by this permit are effective, so that water quality standards are met. This general permit requires submittal of an Annual Report by March 31st of each year.

This general permit will provide industrial stormwater discharge coverage for approximately 4,000 facilities in the state. Approximately 4,000 additional facilities in the state are anticipated to qualify for the No Exposure exclusion from the requirement to obtain a NPDES/SDS permit for stormwater discharges. The Owner/Operator of a facility who is able to provide a storm-resistant shelter to protect all industrial materials and industrial activities from exposure to rain, snow, snowmelt, or runoff; and who submits a certification, and maintains this condition of No Exposure, will be excluded from NPDES/SDS permit requirements for industrial stormwater discharges for a period of five years, as long as the condition of No Exposure is maintained. If a condition of No Exposure is not maintained, the Owner/Operator must apply for permit authorization for industrial stormwater discharges.

To obtain permit authorization or to request the No Exposure exclusion, all current Permittees, Owners/Operators of current No Exposure facilities, and Owners/Operators of existing facilities needing coverage that have not yet applied for or been issued an industrial

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stormwater general permit or No Exposure coverage card, are required to submit an application within 60 to 180 days of the permit effective date, depending on industry sector, as described in the draft general permit.

Facilities seeking the No Exposure exclusion later than 180 days following the permit effective date may apply at any time, and must maintain the condition of No Exposure in order to retain the exclusion from the requirements of this general permit.

Interested persons are invited to submit written comments on this proposed draft general permit. Any comments received before close of business on the last day of the comment period (see above) will be considered before the draft general permit is finalized.

Comments on the draft general permit should include the following information, pursuant to *Minnesota Rules* 7001.0110:

1. A statement of the person's interest in the draft permit.
2. A statement of the action the person would like the Agency to take, including specific references to sections in the draft permit.
3. Reasons supporting the person's position.

Any person may request a public informational meeting on the draft general permit before the end of the public comment period. Any request for a public informational meeting must include the information in items 1 through 3 listed above.

Any person may submit a petition for a contested case hearing on the draft general permit before the end of the public comment period. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the Agency 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 draft permit;
- (2) the Agency 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 Agency in resolving the disputed facts in making a final decision on the draft permit. 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 Agency decision.

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

- (1) a statement of reasons or proposed findings supporting the Agency 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.

The draft general permit and fact sheet are available for review at the Minnesota Pollution Control Agency located at 520 Lafayette Road North, St. Paul, Minnesota 55155, during regular business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday. You may also find a copy of the draft general permit and fact sheet at the Agency web site at:

<http://www.pca.state.mn.us/water/stormwater-i.html>

or request a free copy by writing to the address below or by calling Kristin Kirchoff at (651) 757-2089, or 1-800-657-3864. Users of a Telecommunications Device for the Deaf should call 651-282-5332 to request a copy of the draft permit and fact sheet. Only one copy will be sent per request.

Comments on the draft general permit, requests for a public informational meeting, or requests for a contested case hearing should be submitted to:

Cynthia Kahrman  
Industrial Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

Ms. Kahrman may be contacted concerning questions regarding the draft general permit at (651) 757-2481, or 1-800-657-3864, or by e-mail at: [cynthia.kahrman@state.mn.us](mailto:cynthia.kahrman@state.mn.us).

In the absence of any requests for additional public informational meetings or a contested case hearing, the final decision to issue this

general permit will be made by the Agency Commissioner. Any person may request that this general permit be considered by the Agency Citizens' Board prior to final permit action in accordance with *Minnesota Statutes* § 116.02, Subdivision 6 and *Minnesota Rules* 7000.0650. The public is entitled, and welcome, to participate in the activities of the Agency Citizens' Board and Agency staff.

## Department of Transportation

### Office of Civil Rights

#### Notice of Intent to Solicit Outside Information and Opinion on Proposed Disadvantaged Business Enterprise (DBE) Program Annual Overall Goal for Federal Fiscal Year 2010

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Transportation's (Mn/DOT) Office of Civil Rights proposes to set its 2010 annual overall goal for DBE participation on all U. S. Federal Highway Administration, Department of Transportation (DOT) assisted contracts at 8.55%. Mn/DOT proposes to meet 1.2% of this goal through race and gender neutral means and 7.35% through race and gender conscious means.

The 2010 DBE annual overall goal and its rationale are available for public inspection during normal business hours from 8:00 a.m. to 4:30 p.m. at the Office of Civil Rights, located in the Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155. The methodology used to calculate the goal will be available for inspection for 45 days following the date of this notice.

The Office of Civil Rights will hold a public stakeholder meeting to discuss the goal methodology on July 16, 2009, 2:00pm to 4:00pm at Conference Room G-22, 395 John Ireland Blvd, St. Paul, Minnesota 55155 and will accept comments on the goal for 45 days from the date of this notice. The annual overall DBE goal may be adjusted in response to comments received during the public comment period.

Address all written comments to:

Mary Prescott, Acting Director  
Office of Civil Rights  
Minnesota Department of Transportation  
395 John Ireland Blvd. M.S. 170  
St. Paul, Minnesota 55155  
**E-mail:** [Mary.Prescott@dot.state.mn.us](mailto:Mary.Prescott@dot.state.mn.us)  
**Fax:** (651) 366-3129  
**Main Line:** (651) 366-3073

# 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.

## Here's Help in 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
- Updates to Index to Vol. 33
- "Contracts & Grants" Open for Bid
- Early delivery, on Friday
- Easy Access to *State Register* Archives
- Word Search Capability
- Indexes to Vols. 27 - 32
- 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](mailto:cathy.hoekstra@state.mn.us).

## Minnesota Department of Employment and Economic Development (DEED)

### Vocational Rehabilitation Services

### Proposals Sought for FastTRAC Services for People with Disabilities

Vocational Rehabilitation Services of the Department of Employment and Economic Development (DEED) seeks proposals from qualified responders to use the FastTRAC services approach to provide education, skills training and employment to Minnesota's adult population with significant disabilities, including those who may require ongoing supports. The FastTRAC approach is intended to increase Minnesota's system of workforce development through "stackable credential" programming. Proposals may be submitted by any public or private organization on behalf of a partnership group. The term of any resulting contract may be for any proposed length, but may not begin before Oct. 1, 2009, and must be completed no later than Sept. 30, 2012.

DEED anticipates awarding up to \$500,000 of American Recovery and Reinvestment Act of 2009 funds through this initiative. However, there is no maximum dollar amount for a single grant, and there is no anticipated dollar range for successful proposals.

The full Request for Proposals, including FastTRAC background and instructions, can be found at the DEED website at:

<http://www.deed.state.mn.us/rehab/rfp>.

Questions can be sent to Allan Lunz at: [Allan.Lunz@state.mn.us](mailto:Allan.Lunz@state.mn.us).

Proposals must be physically received by the Department of Employment and Economic Development (DEED) at First National Bank Building, 332 Minnesota St., Suite E200, St. Paul, MN 55101-1351, by mail or hand delivered, no later than 4:30 p.m. (Central Daylight Time) on Monday, August 31, 2009.

## Department of Public Safety

### Office of Justice Programs

#### Notice of Application for Funding from the Bureau of Justice Assistance

The Office of Justice Programs is submitting an application to the Bureau of Justice Assistance, Office of Justice Programs, U. S. Department of Justice for the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The purpose of the JAG program is to reduce or prevent crime by providing support to all components for the criminal justice system. JAG funded projects may address crime through provision of direct services and by improving the effectiveness and efficiency of the criminal and juvenile justice systems, processes and procedures. Those wishing to comment on the application may contact Jeri Boisvert at the Department of Public Safety, telephone number (651) 201-7305 or e-mail: [Jeri.Boisvert@state.mn.us](mailto:Jeri.Boisvert@state.mn.us). The application will be posted online at:

[www.ojp.state.mn.us/stimulus.htm#ByrneApplication](http://www.ojp.state.mn.us/stimulus.htm#ByrneApplication).

## State Contracts

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

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

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

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

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

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

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

## All "Active" Contracts

A summarized list of all "active" contracts and grants is available for subscribers only. 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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- LINKS, LINKS, LINKS
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- E-mailed to you . . . its so easy
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# State Contracts

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## Minnesota State Colleges and Universities (MnSCU)

### Anoka Ramsey Community College

#### Advertisement for Sealed Bids for ARCC Cambridge Science Lab Renovation and Nursing Addition

**Sealed Bids for:** ARCC Cambridge Science Lab Renovation and Nursing Addition  
Anoka Ramsey Community College  
Cambridge Campus  
300 Spirit River Drive South,  
Cambridge, Minnesota 55008-5704

**will be received by:** Heidi Vidor  
Room D223 – Business Office  
Anoka Ramsey Community College  
Cambridge Campus  
300 Spirit River Drive South,  
Cambridge, Minnesota 55008-5704

Until 1:00 PM, local time, July 16, 2009 at which time the bids will be opened and publicly read aloud in Room E241.

The scope of work for this project involves the Science Lab Renovation and Nursing Addition at Anoka Ramsey Community College, Cambridge Campus.

Project consists of general construction including concrete, masonry, metals, carpentry, thermal and moisture protection, roofing, doors and frames, aluminum windows and glazing, wall and floor finishes and specialties. Mechanical systems include plumbing, heating, ventilation, air conditioning and temperature controls. Electrical systems include power, lighting, communications and special systems infrastructure and fire alarm. Site work includes concrete pavement, sanitary sewer storm drainage and landscaping. Manufactured Casework and fume hoods will be by separate contract but connected to this project including extending existing lab gases, etc.

A Pre-Bid Meeting will be held at 1:00 PM July 9, 2009 in Room E241 at Anoka Ramsey Community College, Cambridge Campus. 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; DLR Group, inc., are on file at the offices of the:

- 1) Above named Project Architect/Engineer.
- 2) McGraw Hill Construction Plan Room
- 3) Minneapolis Builders' Exchange
- 4) St. Paul Builders' Exchange
- 5) Reed Construction Data Plan Room
- 6) MEDA Minority Contractors Plan Room
- 7) National Association of Minority Contractors of Upper Midwest
- 8) St. Cloud Builder's Exchange
- 9) Duluth Builders Exchange

Complete sets only of Bidding Documents for use by Bidders in submitting a bid may be obtained by calling the following and arranging for pick up:

Engineering Repro Systems  
3005 Ranchview Lane, Plymouth, Minnesota 55447  
Phone: (763) 694-5910

A deposit of \$75.00 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 \$25.00 per set for shipping & handling (in addition to the deposit amount) to the Architect. 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) Dakota County Technical College Sealed Bids Sought for Soccer Field - Monumental Signage

Sealed Bids for:                   **SOCCER FIELD – MONUMENTAL SIGNAGE**  
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 PM CDT, Tuesday, July 21, 2009**, at which time the bids will be opened and publicly read aloud.

**Project Scope:** The Project consists of providing two monumental signs: one will be back-lighted and one will be front lit by Owner. The Project includes excavation, masonry, custom metal and acrylic signs (1 back lighted), electronic information board, and associated landscape work. Site electrical work will be by Owner.

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:

**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.

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU) Minneapolis Community and Technical College Advertisement for Sealed Bids for MCTC Plaza Foundation Waterproofing Asbestos Abatement

**Sealed Bids for:** MCTC Plaza Foundation Waterproofing Asbestos Abatement  
Minneapolis Community and Technical College  
1501 Hennepin Avenue  
Minneapolis, MN 55403

**will be received by:** Valerie Frolov  
Minneapolis Community and Technical College  
Technology Building T0600  
1501 Hennepin Avenue  
Minneapolis, MN 55403

Until 2:00 PM, local time, July 23, 2009, Technology Building T0600, at which time the bids will be opened and publicly read aloud.

**Project Scope:** The project involves the removal of approximately 8,400 square feet of asbestos containing material (ACM) foundation waterproofing from the below grade foundation walls of the Minneapolis Community and Technical College Plaza.

A **MANDATORY Pre-Bid Meeting** will be held at 10:00 AM, Tuesday, July 14, 2009, the front Plaza Area, of the Minneapolis 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; Braun Intertec Corporation; 11001 Hampshire Avenue South; Bloomington, Minnesota 55438; telephone number (952) 995-2478, are on file at the offices of the:

- 1) Braun Intertec Corporation; 11001 Hampshire Avenue South; Bloomington, MN 55438.
- 2) following Builders' Exchanges: *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:

Braun Intertec Corporation  
11001 Hampshire Avenue South  
Bloomington, MN 54438  
Attn: Gerald Wallerius or Gregg Kruse  
Business Telephone: (952) 995-2478

A deposit of \$40.00 is required for each set. Bid documents will be available July 14<sup>th</sup> at pre bid meeting

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 \$25.00 per set for shipping & handling (in addition to the \$40.00 deposit) to the Architect. Such deposits and payments may be sent prior to July 15, 2009. Documents will be sent to street addresses only (P.O. Boxes not acceptable).



**Minnesota State Colleges and Universities (MnSCU)  
Minnesota West Community and Technical College  
Advertisement for Sealed Bids for an Ethanol Training Simulator**

Minnesota West Community and Technical College is accepting sealed bids for an ethanol training simulator, hardware and software, and license to run a D/3 distributive control system for the Granite Falls campus.

Details regarding the ethanol training simulator and software to run a D/3 distribution control system including specifications can be obtained from Duane Carrow, Minnesota West Community and Technical College, 1593 - 11th Avenue, Granite Falls, MN 56241 or at 320-564-5046 or via e-mail at [duane.carrow@mnwest.edu](mailto:duane.carrow@mnwest.edu)

Deadline for submitting sealed bids is 1:00 p.m. on Wednesday, July 15, 2009. Late proposals will NOT be accepted. Minnesota West Community and Technical College reserves the right to reject all bids.

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

**Minnesota State Colleges and Universities (MnSCU)  
Normandale Community College  
Request for Bids for Printing and Mailing Normandale Continuing Education Fall,  
2009 Course Schedule**

Signed Sealed bids are due Monday, July 20<sup>th</sup> 2009, 12:00 P.M. CST

Bid Specifications, help with questions and concerns, plus General Terms, Conditions and Instructions including signature page are available from Hieu Nguyen at (952) 487-8236 or Scott Davis at (952) 487-8236.

Deliver Bids to Normandale Community College, attention Hieu Nguyen, Room C2101; 9700 France Ave South; Bloomington, MN 55431. Envelopes must arrive at this office on time late submittals will not be accepted.

(PLEASE INDICATE ON THE ENVELOPE "CE Course Schedule Sealed Bid")

**Minnesota State Colleges and Universities (MnSCU)  
Riverland Community College  
Advertisement for Sealed Bids 2009 Window Replacement Project**

**Sealed Bids for:** *2009 Window Replacement Project*  
East Campus  
Riverland Community College  
Austin, Minnesota

**will be received by:** *Mrs. Judy Enright*  
Physical Plant Director  
Riverland Community College  
1908 8<sup>th</sup> Avenue NW  
Austin, Minnesota 55912

# State Contracts

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Until **1:00 p.m., local time, July 28, 2009**, at which time the bids will be opened and publicly read aloud.

**Project Scope:** East Campus: Curtainwall window replacements including demolition, installation, and related general construction. General construction includes precast masonry, flashings, curb construction, mechanical unit replacement, and minor interior patching of materials.

A **MANDATORY Pre-Bid Meeting** for all prime contractors will be held at 10:00 AM on Tuesday, July 21, 2009 in Room C108, East Campus, Riverland Community College, Austin Campus. 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: Judd Allen Group, are on file at the offices of the:

- 1) above named Project Architect/Engineer, Judd Allen Group
- 2) the offices of Facilities Management, Riverland Community College, Austin campus
- 3) following Builders' Exchanges: Albert Lea, Austin, St. Paul, Minneapolis and Rochester
- 4) McGraw Hill Construction Plan Room
- 5) Reed Construction Data Plan Room
- 6) MEDA Minority Contractors Plan Room
- 7) 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:

Judd Allen Group  
8000 West 78<sup>th</sup> Street, Suite 180  
Edina, MN 55439  
Telephone: (952) 224-5050

A refundable 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, **Judd Allen Group**) for **\$25.00** per set for shipping & handling (in addition to the **\$100.00** deposit) to the Architect, Judd Allen Group. Such deposits and payments may be sent prior to **July 7, 2009**, when the Bid Sets become available. Documents will be sent to street addresses only (P.O. Boxes not acceptable).

## Minnesota State Colleges and Universities (MnSCU) Riverland Community College Request for Bids for the Big Arts in the Big Apple, New York Trip for 2010

Riverland Community College is requesting bids for the Big Arts in the Big Apple, New York trip for 2010. This bid request is for 38 students and two faculty including pre-trip meetings and the following itinerary from Tuesday, March 16 – Saturday, March 20, 2010.

The successful bidder must attend pre-trip meetings on January 25, 2010, and March 8, 2010, at Riverland Community College in Austin, MN.

**Tuesday, March 16:** Early AM departure for New York City  
Non-stop from Minneapolis or Rochester  
Bus to airport (if MPLS)  
Arrive NYC –Guide & bus to hotel  
Must be centrally located hotel – Times Square  
Must be easy walking distance to Theatre District  
(Please look into Milford Plaza - just a request – not a requirement)

**Hotel accommodations:** Tuesday, 3/16

Wednesday, 3/17  
Thursday, 3/18  
Friday, 3/19  
(Would like single, double, triple and quadruple room rates.)

**Saturday, March 20:** Guide & Bus from Hotel to airport  
Late afternoon/evening departure from NYC  
Non-stop to ROCH or MPLS  
Bus to Riverland (if MPLS)

Riverland faculty tour leaders reserve the right to make minor changes in the itinerary prior to departure.

Riverland Community College reserves the right to reject any or all bids or portions thereof, to waive technicalities in bids, and to delay final award for a period of 15 days.

**SEALED BIDS SHOULD BE MAILED TO:**

Page Petersen  
Business Office/West Bldg.  
Riverland Community College  
1900 - 8<sup>th</sup> Ave NW  
Austin, MN 55912

BIDS ARE DUE WED., JULY 29, 2009 AT 10:00 A.M., AT WHICH TIME THEY WILL BE OPENED AND READ.

Please call Jerry Girton with questions at (507) 434-7390 or e-mail: [jerry.girton@riverland.edu](mailto:jerry.girton@riverland.edu).

Thank you for your help with this travel/study tour.

## Minnesota State Colleges and Universities (MnSCU)

### Saint Paul College

#### Sealed Bids Sought to Provide Linen Services for the Culinary Arts Program and Cosmetology/Esthetics/Massage Programs

1. Key items utilized:
  - White Massage Towels
  - Bath Blankets
  - Flat sheets
  - Fitted Sheets
  - Bar Towels
  - Bib Aprons
  - Chef Coats
  - Chef Pants
  - 54 x 120 Table Top
  - 62 x 62 Table Top
2. Deliveries generally twice a week to the programs for academic year.
3. Linens for esthetics are used in facials and thus must be clean, intact and without odor.

Additional information is available by contacting: [Nataliya.kabakova@saintpaul.edu](mailto:Nataliya.kabakova@saintpaul.edu) or: [marilyn.krasowski@saintpaul.edu](mailto:marilyn.krasowski@saintpaul.edu)

# State Contracts

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Sealed bids must be received by July 21, 2009 at 2:00 p.m. at which time the bids will be opened.

Send bid to: Saint Paul College  
Business Office, Room 1240  
235 Marshall Ave  
St. Paul, MN 55102

## Department of Corrections Minnesota Correctional Facility-Red Wing Request for Proposal for Project Manager to Oversee After School Activities

The Minnesota Department of Corrections is requesting proposals for the purpose of recruiting a qualified project manager to design, manage and coordinate an after school enrichment activities program for youthful offenders incarcerated at the Minnesota Correctional Facility-Red Wing (MCF-RW). Maginnis High School, the education program unit at MCF-RW, is a recipient of the 21st Century Community Learning Center (21st CCLC) federal grant administered by the Minnesota Department of Education (MDE). The content of the 21st CCLC program services will be designed to increase reading and math skills, provide academic tutoring, fine arts programming, community service activities, and drivers' education instruction. Services will be provided on site at MCF-RW. Position is part-time and may require evening and weekend hours. The initial contract will be for two years, with a possible option to extend the agreement for three additional one year periods. Work is proposed to start after August 31, 2009.

The full Request for Proposal can be obtained from:

Shon Thieren  
Minnesota Correctional Facility-Red Wing  
Red Wing, Minnesota 55066  
**E-mail:** [sthieren@rw.doc.state.mn.us](mailto:sthieren@rw.doc.state.mn.us)  
**Telephone:** (651) 267-3695

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than July 27, 2009, at 4:00 PM CDT. Late proposals will not be considered.

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

## Department of Employment and Economic Development (DEED) Office of Science and Technology Notice of Availability of Contract for Commercialization Planning Assistance

The Minnesota Department of Employment and Economic Development – Office of Science and Technology is requesting proposals for the purpose of qualification proposals from Service Providers with science and technology specific expertise who have experience in developing plans for commercializing technology. Commercialization Plans are a critical component for winning a Small Business Innovation Research and Small Business Technology Transfer federal product development grant of approximately \$750,000. Commercialization Plans require a different skill set than in preparing the technical proposal.

Work is proposed to start after July 1, 2009. Proposals will be accepted starting July 6, 2009.

A Request for Proposals will be available by mail from this office. This solicitation is ongoing and open until further notice. Incoming proposals shall be reviewed by DEED-Office and Science and Technology on a monthly basis. **A written request (by direct mail or fax) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Betsy Lulfs  
Office of Science and Technology  
332 Minnesota St., E 200  
St. Paul, MN 55101  
Phone: (651) 296-5287

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above. Fax or emailed proposals will **not** be considered.

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

## Minnesota Department of Employment and Economic Development (DEED) Vocational Rehabilitation Services Request for Solicitations of Interest for Models of Funding and Financing to Assist the Disabled with Self-employment

The Minnesota Department of Employment and Economic Development (DEED) - Vocational Rehabilitation Services requests Solicitations of interest from qualified individuals or organizations, for the identification, study of, and recommendations for, models of funding and financing to assist individuals with disabilities start and maintain self-employment (small business).

Vocational Rehabilitation Services jointly with the Minnesota State Rehabilitation Council share strategic plans including objectives and goals to increase the number of consumers who choose and successfully enter self employment.

### Description of work:

Typical services expected from contractors may include but are not limited to:

- Analysis and identification of local, regional and national funding and financing resources available for business start up and sustainability.
- Researching financing structures, mechanisms or models that will enable program participants to gain access to sources of funding for starting and continued operation of their small business.
- Recommend a framework for new for models of achieving the strategic goal of increasing the numbers and success for entrepreneurs with disabilities.
- Identify new policy and legislation needed for implementation and identify staff capacity building needs.
- Other related services as available.

### Qualified Entities

Qualified organizations may include Minnesota institutions of higher education, for profit and non-profit economic development groups, banks, foundations, regional development organizations, and other for profit or non profit entities that can demonstrate the ability to fulfill the requirements of this contract.

**Submission of proposals** is due by August 31, 2009. The master contract is proposed to run from October 1, 2009 to January 31, 2009 with options to extend 3 months.

### Estimated cost

Funding will be awarded based on the merits of the individual proposals. Up to \$45,000.00

**Contracting Agency:** Department of Employment and Economic Development (DEED) Vocational Rehabilitation Services.

# State Contracts

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**Location of Work:** Statewide

To receive a copy of the complete solicitation, contact:

**Name:** Jack Stoehr  
**Phone:** (651) 259-7357  
**TTY:** (651) 296-3900  
**Fax:** 651-297-5159  
**E-mail:** [jack.stoehr@state.mn.us](mailto:jack.stoehr@state.mn.us)

This Solicitation does not constitute a guarantee or commitment by the State of Minnesota, DEED or any of its agents to enter into a grant contract with any organization

## Minnesota State Lottery Request for Proposals for Sponsorship Agreements

### Description of Opportunity

The Minnesota State Lottery develops sponsorship agreements throughout the year with organizations, events, and sports teams to create excitement for lottery players, to interest new players and increase the visibility of lottery games. The Lottery encourages and continually seeks new sponsorship agreements to help achieve current Lottery marketing goals.

### Proposal Content

A sponsorship proposal presented to the Lottery should meet the following three criteria:

**1. Maximize Lottery Visibility** – the event, sports or tie-in proposal should draw a large number of desired participants (typically 50,000 or more) whose demographics match the Lottery player profile. The Lottery is interested in effectively delivering its message of fun and entertainment to Minnesota adults whose demographics skew primarily towards those aged 25-64, with a household income of \$35,000-\$75,000, and having an educational background of some college or higher. The Lottery does not market to those under the age of 18, and family events with high levels of children present are generally not accepted. Attendance, on-site signage visibility and paid media exposure will be critical components that will be evaluated.

**2. Enhance Lottery Image-** – the event, sports or tie-in proposal should inherently project the attitude that the Lottery is a fun and socially acceptable part of the community. The Lottery's presence should fit well within the lineup of other sponsors. The Lottery is interested in creating opportunities whereby the sponsorship can translate into sales revenue, either via on-site sales from a Lottery booth, from sales-generating promotions with Lottery retailers or from joint programs with the sponsor's media partners.

**3. Provide Promotional Extensions** – the event, sports or tie-in proposal should offer exciting, value-added ways to interact with our players and have opportunities to motivate attendees, listeners and viewers to participate in and purchase Lottery games. The proposal must include proper staffing availability or other considerations to help the Lottery implement any appropriate promotional extension ideas.

Proposals should address all pertinent elements of the sponsorship and how the Lottery criteria as stated above and on the Evaluation Form are to be met. To view or print copies of the Request for Proposal go to: <http://www.mnlottery.com/vendorops.html>

This Solicitation does not obligate the state to award a contract or pursue a proposed sponsorship opportunity, and the state reserves the right to cancel the solicitation if it is considered to be in its best interest.

### Questions

Questions concerning this Solicitation should be directed to:

John Mellein, Marketing Director  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113

**Telephone:** (651) 635-8230  
**Toll-free:** (888) 568-8379 ext. 230  
**Fax:** (651) 297-7496  
**TTY:** (651) 635-8268  
**E-mail:** [johnm@mnlottery.com](mailto:johnm@mnlottery.com)

Other personnel are not authorized to answer questions regarding this Solicitation.

## Response Delivery

All responses must be in writing and delivered to the contact noted above. Proposals will be accepted on an ongoing basis.

## Minnesota Department of Public Safety (DPS) Driver and Vehicle Services Division Notice of Request for Proposals (RFP) for Business Requirements for the Replacement of the State's Driver's License and Motor Vehicle Legacy Information Systems

The Minnesota Department of Public Safety is requesting proposals to analyze the business and technical requirements for replacing the existing Driver and Vehicle Services (DVS) automated information systems. The new system, MNLARS (Minnesota Licensing and Registration System), will allow DVS to meet the State's changing business needs, and to improve reporting.

The deliverables will include, but not limited to:

- 1) documenting 'as-is' and 'to-be' business processes,
- 2) analyzing functional requirements,
- 3) analyzing non-functional requirements,
- 4) assisting the State with its selected approach to procuring a separate system development vendor,
- 5) identifying, and informing the State about, current vendors and products in the industry,
- 6) identifying business process optimization and reengineering opportunities and their related benefits,
- 7) analyzing data dependencies,
- 8) organizing material and writing a Request for Proposals to procure a system development vendor for the new or upgraded system, and
- 9) at the State's option, assist with the evaluation of proposals and subsequent contract negotiations.

Work on the contract is anticipated to begin on September 1, 2009 and end on August 31, 2010. However, if funding is available DVS will retain an option to extend the contract for two additional three-month periods.

Details are contained in a complete Request for Proposals (RFP) which may be obtained by contacting Paul Meekin directly by mail, or e-mail, as stated below:

Paul Meekin  
Department of Public Safety  
444 Cedar Street  
Saint Paul, Minnesota 55101  
**E-mail:** [MNLARS.RFP@state.mn.us](mailto:MNLARS.RFP@state.mn.us)

All questions concerning this RFP should be e-mailed to Paul Meekin: [MNLARS.RFP@state.mn.us](mailto:MNLARS.RFP@state.mn.us) and received no later than 2:00 p.m. Central Daylight Time on Monday, July 20, 2009. Answers to questions are anticipated to be e-mailed out to all entities requesting a complete RFP by the end of workday on Thursday, July 23, 2009. Proposals submitted in response to this RFP must be received at the DPS Reception Desk (if hand delivered or delivered by messenger) or via US Mail at the following address:

Paul Meekin  
Minnesota Department of Public Safety

# State Contracts

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Attn. "RFP: Business Requirements for Replacement of Legacy Driver's License and Motor Vehicle Information System"  
444 Cedar Street  
St. Paul, MN 55105

Proposals are due no later than 2:00 pm Central Daylight Time on **Monday, July 27, 2009**, as indicated by the time stamp made by the Department of Public Safety reception desk or the DPS mail room. **Late proposals will NOT be considered.** Fax or e-mailed proposals will NOT be considered. See the RFP for detailed requirements about the media and content of the proposals.

This RFP 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 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 profes-



sional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult)

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

## Department of Transportation Metro District Request for Proposals to Operate and Maintain MnPASS Customer Service Center for Toll Facilities

The Minnesota Department of Transportation (Mn/DOT) requests proposals to operate and maintain MnPASS customer service center (CSC) for toll facilities on highways: I-394, I-35W, and any future facility addition or expansion to the MnPASS system.

The Mn/PASS Operations Center is scheduled to begin April 1, 2010. This contract will be for a five year term.

The Request for Proposal may be requested by e-mail from the Contract Administrator at: [jennifer.faricy@dot.state.mn.us](mailto:jennifer.faricy@dot.state.mn.us) or obtained from the Mn/DOT Consultant Services website at: <http://www.dot.state.mn.us/consult/files/notices/notices.html> under "Notices Open to All Consultants".

Proposals submitted in response to this Request for Proposals must be received no later than 2:00 P.M. Central Daylight Time on **August 6, 2009**. **Late proposals will NOT be considered.** NO time extensions will be granted.

Note that any questions regarding this RFP must be received by the Contract Administrator no later than **July 23, 2009**. See the RFP for more information.

This request does not obligate the State of Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice will be borne by the responder.

## Non-State Bids, Contracts & Grants

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

## Metropolitan Council 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 Metropolitan Council projects, at (651) 602-1095 or [miriam.lopez-rieth@metc.state.mn.us](mailto:miriam.lopez-rieth@metc.state.mn.us); or Candace, for Metro Transit projects, at (612) 349-5070 or [candace.osiecki@metc.state.mn.us](mailto: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](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

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

## Washington County Regional Railroad Authority Notice of Request for Proposal (RFP) for Station Area and Site Master Planning and Environmental Analysis

**NOTICE IS HEREBY GIVEN** that Washington County Regional Railroad Authority (WCRRA) in partnership with the Red Rock Corridor Commission (RRCC) is soliciting proposals for consultant services for the completion of Station Area and Site Master Planning and Environmental Analysis for the Southeast Stations of the Red Rock Corridor. These stations include Lower Afton Road (St. Paul), Newport, Cottage Grove, and Hastings. The work conducted for this study will be utilized in the development of station areas that can serve express bus service in the interim and transition to commuter rail in the long-term.

Proposers may address questions related to this RFP in writing only to Andy Gitzlaff, WCRRA, by e-mail: ([Andy.Gitzlaff@co.washington.mn.us](mailto:Andy.Gitzlaff@co.washington.mn.us)). Questions must be received by 4:00 PM on Tuesday, July 14, 2009.

A complete copy of the RFP is posted on the Washington County website ([www.co.washington.mn.us](http://www.co.washington.mn.us)) then click on "Info for Businesses" followed by "Bids / RFP Requests for Proposals, Current Listings". Proposals must be received no later than 4:00 PM on Monday, August 3, 2009.

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- **Minnesota's Indian Mounds and Burial Sites:** A Synthesis of Prehistoric and Early Historic Archaeological Data, by Constance M. Arzigian and Katherine P. Stevenson, \$44.95
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- **Minnesota's State Capitol - The Arts and Politics of a Public Building,** \$16.95
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- **Celebrate Saint Paul - 150 Years of History,** \$49.95

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