

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**
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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- Withdrawn Rules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
- Contracts for Professional, Technical and Consulting Services
- Non-state Public Bids, Contracts and Grants

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Website: www.senate.mn

House Public Information Services (651) 296-2146
State Office Building, Room 175,
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
Website: www.house.leg.state.mn.us/hinfo/hinfo.htm

Minnesota State Court System

Court Information Office (651) 296-6043
MN Judicial Center, Rm. 135, 25 Rev. Dr. Martin Luther King Jr Blvd.,
St. Paul, MN 55155 **Website:** www.mncourts.gov

Federal Register

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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. 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, but 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.

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 #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (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 Labor and Industry

Proposed Amendment to Rules Governing Worker's Compensation Permanent Partial Disability Schedule; Minnesota Rules, Chapter 5223

NOTICE OF HEARING

Public Hearing. The Department of Labor and Industry intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the Pine Room at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, starting at 9:30 A.M. on Thursday, March 4, 2010, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. Administrative Law Judge Beverly Jones Heydinger will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7838, and **Fax:** (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed rule amendments are to the workers' compensation permanent partial disability schedule, including: amendments to correct internal inconsistencies, gaps in coverage, omissions, confusing language, and technical errors; amendments to modify, clarify and update ratings in response to changes in medical diagnoses or conditions subject to rating; ratings for thoracic outlet syndrome; and a new manner of rating complex regional pain syndrome and cognate conditions. Some of the proposed amendments apply only to dates of injury on or after the effective date of the rules. All of the proposed amendments, including those that apply only to past or future dates of injury, may be further modified in response to public comment. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 176.105. The proposed rules were published in the *Minnesota State Register* on October 19, 2009, at 34 SR 511, and are available on the *State Register* web site at:

http://www.comm.media.state.mn.us/bookstore/stateregister/34_16.pdf

The proposed rules are also available on the Department's rule docket web site at:

http://www.dli.mn.gov/PDF/docket/5223_0310_0650PPDsched.pdf.

Proposed Rules

A free copy of the rules is available upon request from the agency contact person. **The agency contact person is:** Carrie Rohling, Department of Labor and Industry, 443 Lafayette Rd. N., St. Paul, MN 55155; telephone: (651) 284-5006. TTY users may call the Department of Labor and Industry at (651) 297-4198.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies the cost of reproduction by contacting the agency contact person. The statement of need and reasonableness is also available on the Department's rule docket web site at:

http://www.dli.mn.gov/PDF/docket/5223_0310_0650PPDsched.pdf

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or to rulecomments@state.mn.us. All evidence that you present 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 this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No 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 are public and will be available for review at the Office of Administrative Hearings.

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.

Alternative Format/Accommodation. 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 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 agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. 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 agency encourages you to participate.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should 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.

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

Dated: 19 January 2010

Steve Sviggum, Commissioner
Department of Labor and Industry

Minnesota Department of Labor and Industry
Proposed Amendment to Rules Governing Worker's Compensation Treatment
Parameters, *Minnesota Rules*, Parts 5221.6030 to 5221.6305
NOTICE OF HEARING

Public Hearing. The Department of Labor and Industry intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in the Minnesota Room at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, starting at 9:30 A.M. on Tuesday, March 2, 2010, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

Administrative Law Judge. Administrative Law Judge Richard C. Luis will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7843, and **Fax:** (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

Subject of Rules, Statutory Authority, and Agency Contact Person. The proposed rule amendments are about the workers' compensation treatment parameters, including: new parameters for the use of non-steroidal anti-inflammatory drugs, muscle relaxant drugs, and opioid (narcotic) analgesic drugs; updates to general and medical imaging parameters and ICD-9 codes; functional capacity evaluations; traction, electrical muscle stimulation, acupuncture and manual therapy modalities; and complex regional pain syndrome and cognate conditions. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 176.83, subdivisions 3 and 5, and 176.103, subd. 2. The proposed rules were published in the *Minnesota State Register* on October 19, 2009, at 34 SR 524, and are available at the *State Register* web site at: http://www.comm.media.state.mn.us/bookstore/stateregister/34_16.pdf.

The proposed rules are also on the Department's rule docket website at:

http://www.dli.mn.gov/PDF/docket/5221_6020_8900TrtmPar_1.pdf.

A free copy of the rules is available upon request from the agency contact person. **The agency contact person is:** Carrie Rohling, Department of Labor and Industry, 443 Lafayette Rd. N., St. Paul, MN 55155; **telephone:** (651) 284-5006. **TTY** users may call the Department of Labor and Industry at (651) 297-4198.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies the cost of reproduction by contacting the agency contact person. The statement of need and reasonableness is also available for review on the Department's rule docket web site at:

http://www.dli.mn.gov/PDF/docket/5221_6020_8900TrtmPar_1.pdf.

Public Comment. You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or to rulecomments@state.mn.us. All evidence that you present 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 this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No 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 are public and will be available for review at the Office of Administrative Hearings.

Proposed Rules

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.

Alternative Format/Accommodation. 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 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 agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. 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 agency encourages you to participate.

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should 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.

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

Dated: 11 January 2010

Steve Sviggum, Commissioner
Department of Labor and Industry

Board of Teaching

Proposed Permanent Rules Relating to Paraprofessional Credential

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

Possible Rules Governing Credentialing for Paraprofessionals, *Minnesota Rules*, 8710

Introduction. The Board of Teaching 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 Friday, February 26, 2010, the Board will hold a public hearing at the Minnesota Department of Education in Room 16, Conference Center B, 1500 Highway 36 West, Roseville, Minnesota 55113, starting at 8:30am on Wednesday, March 10, 2010. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after February 26, 2010, and before March 10, 2010.

Board Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the board contact person. The Board contact person is: Karen Balmer at MN Board of Teaching, 1500 Highway 36 West, Roseville, MN 55113. **Phone:** (651) 582-8888; **Fax:** (651) 582-8872; **E-mail:** karen.balmer@state.mn.us. TTY users may call the Board of Teaching at (651) 582-8201.

Subject of Rules and Statutory Authority. The proposed rules are about implementing a voluntary statewide credential for education paraprofessionals who assist a licensed teacher in providing student instruction. The statutory authority to adopt the rules is *Minnesota Session Laws 2007*, Chapter 146, Article 2, Section 34. A copy of the proposed rules is published in the *State Register* and is attached to this notice as mailed.

Proposed Rules

Comments. You have until 4:30 p.m. on Friday, February 26, 2010, 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 Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, February 26, 2010. 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 Board will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, the Board 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 Board 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 Board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Board will cancel the hearing scheduled for March 10, 2010, 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) 582-8888 after February 26, 2010, 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 Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board 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 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) 361-7843, and **fax:** (651) 361-7936.

Hearing Procedure. If the Board 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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Statement of Need and Reasonableness. The statement of need and reasonableness summarizes 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.

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 Board 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: 13 January 2010

Karen Balmer, Executive Director
Board of Teaching

8710.9000 VOLUNTARY CREDENTIAL FOR EDUCATION PARAPROFESSIONALS.

Subpart 1. In general. The Board of Teaching shall grant a credential, which is not considered a license, to applicants who meet all requirements of this part. An applicant must provide evidence of satisfactory demonstration of the nine core competencies listed in subpart 4. Submission of an application for a paraprofessional credential is voluntary and is not a state requirement for employment as a paraprofessional.

Subp. 2. Scope of practice. A paraprofessional holding a credential under this part is recognized by the state of Minnesota as having demonstrated additional training and preparation in competencies consistent with subpart 4 to assist a licensed teacher in providing student instruction for any state and federally funded birth through grade 12 programs including transition programs.

Subp. 3. Credential requirements. A candidate for a paraprofessional credential must submit documentation for verification of:

- A. 60 clock hours of training reflecting each of the nine competency areas in subpart 4;
- B. a minimum of two consecutive years of service in the same school district as a paraprofessional; and
- C. passage of a state-approved examination in reading, writing, and mathematics for paraprofessionals.

Subp. 4. Competencies. A candidate for a paraprofessional credential must provide verification of training to assist and support a licensed teacher in items A to I:

A. competency 1: philosophical, historical, and legal foundations of education, including:

(1) sensitivity to the beliefs, traditions, and values across cultures and how these impact the relationships between children, families, and schooling;

(2) awareness of the human and legal rights and responsibilities of parents and children and youth as the rights and responsibilities relate to students;

(3) understanding the distinctions between roles and responsibilities of professionals, paraprofessionals, and support personnel;

(4) understanding the purposes and goals of education and instruction for all students; and

(5) knowledge of relevant laws, rules, regulations, and local district policies and procedures to ensure paraprofessionals work within these parameters;

B. competency 2: characteristics of students, including:

Proposed Rules

(1) knowledge of the similarities and differences between cognitive, communicative, physical, social, and emotional needs of students and the factors that influence these different needs;

(2) awareness of the effects that exceptional conditions have on a student's life, family, school, and community;

(3) knowledge of and respect for the diverse backgrounds, such as cultural, linguistic, and environmental backgrounds, of students and how these characteristics affect the student's life and learning;

(4) understanding the effects and side effects of medications commonly prescribed for students; and

(5) awareness of the potential implications of various student characteristics on learning and achievement;

C. competency 3: assessment, diagnosis, and evaluation, including:

(1) awareness of the tools used by a district for student assessment, diagnosis, and evaluation; and

(2) the ability to collect and record performance data on students under the direction of a licensed teacher, while respecting student confidentiality and the laws regarding ethical practices of assessment;

D. competency 4: instructional content and practice, including:

(1) the ability to use learning styles theory in supporting instructional practices;

(2) awareness of the challenges and expectations of various learning environments;

(3) the ability to establish and maintain rapport with students;

(4) the ability to draw on knowledge and resources regarding a variety of developmental and age-appropriate instructional methods, techniques, and materials when supporting the instruction of the licensed teacher;

(5) the ability to assist in adapting instructional strategies and materials according to the needs of the student and under the direction of a licensed teacher; and

(6) the ability to follow oral and written direction of licensed teachers, seeking clarification as needed;

E. competency 5: supporting the teaching and learning environment, including:

(1) the ability to assist and reinforce elements that support a safe, healthy, and effective teaching and learning environment;

(2) awareness of the ways in which technology can assist teaching and learning;

(3) understanding strategies for assisting with the inclusion of students in various settings;

(4) the ability to use strategies that promote the student's independence;

(5) awareness of how paraprofessionals can impact the overall learning environment for students and staff; and

(6) the ability to prepare and organize materials to support teaching and learning, as directed by a licensed teacher;

F. competency 6: managing student behavior and social interaction skills, including:

(1) understanding applicable laws, rules, and regulations, and procedural safeguards regarding the management of student behaviors;

(2) understanding ethical considerations inherent in the management of student behaviors;

(3) understanding district and building behavior management plans for students;

(4) awareness of the primary factors that influence student behavior;

(5) the ability to effectively employ a variety of strategies that reinforce positive behavior;

(6) the ability to collect objective and accurate information on student behavior provided to licensed professionals, as appropriate, and directed by a licensed teacher;

(7) awareness of the social skills needed for current and future environments; and

(8) the ability to reinforce the development of student social skills by using appropriate strategies to modify the environment;

G. competency 7: communication and collaboration partnerships, including:

(1) the ability to participate as a member of the educational team when requested to attend conferences with families or primary caregivers, with an understanding of some of the concerns of parents;

(2) the ability to use ethical practices for confidential communication about students;

(3) the ability to be sensitive and respectful in communications regarding all children and families, regardless of differences in cultural heritage, lifestyle, values, and home environment;

(4) awareness of the roles of students, parents, teachers, paraprofessionals, and other school and community personnel in planning an individualized program, when relevant;

(5) the ability to employ constructive communication strategies and approaches in working with and responding to students, students' families, and school and community personnel;

(6) the ability to follow teacher instructions while conferring and collaborating with teachers about student schedules, instructional goals, and performance; and

(7) the ability to understand and use appropriate educational terminology regarding students, roles, and instructional activities;

H. competency 8: professionalism and ethical practices, including:

(1) demonstrating a commitment to assisting students in reaching the students' highest potential, including the modeling of positive behavior;

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(2) carrying out responsibilities in a manner that demonstrates knowledge of, and a positive respect for, the distinctions between the roles and responsibilities of paraprofessionals, professionals, and other support personnel;

(3) performing duties within the context of written standards and policies of the school, state, or agency where the candidate is employed;

(4) performing duties in a manner that demonstrates the ability to separate personal issues from the candidate's employment responsibilities;

(5) showing respect for the diversity of students;

(6) demonstrating proficiency in academic skills, including oral and written communication, while knowing how to self-evaluate one's own knowledge of the content being taught; and

(7) showing a willingness to participate in ongoing staff development, self-evaluation, and apply constructive feedback; and

I. competency 9: academic instructional skills in:

(1) mathematics, including:

(a) supporting and reinforcing the instruction of students in mathematics following written and oral lesson plans developed by licensed teachers;

(b) utilizing effective developmental, age-appropriate, and culturally sensitive instructional strategies in mathematics that support the instruction of licensed academic teachers;

(c) accessing and effectively using available resources, including technology, for supporting teacher instruction in the subject of mathematics, such as Internet resources, instructional manuals, tangibles, and colleagues;

(d) supporting a licensed teacher in the gathering and recording of data regarding student performance in the area of mathematics, such as rubric instruments and curriculum-based measurement;

(e) knowing terminology related to the instruction of mathematics; and

(f) understanding how Minnesota Academic Standards and Assessment, including state and local testing, direct the teaching of mathematics;

(2) reading, including:

(a) supporting and reinforcing the instruction of students in reading following written and oral lesson plans developed by licensed teachers;

(b) utilizing effective developmental, age-appropriate, and culturally sensitive instructional strategies in reading that support the instruction of licensed teachers;

(c) accessing and effectively using available resources, including technology, for supporting teacher instruction in the subject of reading, such as Internet resources, instructional manuals, tangibles, and colleagues;

(d) supporting a licensed teacher in the gathering and recording of data regarding student performance in the area of reading, such as rubric instruments and curriculum-based measurement;

(e) knowing terminology related to the instruction of reading; and

(f) understanding how Minnesota Academic Standards and Assessment, including state and local testing, direct the teaching of reading; and

(3) writing, including:

(a) supporting and reinforcing the instruction of students in writing following written and oral lesson plans developed by licensed teachers;

(b) utilizing effective developmental, age-appropriate, and culturally sensitive instructional strategies in writing that support the instruction of licensed teachers;

(c) accessing and effectively using available resources, including technology, for supporting teacher instruction in the subject of writing, such as Internet resources, instructional manuals, tangibles, and colleagues;

(d) supporting a licensed teacher in the gathering and recording of data regarding student performance in the area of writing, such as rubric instruments and curriculum-based measurement;

(e) knowing terminology related to the instruction of writing; and

(f) understanding how Minnesota Academic Standards and Assessment, including state and local testing, direct the teaching of writing.

Subp. 5. Verification of core competencies. The Board of Teaching must verify an applicant's completion of training in the nine core competencies under subpart 4; verification must be based on a minimum of 60 clock hours reflecting all of the competency areas and may include multiple types of experiences and information including academic coursework, professional development and training experiences, workshops, work experiences, examinations, and other professional activities. The Board of Teaching may establish policies including submission windows and use of review panels for the verification of competencies.

Subp. 6. Procedures for state issuance of a paraprofessional credential. An applicant for a paraprofessional credential must submit to the state:

A. verification by the Board of Teaching of the requirements under subpart 5;

B. verification of a minimum of two consecutive years of service in the same school district as a paraprofessional;

C. official verification of passage of a state-approved examination in reading, writing, and mathematics for paraprofessionals; and

D. an application for a credential including the application fee.

Subp. 7. Paraprofessional credential. A credential must include the date it was granted. A credential is valid on the date issued by the Department of Education and does not expire.

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 AQF-09-001: Aquatic Farm and Private Fish Hatchery Acreage and Inspection fees

Effective Date: March 1, 2010

Statutory Authority: *Minnesota Statutes*, section 17.4981, paragraph (c)

Minnesota Statutes, Section 17.4988, subdivisions 2 and 3,

Minnesota Statutes, Section 97A.475 subdivision 29

WHEREAS, the Department has been directed by the legislature

- To establish license and other fees that would make aquaculture licensing and enforcement self-sustaining; and
- To establish aquatic farming license fees based on acreage of the operation and for inspection and certification services.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 17.4981, paragraph (c); 17.4988, subdivisions 2 and 3; and 97A.475, subdivision 29, that the following additional

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aquatic farm and private fish hatchery fees based on acreage of waters being licensed are being prescribed by the Commissioner of the Minnesota Department of Natural Resources:

1) The acreage fee for aquatic farms and private hatcheries with sales over \$200 is \$15 for each 10 acres of licensed water rounded up to the next 10 acres; and

2) Initial inspection fees for each new waterbody, containment, and quarantine facility to be licensed is \$300.

The above fees are in addition to all other annual license fees.

Date signed: 15 January 2010

Approved by: Mark Holsten, Commissioner
Minnesota Department of Natural Resources

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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 meeting and matters of public interest.

More Important Notices

The Official Notices section gives you a “heads up” on important state meetings and announcements. The *State Register* reaches a huge audience of interested “eyes” every week. Remember to publish your notices here - it only costs \$13.60 per 1/10 of a page used in the *State Register* - it’s the least expensive legal advertising in the state.

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Department of Human Services (DHS)

Managed Care and Payment Policy

Public Notice Regarding Change in Scope of Service Prospective Payment System (PPS) Rate Changes for Federally Qualified Health Centers (FQHC) and Rural Health Clinics (RHC) Participating in the Medical Assistance Program

NOTICE IS HEREBY GIVEN to providers of services under the Medical Assistance Program, and to the public, of the formula for calculating change in scope of service PPS rate changes for FQHCs and RHCs participating in the Medical Assistance Program.

Enrolled FQHCs and RHCs are paid an all inclusive rate as prescribed by applicable Federal law and regulation for Medical Assistance (MA) services. MA is the name of Minnesota's Medicaid program. When applicable, the all inclusive rate is to be adjusted to take into account any increase or decrease in the scope of services furnished by the center or clinic during that fiscal year. *See* 42 U.S.C. § 1396a (aa). Separate rates are determined for medical and dental services, when both are provided.

Costs, which are neither covered MA nor Medicare costs, plus the proportionate share of overhead costs attributable to these non-covered activities, are not to be paid by Minnesota Health Care Programs (MHCP). Therefore, these costs are excluded from both the medical and dental PPS rates.

The MHCP Payment Rate Calculation worksheet separates direct medical and dental costs from overhead costs, establishes the percentage of FQHC/RHC services versus non-FQHC/RHC services and allots the correct percentage of overhead expenses to each. In this way, the existing costs/encounters and new costs/encounters associated with the Change in Scope of Services, are treated the same way.

The following worksheets and information are required before starting the calculation:

- PPS Rate Adjustment for Scope of Service Change, Form DHS-4561-ENG, available at:
<http://edocs.dhs.state.mn.us/lfsrserver/Legacy/DHS-4561-ENG>
- 1999 and 2000 cost reports and 2001 PPS rate calculation. Each FQHC/RHC should have this on file. If not, please contact Managed Care & Payment Policy Section to obtain a copy.
- *MHCP MA Cost Report and Payment Rate Calculation Worksheet*
- Budgeted costs for Change in Scope of Service
- Budgeted encounters due to Change in Scope of Service
- The FQHC/RHC's last two audited financial statements showing facility(s) expenses prior to the change in scope of services

Please see the *Clinic Services/FQHC/RHC* subsection of the *MHCP Provider Manual* for detailed examples and access to the calculation worksheets, which can be found at: http://www.dhs.state.mn.us/id_008928

FQHC/RHC's enter historical cost and encounter data requested on the MHCP MA Cost Report and Payment Rate Calculation worksheet on tabs labeled "1999 – 1st PPS cost report" and "2000 – 2nd PPS cost report". The FQHC/RHC then enters the costs and encounters associated with the Change in Scope of Services on the tab "Change in Scope Costs".

MHCP calculates the provider's change in scope of service PPS rate(s) change using the MHCP MA Cost Report and Payment Rate Calculation worksheet. The MHCP MA Payment Rate Calculation worksheet is formatted to pull in the required cost and encounter information from the completed Change in Scope Costs worksheet and performs the rate calculation. The steps below describe the rate computation process:

A. Total cost of the historical existing services reflected in the existing PPS rate(s) shall be determined by inflating the centers/clinics' historical trended allowable 1999 and 2000 base costs used to establish the 2001 PPS rate(s), according to the Minnesota State Plan, by each consecutive year's Medicare Economic Index, up to the year of the change in scope. MHCP MA cost report worksheets that follow the flow of the CMS 222 Independent Rural Health Clinic/Freestanding Federally Qualified Health Center Worksheet and the CMS 2552 Hospital and Hospital Health Care Complex Worksheet M are used to facilitate the necessary calculations. Enter 1999 and 2000 costs on the appropriate tabs of the MHCP MA Cost Report worksheet.

B. Total increases and/or decreases in costs and encounters directly related to the change in scope of service shall be determined by the center or clinic's projected budget.

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C. Enter allowable costs and encounters identified in Step B on the MHCP MA Cost Report worksheet tab “Change in Scope Costs. These costs/encounters are doubled to reflect the recognition that the PPS costs and the PPS base encounter figure(s) used as the divisor(s) in Step A, are for two cost reporting periods, not one.

D. The doubled costs (from step C) are incorporated into the corresponding cost center totals and carried over to the Payment Rate Calculation worksheet. The change’s effect on encounters determined in Step C is also doubled and combined with the historical encounter figures and carried over to the MHCP MA Payment Rate calculation worksheet.

E. Applying original PPS rate calculation methodology, using the MHCP MA Payment Rate Calculation worksheet (sixth tab of the online worksheet), direct FQHC/RHC service costs are auto-entered on Line 1 and Medicare non-FQHC/RHC service costs are auto-entered on Line 2, these two amounts are then combined to arrive at the total direct cost of all services which appears on Line 3. It will be necessary to determine what Medicare non-FQHC/RHC service costs are for Minnesota Medicaid covered services (to be used in Step L, except for dental costs which are used in Step R).

F. The percentage of FQHC/RHC direct service cost is auto-calculated by dividing the direct cost of FQHC/RHC services on Line 1 by the total direct cost of all services (FQHC/RHC plus non-FQHC/RHC) from Line 3. The result is auto-entered on Line 4.

G. Total historical overhead costs increased for applicable MEI percentages in Step A plus the doubled allowable overhead costs added, due to the Change in Scope of Services from Steps C and D is auto-entered on Line 5.

H. Overhead applicable to FQHC/RHC medical services is determined by multiplying the percentage of direct service costs determined in Step F to the total cost of overhead determined in Step G. This amount is auto-entered on Line 6 of the MHCP Payment Rates Computation worksheet.

I. The total cost of FQHC/RHC medical services (including direct and apportioned overhead costs) is calculated by adding the direct FQHC/RHC cost determined in Step E to the overhead costs applicable to FQHC/RHC services determined in Step H. This amount is auto-entered on Line 7.

J. The Change in Scope of Service adjusted medical encounters determined on the Change in Scope Costs worksheet is auto-entered on Line 8. (When the change in scope is for dental services, then the historical medical encounter figure is used.)

K. Total cost of FQHC/RHC medical services from Step I is divided by total medical encounters from Step J to determine the medical services cost per visit and auto-entered on Line 9. If any of the non-FQHC/RHC direct service costs determined in Step E are non-dental Medicaid covered service costs, proceed to Step L. If not, and the center/clinic provides dental services, proceed to Step R. Otherwise, this is the MHCP medical PPS rate reflecting the Change in Scope of Services.

L. Line 10 of the MHCP MA Payment Rate Calculation is automatically filled in with the full amount entered on line 2 of the worksheet and may need to be changed. When only a portion of the costs on the Change in Scope Costs worksheet lines 51, 53-56, and 58-60.05 are MA covered, the historical amount needs to be isolated and only the MEI inflated allowable amount is entered along with any doubled allowable Change in Scope of Service costs, mentioned in Steps C and D, that fit the Medicare non-FQHC/RHC-Minnesota Medicaid covered service criteria.

M. The percentage of overhead applicable to Minnesota Medicaid covered direct service costs identified in Step L, is calculated by dividing the Medicaid covered direct service costs entered on Line 10 by the direct cost of all services entered on Line 3 (Step E). This percentage is multiplied by the total overhead entered on Line 5 (Step G). The result is auto-entered on Line 11.

N. The Total Cost of the Medicaid Add On Amount is calculated by getting the sum of the Minnesota Medicaid covered direct service costs on Line 10 and the applicable overhead entered on Line 11. This amount is auto-entered on Line 12.

O. The Change in Scope of Service adjusted medical encounters are auto-entered on Line 13. (See Step J).

P. The sum on Line 12 is divided by the encounters on Line 13. This determines the Medicaid Add on Amount for the medical PPS rate. The result is auto-entered on Line 14.

Q. The sum of the amounts determined in Step K and Step P is calculated and auto-entered on Line 15. This is the MHCP medical PPS rate reflecting the Change in Scope of Services.

R. If the center/clinic provides dental services or is adding dental services, the cost from the Change in Scope Costs worksheet Line 52 is auto-entered on line D1 of the MHCP MA Payment Rate Computation worksheet

S. The percentage of overhead applicable to direct dental service costs identified in Step R, is calculated by dividing the direct dental service costs on Line D1 by the direct cost of all services entered on Line 3 (Step E). This percentage is multiplied by the total overhead entered on Line 5 (Step G). The result is auto-entered on Line D2.

T. The total cost of FQHC/RHC Dental Services is calculated by adding the costs in Step R to the overhead determined in Step S. The result is auto-entered on Line D3.

U. The historical dental encounters used for the 2001 PPS rate, or the doubled projected dental encounters from Step C if the Change in Scope of Services is for adding dental services, found on the Change in Scope Costs worksheet are auto-entered on Line D4.

V. The MHCP dental PPS rate reflecting the Change in Scope of Services is calculated by dividing the total cost of FQHC/RHC dental services on Line D3 by the dental encounters on Line D4 and is auto-entered on Line D5.

After the end of the fiscal year for which the Change in Scope of Services was implemented, the provider needs to determine the actual costs and encounters directly related to the Change in Scope and submit the information to the Managed Care and Payment Policy Section. The change to the PPS rate(s) will be recalculated, using the method described above, substituting the actual costs and encounters directly related to the Change in Scope, in lieu of the budgeted amounts. When the effect of the actual Change in Scope is significantly different from the projected expectation, the PPS rate(s) due to the Change in Scope are re-established and implemented.

In subsequent years, the PPS rate(s) due to the change are the provider's PPS rate(s) going forward which will be increased by the Medicare Economic Index.

URLs are subject to change, if they do not work, contact the MHCP Provider Call Center at (651) 431-2700 or 1-800-366-5411; **TTY:** 1-866-273-5276; or **Fax:** (651) 431-7425.

Questions about the Change in Scope of services rate change formula may be directed to Phyllis Krautbauer, Department of Human Services, Managed Care and Payment Policy, Post Office Box 64984, St. Paul, Minnesota, 55164-0984; **phone:** (651) 431-2536 or **e-mail:** phyllis.krautbauer@state.mn.us

Minnesota Pollution Control Agency (MPCA)

Remediation Division

Notice of Proposed Update of the State Superfund Priority List (Superfund List) (also known as the Permanent List of Priorities (PLP)) Among Releases or Threatened Releases of Hazardous Substances or Pollutants or Contaminants

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is publishing for public comment, proposed additions to and deletions from, the Superfund List which lists releases or threatened releases of hazardous substances, pollutants, or contaminants for which the MPCA may take removal or remedial actions under the Minnesota Environmental Response and Liability Act (MERLA), *Minnesota Statutes* §§ 115B01-115B.20.

Pursuant to *Minnesota Statutes* § 115B.17 (2008) and *Minnesota Rules* 7044.0950 (2006), the MPCA is proposing the following changes to the Superfund List.

The MPCA is proposing to delete the following two sites from the Superfund List: Fridley Commons Park Well Field, Anoka County;

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and Trio Solvent, Ramsey County. The MPCA is also proposing to delist a portion of the Duluth Air Base Site in St. Louis County from the Superfund List.

The MPCA has determined that either all MERLA Response Actions have been completed at these sites; or that the sites do not pose a threat to public health or welfare or the environment. If necessary, appropriate institutional controls as determined by the MPCA will be in place prior to final deletion from the PLP. In both cases, all appropriate MERLA response actions have been completed and long term monitoring indicates that each site does not pose a threat to public health or welfare or the environment.

For the Fridley Commons Park Well Field Site, Trichloroethylene (TCE) had been detected in four of the municipal wells located in the well field. One well indicated contamination above the federal Maximum Contaminant Level. Through blending with water from non-contaminated wells, the city was able to maintain a drinking water supply that met state and federal drinking water standards. The Site was placed on both the Superfund List and Federal National Priorities List (NPL). The MPCA began investigations to identify the source or sources of the contamination, while continuing to monitor contaminant levels. Levels of TCE continued to decline, while source identification investigations continued. After completion of remedial investigations to identify a source or sources of TCE contamination, a determination was made that identifying a source or sources of TCE contamination was not possible. A limited No Action Record of Decision (ROD) was approved by the MPCA, with continued monitoring. Since the ROD was approved, contaminant levels have continued to decline to levels below drinking water standards in each of the previously contaminated municipal wells. As required under the Safe Drinking Water Act, the city of Fridley is required to monitor drinking water supplies and will continue to sample wells in the well field for TCE. No further state or federal MERLA funded response actions are necessary for this Site. The MPCA will recommend to the U.S. Environmental Protection Agency that this Site also be delisted from the NPL.

For the Trio Solvent Site, response actions included the excavation and treatment of contaminated soils, and installation of a groundwater treatment system. Subsequent actions included monitored natural attenuation of contaminated groundwater and an evaluation of potential impacts to nearby surface water bodies. Ultimately, MPCA staff determined contaminant levels found in groundwater were declining and did not pose a threat to nearby surface water. Therefore, no further investigations or response actions are necessary at the Site.

The MPCA is also proposing to delist a portion of the Duluth Air Force Base Site from the Superfund List. That portion of the Duluth Air Force Base Site is known as Operable Unit 7 or Site 7. Site 7, about 2-3 acres in size, was used by the Air Force during the 1950s through the 1970s for disposal of general rubbish, construction debris, aircraft parts and drums containing unrecoverable chemicals. The U.S. Air Force excavated the disposal area and conducted follow up groundwater investigations. Through feasibility studies and natural attenuation monitoring, a determination was made to implement bioremediation treatment of contaminated groundwater. The selected treatment reduced levels of groundwater contaminants to established cleanup goals. Thus, the MPCA has determined that no further response actions are necessary at Site 7, and therefore recommends this portion of the Duluth Air Force Base be delisted from the Superfund List.

The MPCA is proposing to add the following six sites to the State Superfund List (Hazard Ranking Score assigned pursuant to *Minnesota Rules* 7044.0350 follows the site): Former Brainerd Foundry, Brainerd, Crow Wing County (2); St. Louis Park Solvent Plume, St. Louis Park, Hennepin County (3); Capri Beauty Salon, Bryon, Olmsted County (4); Southview Boulevard Site, South St. Paul, Dakota County (3); Centerville Road Dump, White Bear Township, Ramsey County (9); and the Former Hmong American Shopping Center Site/Pilgrim Cleaners Site, Brooklyn Center, Hennepin County (3). Each site has been assigned to Response Action Classes C and D (see *Minnesota Rules* 7044.0450). The four response action classes are defined as follows: Class A - Declared Emergency; Class B - Response Actions Completed and Operation and Maintenance/Long-Term Monitoring Ongoing; Class C - Response Actions Necessary or in Progress or First Year Operation and Maintenance at a Site; and Class D - Remedial Investigations and Feasibility Studies (RI/FS) Necessary or in Progress. Listing of these sites on the Superfund List is necessary for the MPCA to access MERLA funding to conduct any necessary long term response actions, as specified in *Minnesota Rules* 7044.

The MPCA invites members of the public to submit written comments on the proposed additions to and/or deletions from the Superfund List. All written comments with regard to these proposed changes to the Superfund List must be received no later than 4:30 p.m. on February 26, 2010.

Written comments regarding these proposed MPCA additions to, and deletions from, the Superfund List should be submitted to: Gary L. Krueger, Superfund Program, Remediation Division, Minnesota Pollution Control Agency, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194.

Official Notices

Any interested person may submit a petition to the Commissioner of the MPCA requesting that the MPCA Citizens' Board make the decision on whether to adopt these changes to the Superfund List that have been proposed by the MPCA. To be considered timely, the petition must be received by the MPCA contact person, Gary L. Krueger, by 4:30 p.m. on February 26, 2010.

The decision whether to adopt these proposed changes to the Superfund List will be made by the MPCA Citizens' Board if: (1) the MPCA Commissioner grants the petition requesting the matter to be presented to the MPCA Citizens' Board; or (2) a MPCA Citizens' Board member requests to hear the matter prior to the time the MPCA Commissioner makes a final decision on the proposed changes to the Superfund List.

All written comments received by the above deadline will be considered by the MPCA in establishing the updated State Superfund Priority List.

Paul Eger, Commissioner
Minnesota Pollution Control Agency

Department of Transportation (Mn/DOT) Engineering Services Division Office of Construction Notice of Suspension

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be suspended effective December 23, 2009, for a period of sixty (60) days:

- Joseph Edward Riley, Morris MN
- John Thomas Riley, Morris MN
- Riley Bros. Companies Inc. and its affiliates, Morris MN
- Riley Bros. Construction Inc. and its affiliates, Morris MN

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.

Grants for You and Your Clients

The *State Register* is one of the best ways to advertise your grants - it's a required read for public works projects. And it's cost is one of the least expensive legal advertising rates in Minnesota. At \$13.60 per 1/10 of a page you cannot go wrong.

Check up on all the "active" state grants in the "Contracts & Grants" section, available only to *State Register* subscribers. Open the *State Register* and click on Bookmarks on the left. You will also see a list of ALL the current rules, a growing INDEX, and previous years' indices. Subscribers also receive LINKS to the *State Register*. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

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

Minnesota Department of Human Services (DHS)

Children's Mental Health Division

Notice of Request for Proposals to Develop an Integrated System of Depression Care Management between Primary Care and Mental Health Providers

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals from pediatric primary health care clinics. The state is seeking to enter into grant contracts with two primary care clinics, which are enrolled in Minnesota Health Care Programs (MHCP), to develop an integrated depression care management system for children and adolescents (persons 6 to 17 years of age) between primary care and mental health providers. The objective is to develop and implement quality improvement procedures that increase identification of depression and access to evidence-based treatment as well as improve collaboration between treatment providers.

Work is proposed to start May 15, 2010. For more information, or to obtain a copy of the Request for Proposal, contact:

Cheryl Sybesma, Ph.D.
Children's Mental Health Division
Department of Human Services
444 Lafayette Road N.
St. Paul, MN 55155
Phone: (651) 431 - 2328
Fax: (651) 431-7559
E-mail: Cheryl.K.Sybesma@state.mn.us

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Time, March 26, 2010. Late proposals will NOT be considered.** Faxed or e-mailed proposals will **NOT** be considered.

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP web site:

http://www.dhs.state.mn.us/main/id_000102

State Grants & Loans

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

State Contracts

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

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

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

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

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

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

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

State Contracts Open for Your Bids

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State Contracts

Department of Administration (Admin)

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Repair of the Water Tower – Minnesota Correctional Facility, Faribault

The State of Minnesota, Department of Administration, Real Estate and Construction Services (“State”) is soliciting proposals from interested, qualified consultants for engineering design services for the above referenced project.

A full Request for Proposals is available on the Department of Administration, Real Estate and Construction Services website: www.admin.state.mn.us/recs, click on “Solicitation Announcements.”

A mandatory informational meeting is tentatively scheduled for January 28, 2010 at 10:00 a.m. C.S.T. at Minnesota Correctional Facility, Faribault, under the water tower. Project questions will be taken by Roger Rooney at roger.rooney@state.mn.us.

The Department of Administration, Real Estate and Construction Services Division is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Colleges & Universities (MnSCU)

Notice of Request for Proposal for External Auditing Services for System-wide Projects in Fiscal Years 2010 - 2012

NOTICE IS HEREBY GIVEN that the Minnesota State Colleges and Universities is seeking to acquire system-wide external auditing services from an independent accounting firm duly licensed to practice in the State of Minnesota, pursuant to Minn. Stat. Section 326.192, or a similarly qualified government agency.

Proposals are being sought from parties interested in providing the following system-wide external auditing services on an annual basis for the three fiscal years from July 1, 2009 to June 30, 2012:

- **System-wide Financial Statement Audit:** To conduct an annual audit in compliance with generally accepted government auditing standards and render an independent audit opinion on the general purpose system-wide financial statements for the Minnesota State Colleges and Universities (MnSCU) [*Final audit adjustments due by mid October following the end of each fiscal year*],
- **Revenue Fund Financial Statement Audit:** To conduct an annual audit in compliance with generally accepted government auditing standards and render an independent audit opinion on the financial statements of the MnSCU Revenue Fund, as required by the applicable bond covenants, [*Final audit adjustments due by early September following the end of each fiscal year*] and
- **Federal Financial Assistance Audit:** To satisfy the annual audit requirements established by the U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement for major federal financial assistance programs administered by the Minnesota State Colleges and Universities and provide the required reports on internal control and compliance required by federal regulations [*Final audit adjustments due by December 31 following the end of each fiscal year*].

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

Responders may propose additional tasks, activities or alternative suggestions if they will substantially improve the results of the project. These items shall be separated from the required items on the cost proposal.

All proposals must be sent to and received by:

John Asmussen, Executive Director
Office of Internal Auditing
Minnesota State Colleges and Universities

350 Wells Fargo Place
30 East 7th Street
St. Paul, Minnesota 55101-4946

Not later than **4 PM on Thursday, February 25, 2010**, as indicated by the date and time indicated on each response package by the Minnesota State Colleges and Universities mail room, if packages are delivered by U.S. Mail, or the Minnesota State Colleges and Universities reception desk (3rd Floor, Wells Fargo Place), if packages are hand-delivered or delivered by courier.

Late proposals will not be considered. All costs incurred in responding to this RFP will be borne by the responder.

Submit ten copies of the proposal. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal as stated must be valid for the length of any resulting contract.

Contacts

A full Request for Proposal is available on a public web site at www.internalauditing.mnscu.edu/RFP/ or by contacting Darla Senn (darla.senn@so.mnscu.edu).

Other questions should be directed to the following person:

John Asmussen, Executive Director of Internal Auditing
Telephone: (651) 296-2430
E-mail: john.asmussen@so.mnscu.edu

Questions and answers that will be informative to all prospective bidders will be posted on the same web site. Other personnel are NOT allowed to discuss the request for proposal with anyone, including responders, before the proposal submission deadline.

Minnesota State Colleges and Universities (MnSCU)

Normandale Community College

Request for Proposals for Developing a Bookstore Inventory Control System and Integrated Accounting and Point of Sale (POS) System with E Commerce Capabilities

A full copy of this RFP Solicitation can be found on the Normandale Website: <http://www.normandale.edu/rfp/bookstore/>

Normandale Community College's agent for purposes of responding to inquiries about the RFP is

Name: Karen Hernandez,
Title: Director of Retail Services,
Telephone: (952) 487-7014
E-mail address: karen.hernandez@normandale.edu

RFP RESPONSES: Signed Sealed Proposals (6 copies) must be received at the following address not later than 2:00 P.M. CT Monday February 1st, 2010, addressed to

Name: Terry Pelzel,
Title: Purchasing Agent,
Mailing Address: Normandale Community College,
9700 France Ave S., Room C1092,
Bloomington MN 55431

State Contracts

Department of Corrections

Consultant Behavior Health Services

Notice of Availability of Contract for Consultant Behavior Health Services to Northern Minnesota, Togo, Minnesota

The Minnesota Department of Corrections is requesting proposals to provide on-site mental health services (8 hours per week) to adult offenders and juvenile residents housed at the Minnesota Correctional Facility-Togo, Minnesota. Work is proposed to start after March 15, 2010.

A Request for Proposals (RFP) will be available by email through February 10, 2010. A written request (by email only) is required to receive a free copy of the RFP. After February 10, 2010, the RFP must be picked up in person. The RFP may be obtained from:

David Barker, Health Services Unit
Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108
E-mail: *david.barker@state.mn.us*

Proposals submitted in response to the RFP must be received at the address above no later than 2:30 p.m., February 16, 2010. Late proposals will not be considered. Faxed or emailed proposals will not be considered.

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

Minnesota Management and Budget (MMB)

State Employee Group Insurance Program

Notice of a Request for Proposal for a State Employee Assistance Program and Related Services

Minnesota Management and Budget (MMB) is responsible for managing the State Employee Group Insurance Program (SEGIP). SEGIP administers the state's comprehensive employee insurance benefits for over 115,000 members. SEGIP is soliciting proposals to provide the state's Employee Assistance Program and the related services.

A complete Request for Proposal is available by email from:

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

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

Deadline for submission of the RFP response is no later than Monday, March 1, 2010, 4:00 P.M. Central Standard Time.

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

Department of Natural Resources (DNR)**Notice of Availability of Contract for an On-line Bowhunter Education Computer Course**

**Amount of Proposed Contract: \$0.00 for the state agency
CERTIFICATION # 20854**

The Minnesota Department of Natural Resources is requesting proposals for the purpose of an on-line bowhunter education computer course. Vendor will develop and host on-line, at no cost to the State, an internet-based IBEF and IHEA approved safety education course to be used by Minnesota youth and adult hunters.

Work is proposed to start after February 2010.

A Request for Proposals will be available by mail from this office through January 26, 2010.

A written request (by direct mail or fax) is required to receive the Request for Proposal. After January 26, 2010, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Captain Mike Hammer
DNR Division of Enforcement
15011 Highway 115
Little Falls, MN 56345
E-mail: *Michael.Hammer@state.mn.us*

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:30 p.m., Central Standard Time, February 4, 2010. **Late proposals will not be considered.** Fax or e-mailed proposals will **not** be considered.

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

Minnesota Department of Natural Resources (DNR)**Notice of Request for Research Proposals under the Iron Ore Cooperative Research Program****Statement of Objectives.**

The Department of Natural Resources, Division of Lands and Minerals, is seeking research proposals under the *Iron Ore Cooperative Research* program whose goal is to undertake projects for taconite mining, crushing, concentrating and pelletizing research that will decrease production costs, improve product quality, increase productivity, decrease environmental impacts, and/or develop new products.

A Request for Proposal will be available by mail from this office through February 1, 2010. After February 1, 2010, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

John Arola, Mineral Development Consultant
DNR-Lands and Minerals
1525 Third Avenue East
Hibbing, Minnesota 55746
E-mail: *john.arola@dnr.state.mn.us*
Phone: (218) 231-8441

State Contracts

All proposals must be received no later than **2:30 pm, February 5, 2010**, as indicated by a notation made by the DNR-Lands and Minerals receptionist, 1525 Third Avenue East, Hibbing, MN 55746. All costs incurred in responding to this RFP will be borne by the responder. Fax and E-mail responses 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 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
St. Paul, MN 55155

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

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

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

Minnesota Zoo Request for Proposals from Qualified Independent Accounting Firms for Audit Services

The Minnesota Zoo is soliciting Request for Proposals from qualified independent accounting firms for audit services. Audit services are necessary to provide audited financial statements and audit services for revenue contracts.

Details are included in the complete Request for Proposals which is available by e-mailing Jeff Higgins, Minnesota Zoo Finance at **e-mail:** jeff.higgins@state.mn.us . The deadline for submitting a proposal is 2:30 p.m., CST, February 22, 2010.

This Request for Proposals does not obligate the State of Minnesota or the Minnesota Zoo to complete the work contemplated in this notice and the State reserves the right to cancel this solicitation. All expenses incurred in response to this notice are solely the responsibility of 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.

Bring More Business to Your Clients

The *State Register* offers one of the cheapest, yet far reaching methods, of notifying the public about your agency's bids, contracts and grants. It is available to any government, non-profit, or private agency. Space is charged at the current rate of \$13.60 per each 1/10th of a page used in the *State Register*. Agencies are only billed for the space used in the *State Register*.

Agencies wishing to take advantage of this offer should submit what you want printed in the *State Register* via e-mail to: robin.panlener@state.mn.us. Attach to your entry a short note indicating when you wish the notice to be published (one, or many dates), if you want a copy of the issue your notice appears in (a TEAR SHEET will be sent free with your bill), and whether you want an "Affidavit of Publication."

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

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

Minnesota's Bookstore

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- **International Residential Code: Commentary Vol. 1**, \$107.00
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- **Minnesota Education Director**, \$24.95
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 - Southern Minnesota**, \$29.95
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- **Butterfly Gardening**, \$5.00
- **OSHA Part 1926 Construction**, \$39.98
- **OSHA Part 1910 General**, \$49.95
- **Trail Planning Guide** - Stock Number 323, \$19.95
- **Fish Cleaning Made Easy** - DVD on Fish Cleaning - Learn to clean 9 species of fish, Stock Number 226, \$14.99
- **No More Gallant a Deed** - A Civil War Memoir of the First Minnesota Volunteers, by James A. Wright, edited by Steven J. Keillor, \$34.95
- **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
- **Mike Lynch's Minnesota Starwatch** - The Essential Guide to Our Night Sky, \$24.95
- **Minnesota's State Capitol** - The Arts and Politics of a Public Building, \$16.95
- **A Birders's Guide to Minnesota**, by Kim R. Eckert, \$20.00
- **Celebrate Saint Paul** - 150 Years of History, \$49.95