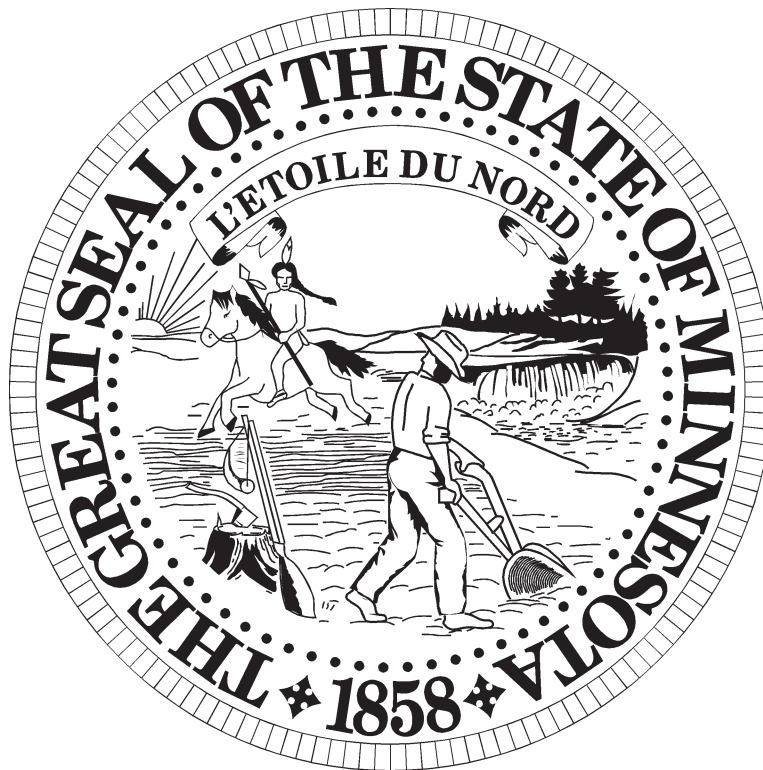


State of Minnesota

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)

**Monday 31 January 2011
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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota's Executive Branch of government, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes*, Chapter 14, and *Minnesota Rules*, Chapter 1400. 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- Withdrawn Rules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

Printing Schedule and Submission Deadlines

Vol. 35 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)		Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts		Deadline for Proposed, Adopted and Exempt RULES	
# 31	Monday	31 January	Noon Tuesday	25 January	Noon Wednesday	19 January
# 32	Monday	7 February	Noon Tuesday	1 February	Noon Wednesday	26 January
# 33	Monday	14 February	Noon Tuesday	8 February	Noon Wednesday	2 February
# 34	Monday	21 February	Noon Tuesday	15 February	Noon Wednesday	9 February

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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 Agriculture

Plant Protection Division

Proposed Permanent Rules Relating to Compensation for Wolf Damage

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules Governing Compensation for Wolf Damage; *Minnesota Rules* 1515.3000 to 1515.3800.

Introduction. The Department of Agriculture intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until March 2, 2011.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to: Carol Milligan, Minnesota Department of Agriculture, 625 Robert St. N., St. Paul, MN 55155-2538; **phone:** (651) 201-6606; **Fax:** (651) 201-6118; **e-mail:** carol.milligan@state.mn.us. **TTD** users may call the Minnesota Relay at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about personnel trained to conduct investigations of damage to livestock by wolves and clarification of the investigation and claims processes. The statutory authority to adopt the rules is *Minnesota Statutes*, section 3.737, subd. 3. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on March 2, 2011 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on March 2, 2011. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Proposed Rules

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

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

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules.

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

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

Dated: 5 January 2011

Jim Boerboom, Deputy Commissioner
Department of Agriculture

1515.3000 AUTHORITY.

Parts 1515.3000 to 1515.3800 are prescribed pursuant to *Minnesota Statutes*, section 3.737, by the commissioner of agriculture to implement procedures to compensate livestock owners for livestock that is destroyed, or is crippled and must be destroyed, by a gray wolf. The procedures specified in parts 1515.3000 to 1515.3800 are in addition to those set forth in the statute itself.

1515.3100 DEFINITIONS.

Subpart 1. **Applicability.** For purposes of parts 1515.3000 to ~~1515.3700~~ 1515.3800, the following definitions shall apply.

Subp. 2. **Claim form.** “Claim form” means the form provided by the commissioner to be completed by the ~~county extension agent, the conservation officer, and the livestock owner;~~ investigator containing information upon which payment for a loss shall be based.

Subp. 3. **Commissioner.** “Commissioner” means the commissioner of agriculture or the commissioner’s authorized agent.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 5a. **Fair market value.** “Fair market value” means the value received for livestock at the first point of sale the livestock owner typically uses for livestock.

Subp. 5b. **Investigator.** “Investigator” means a person who meets the qualifications listed in *Minnesota Statutes*, section 3.737, subdivision 1, paragraph (b), who has received training provided by the Department of Agriculture for investigating gray wolf depredation of livestock.

Subp. 6. [Repealed, 29 SR 655]

Proposed Rules

Subp. 7. **Livestock.** “Livestock” means cattle, sheep, poultry, swine, horses, ~~donkeys, mules, goats, and farmed cervidae, as defined in Minnesota Statutes, section 35.153, subdivision 3; llamas, as defined in Minnesota Statutes, section 17.455, subdivision 2; ratitae, as defined in Minnesota Statutes, section 17.453, subdivision 3; and bison.~~

Subp. 8. **Livestock owner.** “Livestock owner” means any individual, firm, corporation, copartnership, or association with an interest in livestock destroyed by, or crippled by, a gray wolf so that it must be destroyed ~~by a wolf~~.

Subp. 9. **Loss.** “Loss” means livestock destroyed by, or crippled by, a gray wolf so that it must be destroyed ~~by a wolf~~.

1515.3200 REPORTING.

It is the responsibility of the livestock owner to notify ~~either the conservation officer or the county extension agent~~ an investigator of a suspected loss within 48 hours of the discovery of a loss. ~~A telephone call, electronic media, or personal contact by which the livestock owner makes arrangements for a claim investigation constitutes notification.~~ The livestock owner shall provide all information required to investigate the loss to the ~~conservation officer or the county extension agent.~~ A telephone call or personal contact constitutes notification investigator.

1515.3300 CLAIM FORMS.

Investigation reports shall be submitted on forms provided by the commissioner. ~~The conservation officer or the county extension agent investigator~~ contacted by the livestock owner shall be responsible for completing the claim forms.

1515.3400 SIGNED STATEMENT FROM LIVESTOCK OWNER.

~~The conservation officer or the county extension agent investigator~~ shall secure from the livestock owner a signed statement setting forth: ~~all persons owning an interest in the livestock involved;~~ the existence and details of any insurance coverage on the livestock; a statement that in the owner’s best judgment the destroyed livestock was killed by a gray wolf, and the facts underlying that judgment.

1515.3500 INVESTIGATION.

Following instructions on the claim form, the investigator shall notify the United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services, within 48 hours, or as soon as practicable, that an investigation of livestock loss has been initiated. ~~The conservation officer or the county extension agent investigator~~ shall investigate the loss in a timely manner and shall make a finding in writing on the claim form regarding whether the livestock was destroyed or crippled by a gray wolf, and the owner’s eligibility for compensation under ~~these rules parts 1515.3000 to 1515.3800.~~ Such a finding shall be based upon physical and circumstantial evidence including: the livestock carcass presence and condition; animal tracks; the number and location of animal bites on the carcass; the area of the state where the loss occurred; sightings of a gray wolf in the area; or any other circumstances determined to be pertinent by the ~~conservation officer and the county extension agent investigator.~~ The investigator shall submit the signed claim form to the commissioner at the earliest opportunity. The absence of any affirmative evidence may be grounds for denial of a claim.

1515.3600 ~~LIVESTOCK VALUE COMPLETION AND SUBMISSION OF CLAIM FORM.~~

~~The county university extension agent educator~~ shall make a written finding on the claim form of the actual fair market value of the destroyed livestock based upon any of the following criteria deemed to be pertinent by the ~~county university extension agent educator~~: the number of livestock determined by the ~~conservation officer or the county extension agent investigator~~ in the loss; the type of livestock; the breed and breeding of the livestock; the estimated size and weight of the livestock; the estimated age of the livestock; registration of the livestock, upon proof of registration; ~~selling price of livestock at the nearest public stockyard at the time of loss;~~ and the replacement cost of the livestock. The university extension educator shall return the completed claim form to the commissioner for review and payment. The commissioner may return any incomplete form to the investigator or university extension educator indicating the information necessary for proper completion.

1515.3800 INSURANCE COVERAGE.

If insurance coverage exists on the livestock, the commissioner shall withhold payment under ~~these rules parts 1515.3000 to 1515.3800~~ until the insurance claim has been paid, and evidence of payment has been submitted to the commissioner, at which time that insurance payment shall be deducted from the determined actual fair market value.

REPEALER. Minnesota Rules, parts 1515.3100, subparts 4 and 5; and 1515.3700, are repealed.

Proposed Rules

Minnesota Department of Health (MDH)

Division of Health Promotion and Chronic Disease

Proposed Permanent Rules Relating to Cancer Surveillance

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 the Minnesota Cancer Surveillance System *Minnesota Rules, Chapter 4606.*

Introduction. The Department of Health 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 March 2, 2011, the Department will hold a public hearing in B149, Orville L. Freeman Building, 625 Robert Street North, St. Paul, Minnesota 55155-2538, starting at 9:00 a.m. on Thursday, March 17, 2011. 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 March 2, 2011 and before March 17, 2011.

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: Dr. Sally Bushhouse at Minnesota Department of Health, 85 East 7th Place, P.O. Box 64882, St. Paul, Minnesota 55164-0882, **phone:** (651) 201-5374, **fax:** (651) 201-5926, and **e-mail:** sally.bushhouse@state.mn.us. **TTY** users may call the Department of Health at (651) 201-5797.

Subject of Rules and Statutory Authority. The proposed rules are about amending the Minnesota Cancer Surveillance System, *Minnesota Rules* Chapter 4406 to bring the rules up to date with current science and practice. The statutory authority to adopt the rules is *Minnesota Statutes*, section Minnesota Statutes, section 144.672 (2010). The rule amendments reflect scientific advances of the last 15 to 20 years and otherwise bring the rule up to date to:

1. make Minnesota cancer data more compatible with cancer data from other areas of the U.S. and the world by including information on cases that are not microscopically confirmed [affects 4606.3300(A); 4606.3302, subparts 5 and 17; and 4606.3303, subpart 4];
2. enable Minnesota to comply more quickly with new national standards for data collection by allowing the Commissioner to bring the list of required data items up to date via State Register publication without having to amend the affected *Minnesota Rules* [affects 4606.3304, subparts 1 and 1a];
3. make it possible to describe cancer survival in Minnesota and learn more about the late effects of cancer by acquiring available follow-up information on cancer patients [affects 4606.3300 (A); and 4606.3304, subpart 1];
4. specify an additional condition under which MDH may approach longer-term cancer survivors without physician consent [affects 4606.3306, Subpart 2];
5. clarify that no *in situ* neoplasm of the uterine cervix is defined as “cancer” [affects 4606.3302, subpart 3]; and
6. revise obsolete or unclear terminology [affects 4606.3302, subparts 1, 4-9, 16, and 18; 4606.3303, subparts 1 and 5; and 4606.3308, subpart 2].

You can see the actual rules text on the Department’s website at <http://www.health.state.mn.us/divs/hpcd/cdee/mcss/rulechange.html>. A free copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, March 2, 2011, 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 the agency contact person must receive by 4:30 p.m. on Wednesday, March 2, 2011. 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 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, this information can be made available in an alternative format, such as large print, braille, or audio. 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 March 17, 2011, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-5374 after March 2, 2011 to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 201-5900 or going on-line at the following link: <http://www.health.state.mn.us/divs/hpcd/cdee/mcss/rulechange.html>

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 Manuel J. Cervantes is assigned to conduct the hearing. Judge Cervantes can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7945, 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.

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 will find a copy of the Statement of Need and Reasonableness on our website at: <http://www.health.state.mn.us/divs/hpcd/cdee/mcss/rulechange.html>.

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

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The

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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: 12 January 2011

Jeanne Danaher, Acting Commissioner
Minnesota Department of Health

4606.3300 PURPOSE.

The purpose of parts 4606.3300 to 4606.3309 is to establish a process and assign responsibility for:

A. collecting data ~~from pathology laboratory reports and other demographic data~~ on the occurrence and outcomes of cancer in the state; and

B. investigating the occurrence of cancer.

4606.3302 DEFINITIONS.

Subpart 1. **Abstract.** "Abstract" means ~~a form~~ an electronic record, in a format specified by the commissioner ~~on~~, which contains the information required in part 4606.3304 ~~has been copied~~.

Subp. 2. **Attending physician.** "Attending physician" means the physician who provides primary clinical care for the cancer case.

Subp. 3. **Cancer.** "Cancer" means:

A. malignant and in situ neoplasms of all sites, except:

- (1) basal and squamous cell carcinomas of the skin;
- (2) ~~squamous cell carcinoma~~ in situ neoplasms of the uterine cervix; and
- (3) intraepithelial neoplasia of the uterine cervix;

B. basal and squamous cell carcinomas of the genitalia; and

C. all brain and central nervous system neoplasms regardless of malignancy.

Subp. 3a. **Cancer registry.** "Cancer registry" means a collection of cancer data on patients that is maintained as an identified repository of such data for or within any hospital, medical clinic, or centralized institution.

Subp. 4. **Case.** "Case" means any Minnesota resident, living or deceased, having a cancer diagnosed by a physician or dentist.

Subp. 5. **Case report.** "Case report" means a complete report of a diagnosis of cancer, which has been ~~generated as a result of examination of demographic information and a pathology, cytology, hematology, biopsy, surgical, or autopsy specimen made by a physician or dentist.~~ At a minimum, this shall consist of source documents that contain all or as much as is known of the information required in part 4606.3304.

Subp. 6. **Commissioner.** "Commissioner" means the state commissioner of health, or the commissioner's authorized officers, or employees.

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Subp. 7. **Demographic form.** “Demographic form” means the front page of a hospital medical record, the hospital business office form, or the pathology specimen submission slip that contains the demographic information required in part 4606.3304 for cases.

Subp. 8. **Dentist.** “Dentist” means any person who is licensed by the Minnesota Board of Dentistry to practice dentistry.

Subp. 9. [See repealer.]

Subp. 10. **Epidemiologic studies.** “Epidemiologic studies” means the compilation of data on health and disease, its scientific analysis to determine the distribution and causes of health problems in populations, and the application of this study to the control of health problems.

Subp. 11. **Hospital.** “Hospital” means any institution licensed as such by the commissioner under Minnesota Statutes, section 144.50.

Subp. 12. **Medical clinic.** “Medical clinic” means any institution staffed by one or more physicians where diseases of human beings are diagnosed.

Subp. 13. **Medical laboratory or pathology laboratory.** “Medical laboratory” or “pathology laboratory” means any facility that reports the results of examinations of organ tissue, cells, or blood specimens from the human body for cancer to physicians who use the reports for purposes of diagnosis or patient care.

Subp. 14. **Minnesota resident.** “Minnesota resident” means a person who provides a permanent address within the borders of the state at the time of cancer diagnosis. In the case of minors, residency shall be determined as that of the parent or legal guardian. This does not mean that Minnesota is the person’s legal residence or voting residence.

Subp. 15. **Physician.** “Physician” means a person who is licensed by the Minnesota Board of Medical Practice to practice medicine.

Subp. 16. **Reporting entity.** “Reporting entity” means the individual or operational unit within an institution such as a medical laboratory, hospital, clinic, or ~~tumor cancer~~ registry, designated by the institution to submit case reports required by parts 4606.3300 to 4606.3309.

Subp. 17. **Source documents.** “Source documents” means copies of the demographic forms and the portions of a medical record, including pathology laboratory reports that contain the information required in part 4606.3304 for cases.

Subp. 18. [See repealer.]

4606.3303 COMPREHENSIVE REPORTS OF CANCER.

Subpart 1. **~~Tumor Cancer registries.~~** ~~Tumor Cancer~~ registries shall forward by first class mail, by messenger, or ~~via by~~ electronic ~~data submission means~~, case reports to the commissioner within 15 working days of the date the patient’s ~~tumor record in the cancer~~ registry was completed.

Subp. 2. **Medical laboratories.** Medical laboratories shall forward by first class mail, by messenger, or ~~via by~~ electronic ~~data submission means~~, case reports to the commissioner for all cases of cancer within 15 working days of the date of diagnosis.

Subp. 3. **Hospitals and medical clinics.** Hospitals and medical clinics shall forward by first class mail, by messenger, or ~~via by~~ electronic ~~data submission means~~, case reports to the commissioner for all cases of cancer diagnosed in the institution within 15 working days of the date of diagnosis.

Subp. 4. **Physicians and dentists.**

A. Physicians and dentists ~~not~~ who diagnose cancer in humans shall forward by first class mail, by messenger, or by electronic means, case reports to the commissioner within 15 working days of the date of diagnosis.

B. A physician or dentist is exempted from item A if the physician or dentist (i) is working within a hospital, medical clinic, or medical laboratory required to report by this part, who examine specimens of human organ tissue, cells, or blood with findings indicative of the presence of cancer, shall forward by first class mail, by messenger, or via electronic data submission, case reports to the commis-

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~~sioner within 15 working days of the date of diagnosis; (ii) knows the case was admitted to a hospital required to report by this part, or (iii) has received, from a medical laboratory required to report by this part, a written report indicating the presence of cancer in the case.~~

Subp. 5. **Designating a reporting entity.** Alternatively, ~~tumor~~ cancer registries, medical laboratories, hospitals, medical clinics, or any combination of these within or as part of an institution, may notify the commissioner of the identity of a reporting entity to report on behalf of the institution and as such shall meet the requirements of cancer reporting under subparts 1 to 4.

4606.3304 REPORTS.

Subpart 1. **Case information.** Reports of case information that are required in part 4606.3303 must consist of source documents and contain as much of the following information as is known:

A: ~~last name;~~

B: ~~first name;~~

C: ~~middle name or initial;~~

D: ~~address, including house number, street, rural route number, city, state, and zip code;~~

E: ~~county of residence;~~

F: ~~date of birth;~~

G: ~~sex;~~

H: ~~social security number;~~

I: ~~race;~~

J: ~~ethnicity;~~

K: ~~attending physician;~~

L: ~~other attending physician;~~

M: ~~diagnostic or treatment facility;~~

N: ~~case's hospital or clinic medical record number;~~

O: ~~hospital registry's accession number;~~

P: ~~date of first admission to facility for diagnosis or treatment of the reportable tumor;~~

Q: ~~date of discharge from the facility after diagnosis or treatment of the reportable tumor;~~

R: ~~cancer diagnostic information:~~

(1) ~~primary site;~~

(2) ~~histologic type;~~

(3) ~~grade;~~

(4) ~~date of diagnosis or date specimen was obtained;~~

(5) ~~pathologist's designation of whether the case is newly or previously diagnosed or not known;~~

(6) sequence number; and

(7) class of case;

S. stage and other prognostic factor information:

(1) general summary stage, in accordance with the guide listed in subpart 1a, item A;

(2) tumor size, in accordance with the standards listed in subpart 1a, item B;

(3) number of regional nodes examined and number positive, in accordance with the standards listed in subpart 1a, item B;

(4) pathologic T code, N code, and M code, in accordance with the manual listed in subpart 1a, item C;

(5) AJCC stage group (pathologic), in accordance with the manual listed in subpart 1a, item C;

(6) clinical T code, N code, and M code, in accordance with the manual listed in subpart 1a, item C;

(7) AJCC stage group (clinical), in accordance with the manual listed in subpart 1a, item C;

(8) the edition of the AJCC manual used; and

(9) distant metastasis, in accordance with the standards listed in subpart 1a, item B; and

T. treatment information:

(1) date and type of first course of any definitive treatment, including surgery, radiation, chemotherapy, hormone therapy, and immunotherapy and biological response modifiers (BRMs), in accordance with the standards listed in subpart 1a, item B; and

(2) if no treatment was performed, reason for no treatment, in accordance with the standards listed in subpart 1a, item B.

A. patient identifiers, including Social Security number, and demographics;

B. provider and facility information;

C. cancer diagnostic information;

D. extent of disease and other prognostic factor information;

E. first course of cancer-directed treatment;

F. follow-up information; and

G. other information as needed for system administration.

Subp. 1a. Data items. The commissioner shall, at least once per year and by publication in the *State Register* and electronic notice on the Minnesota Cancer Surveillance System Web site, provide a list of the data items to be reported under part 4606.3303, subpart 1, and specify the format to be used for electronic reports. The list will be revised according to national cancer reporting standards.

Subp. 1a. 1b. Reporting standards. The following guides and standards for reporting stage and other prognostic factor information and treatment the information required in subparts 1 and 1a are incorporated by reference and are available through the Minitex interlibrary loan system. They are also available electronically as specified in items A and D.

A. Standards for Cancer Registries: Volume II, Data Standards and Data Dictionary, Fourteenth Edition Record Layout Version 12 (2010), and subsequent editions; and Volume V, Electronic Pathology Reporting Standards, Version 3.0 (2009) and subsequent editions;

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North American Association of Central Cancer Registries (NAACCR), Springfield, Illinois. NAACCR reporting standards are updated frequently and are published electronically at www.naacr.org.

~~A. B. Summary Staging Guide, Cancer Surveillance Epidemiology and End Results Reporting, SEER Program (April 1977 and subsequent editions) (reprint, reprinted July 1986), published by the National Institutes of Health (NIH), Public Health Service, U.S. Department of Health and Human Services, NIH publication number 86-2313 (cancers diagnosed before 2001). The NIH Summary Staging Guide is not subject to frequent change;~~

~~B. C. For cancers diagnosed in or before 1995, the standards of the Commission on Cancer SEER Summary Staging Manual - 2000 (July 2001), published by the NIH, Public Health Service, U.S. Department of Health and Human Services, NIH publication number 01-4969 (cancers diagnosed in 2001 through 2003). The SEER Summary Staging Manual is not subject to frequent change.~~

~~D. Collaborative Staging Manual and Coding Instructions version 1.0 and subsequent editions, published by the NIH, Public Health Service, U.S. Department of Health and Human Services, NIH publication number 04-5496 (cancers diagnosed in 2004 and later). The Collaborative Staging Manual is subject to frequent change and is published electronically at www.cancerstaging.org/cstage/index.html.~~

~~E. Data Acquisition Manual (revised edition September 1994), published by the Commission on Cancer, American College of Surgeons (cancers diagnosed in 1995). The manual is not subject to frequent change. For cancers diagnosed in or after 1996, the~~

~~F. Standards of the Commission on Cancer, Volume II: Registry Operations and Data Standards (ROADS) (1996 and subsequent editions 1998), published by the Commission on Cancer, American College of Surgeons (cancers diagnosed in 1996 through 2002). The manual is not subject to frequent change.~~

~~G. Facility Oncology Registry Data Standards (FORDS) (2002 and subsequent editions), published by the Commission on Cancer, American College of Surgeons (cancers diagnosed in 2003 and later). The standards are not subject to frequent change; and of the Commission on Cancer are changed as often as every year.~~

~~E. H. Manual for Staging of Cancer (4th edition 1992 and subsequent editions), American Joint Commission on Cancer (AJCC), published by J.B. Lippincott Company. The AJCC manual is not subject to frequent change.~~

~~I. SEER Program Coding and Staging Manual 2007: Johnson CH, Adamo M (eds.), National Cancer Institute, NIH publication number 07-5581, Bethesda, MD 2007. The SEER manual is not subject to frequent change.~~

Subp. 2. ~~Abstracts or electronic data submission.~~ Alternatively, reports of case information that are required in part 4606.3303 may consist of completed electronic abstracts ~~or electronic data submission~~ and must contain the information required in subpart 1.

Subp. 3. **Occupational data.** Hospitals, medical clinics, and physicians shall, upon request of the commissioner, report as much information as is known concerning the occupational history of cancer cases. The commissioner shall by publication in the State Register request reports of such information when the following conditions exist:

A. epidemiologic surveillance and studies based on this information will assist in identifying cancer risks in certain occupational groups; and

B. there is a specific, planned mechanism for the surveillance and epidemiologic study of the cancer related to the occupational group.

4606.3305 DATA SUBMISSION.

Subpart 1. **Completeness.** Every case report shall include, at a minimum, legible source documents; ~~or completed abstracts; or electronic data submission~~ that must contain the data required in part 4606.3304. Electronic abstracts must be legible and submitted on forms provided in the format required by the commissioner. ~~Electronic data must be submitted in a manner and format that conforms to the state cancer surveillance system computer system.~~

Subp. 2. **Missing information.** The reporting entity or individual shall, within five working days of notification by the commissioner, supply all missing information, if known, or clarify information submitted in any report required in parts 4606.3303 and 4606.3304.

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Subp. 3. **Inspection.** For the purpose of assuring the quality and completeness of individual cancer case reports, each reporting entity or individual shall allow the commissioner to inspect the demographic portions of a patient's medical record or medical records related to the diagnosis and treatment of cancer as are necessary to verify the accuracy and completeness of the cancer diagnostic and treatment information and demographic data.

4606.3306 PHYSICIAN CONSENT.

Subpart 1. **Attempt to obtain consent.** When undertaking epidemiologic studies, the commissioner shall attempt to locate and obtain the consent of the attending physician as identified in the case report before approaching any case named in a report or a personal representative of a deceased case as defined in Minnesota Statutes, section 13.10, subdivision 1, paragraph (c).

Subp. 2. **Approach without consent.** The commissioner may approach a case named in a report or a personal representative of a deceased case as defined in *Minnesota Statutes*, section 13.10, subdivision 1, paragraph (c), without the consent of the attending physician as identified in the case report in order to conduct epidemiologic investigations if the attending physician is deceased, is no longer licensed in the state, is no longer practicing, ~~or cannot otherwise be located,~~ or is no longer caring for the case and is unable to identify the case's current attending physician.

REPEALER. Minnesota Rules, part 4606.3302, subparts 9 and 18, are repealed.

Minnesota Department of Public Safety

Driver and Vehicle Services Division

Proposed Permanent Rules Relating to Credit or Debit Card Payments for Motor Vehicle and Driver's License Transactions

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 Driver's License Agents and Deputy Registrars, *Minnesota Rules*, Parts 7404.0100, 7404.0400, 7404.0450, 7404.0500, 7406.0100, 7406.0400, 7406.0450, and 7406.0500

Introduction. The Minnesota Department of Public Safety, Driver and Vehicle Services Division, intends to adopt rules without a public hearing following the procedures 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. However, if 25 or more persons each submit a written request for a hearing on the rules by 4:30 p.m. on March 2, 2011, the department will hold a public hearing in the State Office Building, Room 500 North, Saint Paul, Minnesota 55155, beginning at 9:00 A.M. on March 23, 2011. To find out whether the department will hold the hearing or adopt the rules without a hearing, you should contact the department contact person after March 2, 2011 and before March 23, 2011.

Department Contact Person. You may submit comments or questions on the rules or written requests for a public hearing to the department contact person. In addition, if you wish to register with the department to receive notice of future rule proceedings, you should direct your request to the department contact person. The department contact person is: Ms. Jacqueline Cavanagh, Driver and Vehicle Services, Minnesota Department of Public Safety, 445 Minnesota Street, Suite 195, Saint Paul, Minnesota 55101-5195, **phone:** (651) 201-7583, **e-mail:** DVS.Rules@state.mn.us. **TTY** users may call the department at (651) 282-6555.

Subject of Rule and Statutory Authority. The proposed rules pertain to credit and debit card acceptance by driver's license agents and deputy registrars. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 168.33, subdivision 9; 171.061, subdivision 6; and specific authority pursuant to Laws 2009, chapter 152, section 2. A copy of the proposed rules is published in the *State Register* and attached to this Notice as mailed. The proposed rules are also available on the department's website at:

<http://www.dps.state.mn.us/dvs/PublicNotices.htm>

Comments. The department encourages comment on the proposed rules. You have 30 days from the date of this Notice, until 4:30 p.m. on March 2, 2011, 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 must be received by the department contact person by the due date. If you submit your comments

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by electronic mail, the department requests that you use the phrase “Credit Card Rulemaking” in the subject line of your e-mail. 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, and your written request must be received by the department contact person by 4:30 p.m. on March 2, 2011. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules to which you object or state that you oppose the entire rule. Any request that does not conform to these requirements is not valid, and the department may not 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 hearing are withdrawn to reduce the number below 25, the department must give written notice of this to all persons who requested a hearing, explain the actions the department took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the department will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, the department can provide this Notice 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 department contact person at the address or telephone number 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 department 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 March 23, 2011, if it does not receive written requests for a hearing from 25 or more persons. If you requested a public hearing, the department will notify you before the scheduled hearing as to whether the hearing will be held. You may also call the department contact person at 651-201-7583 after March 2, 2011, 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 Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson may be reached at the Office of Administrative Hearings, P.O. Box 64620, 600 Robert Street North, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7845, 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 this five-day comment period to be 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 department 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 department 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 department contact person at the address listed above.

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

<http://www.dps.state.mn.us/dvs/PublicNotices.htm>.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions about this requirement to the Campaign Finance and Public Disclosure Board, 190 Centennial Office Building, 658 Cedar Street, Saint Paul, Minnesota 55155-1603, **telephone:** (651) 296-5148 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the department may adopt the rules after the comment period ends. 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 to receive notice of this or want to receive a copy of the adopted rules, submit your request to the department contact person.

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 becomes available, and you may 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 department adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the department contact person listed above.

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

Dated: 20 January 2011

Mary Ellison, Deputy Commissioner
Department of Public Safety

7404.0100 DEFINITIONS.

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

Subp. 9a. **Convenience fee.** "Convenience fee" means an additional amount charged to a person's credit card or debit card because the person chooses to pay for a transaction by credit card or debit card.

[For text of subps 10 to 22, see M.R.]

7404.0400 AGENT OFFICE REQUIREMENTS.

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

Subp. 4. **Inventory and equipment.** Inventory and equipment must be maintained in a secure manner during and after business hours.

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

I. The agent must have an office that is equipped with the technological infrastructure required to process credit card data or debit card data using a card-processing terminal or other hardware provided by the commissioner. "Technological infrastructure" means the physical hardware used to interconnect computers and users. It includes the transmission media and other devices that control transmission paths, and includes the software used to send, receive, and manage the signals that are transmitted. The agent is responsible for the cost for the technological infrastructure.

[For text of subps 5 to 8, see M.R.]

7404.0450 REPORTING AND DEPOSITING PRACTICES.

Subpart 1. **Reporting applications; fees.** A report of the applications collected and all application and reinstatement fees due and owed the state must be transmitted by the agent to the commissioner each day the agent's office is open to the public, before the end of the next working day, in an electronic format or other means approved by the commissioner.

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

I. An agent must file with the commissioner, on a form and in a manner as the commissioner may require, reports of the agent's credit card transactions for application and reinstatement fees.

Proposed Rules

Subp. 1a. Processing credit card and debit card transactions.

A. At the daily close of office records on each working day, the agent shall settle the batch containing all credit card and debit card transactions conducted that day according to procedures approved by the commissioner.

B. The agent shall store all signed merchant copies of the credit card and debit card receipts for the transaction amount and the convenience fee at the agent's office location and shall maintain all signed merchant copies of the credit card and debit card receipts for the transaction amount and the convenience fee according to subpart 3.

C. The agent is responsible for credit card and debit card chargebacks when a person successfully disputes a transaction charged to the person's credit card or debit card.

Subp. 2. Depositing application fees. Before the end of each working day, each agent shall deposit an amount equal to the total of all application and reinstatement fees collected the previous working day, excluding the filing fees collected under *Minnesota Statutes*, section 171.061, subdivision 4.

A. The agent shall make all deposits according to the requirements in subpart 2a.

B. The amount listed for the total of all application and reinstatement fees collected must cover any shortages for any applications processed and stamped as paid, including any unsettled credit card and debit card transactions.

C. The agent shall process credit card and debit card transactions through the bank designated by the commissioner.

D. The agent shall authorize the designated bank to deposit the proceeds of credit card and debit card transactions to the agent's business or personal bank account.

E. The agent shall transfer an amount equal to all application and reinstatement fees collected the previous working day that were paid for using a credit card or debit card to the state-designated depository, or to a depository approved under subpart 2a.

Subp. 2a. Reporting deposits to commissioner. On the date the deposit of fees is due, the agent shall ensure that a financial statement of the deposits made is reported to the commissioner according to the procedures and in a format as specified in this part.

A. All deposits must be made in a depository that meets the requirements in this subpart.

B. The depository must be authorized by the agent to allow the state to electronically withdraw funds from the agent's account in an amount equal to the application and reinstatement fees reported to the state. This item affects only those agents that received authorization before October 1, 2009, for automatic deposit of funds from the agent's bank account to the state depository.

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

D. Any funds collected on a working day in excess of the total fees listed on the report described in subpart 1, minus filing fees and imprest cash, must be deposited as application or reinstatement fees.

[For text of subps 2b to 8, see M.R.]

7404.0500 GENERAL OPERATING PRACTICES.

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

Subp. 8a. Credit card acceptance; general requirements.

A. An agent shall accept credit cards and debit cards as a method of payment for application and reinstatement fees. The commissioner shall specify the types of credit and debit cards that the agent can accept for payment.

B. Ordinarily, an agent shall operate at least one card-processing terminal in the office at which driver's license transactions are conducted. But an agent may operate a point-of-sale information system, or other similar information system used to process and manage business transactions, if:

(1) the convenience fee rate that is charged to credit or debit card transactions is the same rate that all agents charge for such transactions;

(2) the information system meets the requirements of the state's credit card vendor;

Proposed Rules

(3) there is no cost to the commissioner for the operation and maintenance of the agent's information system; and

(4) the commissioner approves the information system.

C. The commissioner shall:

(1) provide card-processing terminals at no cost to the agent; and

(2) replace defective card-processing terminals at no cost to the agent.

D. The agent shall provide the technological infrastructure as specified in part 7404.0400, subpart 4, item I.

E. The commissioner shall provide the agent with signage in an electronic format that states:

(1) the types of credit cards that the agent must accept for payment of application and reinstatement fees; and

(2) a convenience fee is added to a transaction paid by credit card or debit card. The agent shall display this signage in a prominent location within the public viewing area of the office.

F. The agent shall inform a person who chooses to pay by credit card or debit card of the amount of the convenience fee and shall obtain the person's consent to the convenience fee before completing the transaction.

G. An agent is responsible for chargebacks as specified in part 7404.0450, subpart 1a, item C.

Subp. 8b. **Credit card acceptance; variance procedure.** An agent may apply to the commissioner for a variance from the provision in subpart 8a requiring acceptance of credit cards and debit cards. A variance to subpart 8a does not include a variance to the technology requirements in part 7404.0400, subpart 4, item I. Application for a variance may be made by submitting a written request to the commissioner according to this subpart. The commissioner shall consider the following factors when reviewing the request for a variance:

A. the agent's written statement of reasons why credit card and debit card acceptance would impose serious economic hardship;

B. bank statements from the agent's office for the preceding three months;

C. the average number and average amount of driver's license transactions conducted in the agent's office during the preceding year;
and

D. additional information requested by the commissioner or supplied by the agent.

Subp. 8c. **Credit card acceptance; commissioner's review.** The commissioner shall review the agent's request for a variance under subpart 8b and grant it or deny it within 30 calendar days of its receipt, or within 30 calendar days from the date of the commissioner's request for additional information, whichever is later. The commissioner shall give the agent written justification for a decision to deny the variance. Failure of the agent to submit the additional information requested under subpart 8b within 15 calendar days of the request is cause for the commissioner to deny a request for a variance. This procedure is not a contested case hearing as defined in *Minnesota Statutes*, chapter 14.

[For text of subps 9 to 11, see M.R.]

7406.0100 DEFINITIONS.

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

Subp. 9b. **Convenience fee.** "Convenience fee" means an additional amount charged to a person's credit card or debit card because the person chooses to pay for a transaction by credit card or debit card.

[For text of subps 10 to 20, see M.R.]

Subp. 20a. **Next working day.** "Next working day" means the 24-hour period following the daily close of the deputy registrar's office. A working day does not include:

A. a Saturday, Sunday, or legal holiday listed in *Minnesota Statutes*, section 645.44, subdivision 5;

B. a nonbanking day of approved state depositories;

Proposed Rules

C. a holiday authorized under *Minnesota Statutes*, section 373.052, subdivision 1, for deputy registrars who are county officers or employees; or

D. a day that an office is not open for business, upon approval from the commissioner.

[For text of subps 21 to 25, see M.R.]

7406.0400 DEPUTY REGISTRAR OFFICE REQUIREMENTS.

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

Subp. 3a. **Technology requirements.** A deputy registrar must have an office that is equipped with the technological infrastructure required to process credit card data or debit card data using a card-processing terminal or other hardware provided by the commissioner. “Technological infrastructure” means the physical hardware used to interconnect computers and users. It includes the transmission media and other devices that control transmission paths, and includes the software used to send, receive, and manage the signals that are transmitted. A deputy registrar is responsible for the cost for the technological infrastructure.

[For text of subps 4 to 7, see M.R.]

7406.0450 REPORTING AND DEPOSITING PRACTICES.

Subpart 1. **Definition Close of records.** For purposes of this part, the words “next working day” mean the 24-hour period following the daily close of the office’s records:

A. A working day does not include Saturdays, Sundays, or legal holidays listed in *Minnesota Statutes*, section 645.44, subdivision 5; nonbanking days of approved state depositories; holidays authorized under *Minnesota Statutes*, section 373.052, subdivision 1, for county officers or employees; or days that an office is not open for business, upon approval from the commissioner.

B. At the time of appointment, ~~written notification must be made by~~ the deputy registrar to shall notify the commissioner in writing of the days that the office will be open and the time of the daily close of ~~the~~ office records.

C. The deputy registrar shall not change the time of the daily close of office records ~~may not be changed without prior written notification to~~ without notifying the commissioner in writing at least 15 days before the proposed effective date of the change, and the deputy registrar shall not implement the change unless the commissioner has approved it.

Subp. 1a. Processing credit card and debit card transactions.

A. At the daily close of office records on each working day, the deputy registrar shall settle the batch containing all credit card and debit card transactions conducted that day according to procedures approved by the commissioner.

B. The deputy registrar shall store all signed merchant copies of the credit card and debit card receipts for the transaction amount and the convenience fee at the office location and shall maintain all signed merchant copies of the credit card and debit card receipts according to subpart 4.

C. The deputy registrar is responsible for all chargebacks when a person successfully disputes a transaction charged to the person’s credit card or debit card.

Subp. 2. **Reporting registrations, fees, and taxes.** A report of the motor vehicle fees and taxes collected and the motor vehicle transactions collected for the department each working day must be transmitted by the deputy registrar to the commissioner according to the procedures specified in this part and in an electronic format or other alternative means prescribed or approved by the commissioner. The report must include:

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

E. a financial statement listing the total amount of motor vehicle fees and taxes collected, deposited, and reported under subparts 3 and 3a.

[For text of subitems (1) to (7), see M.R.]

(8) A deputy registrar must file with the commissioner, on a form and in a manner as the commissioner may require, reports of the deputy registrar’s credit card transactions for motor vehicle fees and taxes.

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

Subp. 3. Depositing motor vehicle fees and taxes.

A. Before the end of each working day, each deputy registrar shall deposit an amount equal to the total of all motor vehicle fees and taxes collected the previous working day according to the requirements in subpart 3a. The amount listed for the total of all motor vehicle fees and taxes collected must cover any shortages for any motor vehicle transactions collected and stamped as paid, including any unsettled credit card and debit card transactions.

B. The deputy registrar shall process credit card and debit card transactions through the bank designated by the commissioner.

C. The deputy registrar shall authorize the designated bank to deposit the proceeds of credit card and debit card transactions to the deputy registrar's business or personal bank account.

D. The deputy registrar shall transfer an amount equal to all motor vehicle fees and taxes collected the previous working day that were paid for using a credit card or debit card to the state-designated depository, or to a depository approved under subpart 3a.

Subp. 3a. Reporting deposits to commissioner. On the date the deposit of motor vehicle fees and taxes are due, the deputy registrar shall ensure that a financial statement of the deposits made are reported to the commissioner according to the procedures and in a format specified in this part.

A. All deposits must be made in a depository that meets the requirements in this subpart.

B. The depository must be authorized by the deputy registrar to allow the state to electronically withdraw funds from the deputy registrar's account in an amount equal to the motor vehicle taxes and fees reported to the state. This item affects only those deputy registrars that received authorization before October 1, 2009, for automatic deposit of funds from the deputy registrar's bank account to the state depository.

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

D. Any funds collected on a working day in excess of the total motor vehicle taxes and fees listed on the report described in subpart 2, minus filing fees and imprest cash, must be deposited as motor vehicle registration tax.

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

7406.0500 GENERAL OPERATING RULES FOR DEPUTY REGISTRARS.

[For text of subps 1 to 7, see M.R.]

Subp. 7a. Credit card acceptance; general requirements.

A. A deputy registrar shall accept credit cards and debit cards as a method of payment for motor vehicle transactions. The commissioner shall specify the types of credit and debit cards that the agent can accept for payment.

B. Ordinarily, a deputy registrar shall operate at least one card-processing terminal in the office at which motor vehicle transactions are conducted. But an agent may operate a point-of-sale information system, or other information system used to process and manage business transactions, if:

(1) the convenience fee rate that is charged to credit or debit card transactions is the same rate that all agents charge for such transactions;

(2) the information system meets the requirements of the state's credit card vendor;

(3) there is no cost to the commissioner for the operation and maintenance of the agent's information system; and

(4) the commissioner approves the information system.

C. The commissioner shall:

(1) provide card-processing terminals at no cost to the agent; and

(2) replace defective card-processing terminals at no cost to the agent.

Proposed Rules

D. The agent shall provide the technological infrastructure as specified in part 7404.0400, subpart 4, item I.

E. The commissioner shall provide the deputy registrar with signage in an electronic media format that states:

(1) the types of credit cards that the deputy registrar must accept for payment of a motor vehicle transaction; and

(2) a convenience fee is added to a transaction paid by credit card or debit card. A deputy registrar shall display this signage in a prominent location within the public viewing area of the office.

F. A deputy registrar shall inform a person who chooses to pay by credit card or debit card of the amount of the convenience fee and shall obtain the person's consent to the convenience fee before completing the transaction.

G. A deputy registrar is responsible for chargebacks as specified in part 7406.0450, subpart 1a, item C.

Subp. 7b. Credit card acceptance; variance procedure. A deputy registrar may apply to the commissioner for a variance from the provision in subpart 7a requiring acceptance of credit cards and debit cards. A variance to subpart 7a does not include a variance to the technology requirements in part 7406.0400, subpart 3a. A deputy registrar shall submit a written request to the commissioner for a variance to subpart 7a. Application for a variance may be made by submitting a written request to the commissioner according to this subpart. The commissioner shall consider the following factors when reviewing the request for a variance:

A. the deputy registrar's written statement of reasons why credit card and debit card acceptance would impose serious economic hardship;

B. bank statements from the deputy registrar's office for the preceding three months;

C. the average number and average amount of motor vehicle transactions conducted in the deputy registrar's office during the preceding year; and

D. additional information requested by the commissioner or supplied by the deputy registrar.

Subp. 7c. Credit card acceptance; commissioner's review. The commissioner shall review the deputy registrar's request for a variance under subpart 7b and grant or deny it within 30 calendar days of its receipt, or within 30 calendar days from the date of the commissioner's request for additional information, whichever is later. The commissioner shall give the deputy registrar written justification for a decision to deny the variance. Failure of the deputy registrar to submit the additional information requested under subpart 7b within 15 calendar days of the request is cause for the commissioner to deny a request for a variance. This procedure is not a contested case hearing as defined in *Minnesota Statutes*, chapter 14.

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

Expedited Rules

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

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

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

Minnesota Plumbing Board

Adopted Expedited Permanent Rules Relating to Plumbing Code; Nonwater Urinals

The rules proposed and published at *State Register*, Volume 35, Number 19, pages 719-721, November 8, 2010 (35 SR 719), are adopted as proposed.

Executive Orders

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

Office of the Governor

Executive Order #11-04: Establishing Goals and Procedures to Ensure that Certain Environmental Permits are Issued More Efficiently

I, Mark Dayton, Governor of the State of Minnesota, by virtue of the authority vested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

WHEREAS, the State of Minnesota values its natural resources and environmental quality; and

WHEREAS, our natural resources enhance our quality of life; and

Executive Orders

WHEREAS, *Minnesota Statutes*, chapter 116D, authorizes the Minnesota Environmental Review program; and

WHEREAS, *Minnesota Rules*, chapter 4410, establishes the administrative procedure to complete environmental assessment worksheets and environmental impact statements; and

WHEREAS, the State of Minnesota values its entrepreneurs, small businesses and industries, and

WHEREAS, our regulatory environment must ensure environmental protection and support economic development within the State;

NOW, THEREFORE, I hereby direct the Commissioner of Natural Resources and the Commissioner of the Pollution Control Agency as follows:

1. The Commissioners shall accelerate and simplify environmental review and permitting by enabling environmental review and permit applications to be submitted electronically.

2. The Commissioners shall establish a goal for each of their agencies to decide, within 150 days after the agency determines that an environmental or natural resource permit application is complete, whether to issue the permit. The Commissioners shall, within six months after the effective date of this order, submit to the Governor a progress report on meeting the goal and any additional administrative recommendations to further reduce decision times.

3. The Commissioners shall establish a goal for each of their agencies to decide, within 30 days after an environmental impact statement is finally approved, whether to issue the permit. The Commissioners shall promptly report to the Governor any decisions that do not meet the goal.

4. The Commissioner of the Pollution Control Agency shall, within 60 days after the effective date of this order, evaluate and report to the Governor any recommendations the Commissioner deems appropriate to amend *Minnesota Statutes*, section 115.07, and applicable *Minnesota Rules*, to be more consistent with federal regulations that, under certain conditions, permit construction to commence before a water discharge permit is issued.

5. The Commissioner of the Pollution Control Agency shall include, in any statement of need and reasonableness for rules to adopt air quality or hazardous waste or water quality standards, an analysis of proposed standards that are more stringent than similar federal standards including justification for why the standards are needed to protect public health and the environment, and a comparison to similar standards in border states and states within Environmental Protection Agency region 5

Under *Minnesota Statutes*, section 4.035, subdivision 2, this Executive Order is effective 15 days after publication in the *State Register* and filing with the Secretary of State.

IN TESTIMONY WHEREOF, I have set my hand this 24th day of January 2011.

Signed: **Mark Dayton**
Governor

Filed According to Law:

Signed: **Mark Ritchie**
Secretary of State

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 SL11-01: Designation of Wildlife Management Lake

Effective Date:

December 30, 2010

Statutory authority:

Minnesota Statutes, section 97A.101, subd. 2

[Supersedes] [Supplements]:

NA[describe with reference information or indicate that this is not applicable]

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, section 97A.101, subdivision 2, that Denton Slough (DOW#26030300), Township 130N; Range 44W; Sections 8, 9 and 17; Grant County is designated as a wildlife management lake.

Signed: 30 December 2010

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

Minnesota Department of Natural Resources (DNR)

Commissioner's Order for Undesignation of State Forest Road #0253 in Stearns County

Effective Date:

December 15, 2011

Statutory authority:

Minnesota Statutes, section 89.71, subd. 1

Supplements: Forest Classification and Forest Road/Trail Designations for the Southern Minnesota State Forest Access Planning Unit (Final Plan 11-06-08).

BACKGROUND

Minnesota Statutes, Section 89.002, subdivision 3, directs the Commissioner of Natural Resources to provide a system of state forest roads for access to state forest land and other forest land under the Commissioner's authority, which is adequate to permit the Commissioner to manage, protect, and develop those lands and their resources consistent with the forest resource management policy, and to meet demands for forest resources.

Minnesota Statutes, Section 89.71, subdivision 1, provides that the commissioner must designate and undesignate state forest roads by written order published in the *State Register*.

All notice and procedural requirements in *Minnesota Statutes*, and other applicable rules and law have been complied with.

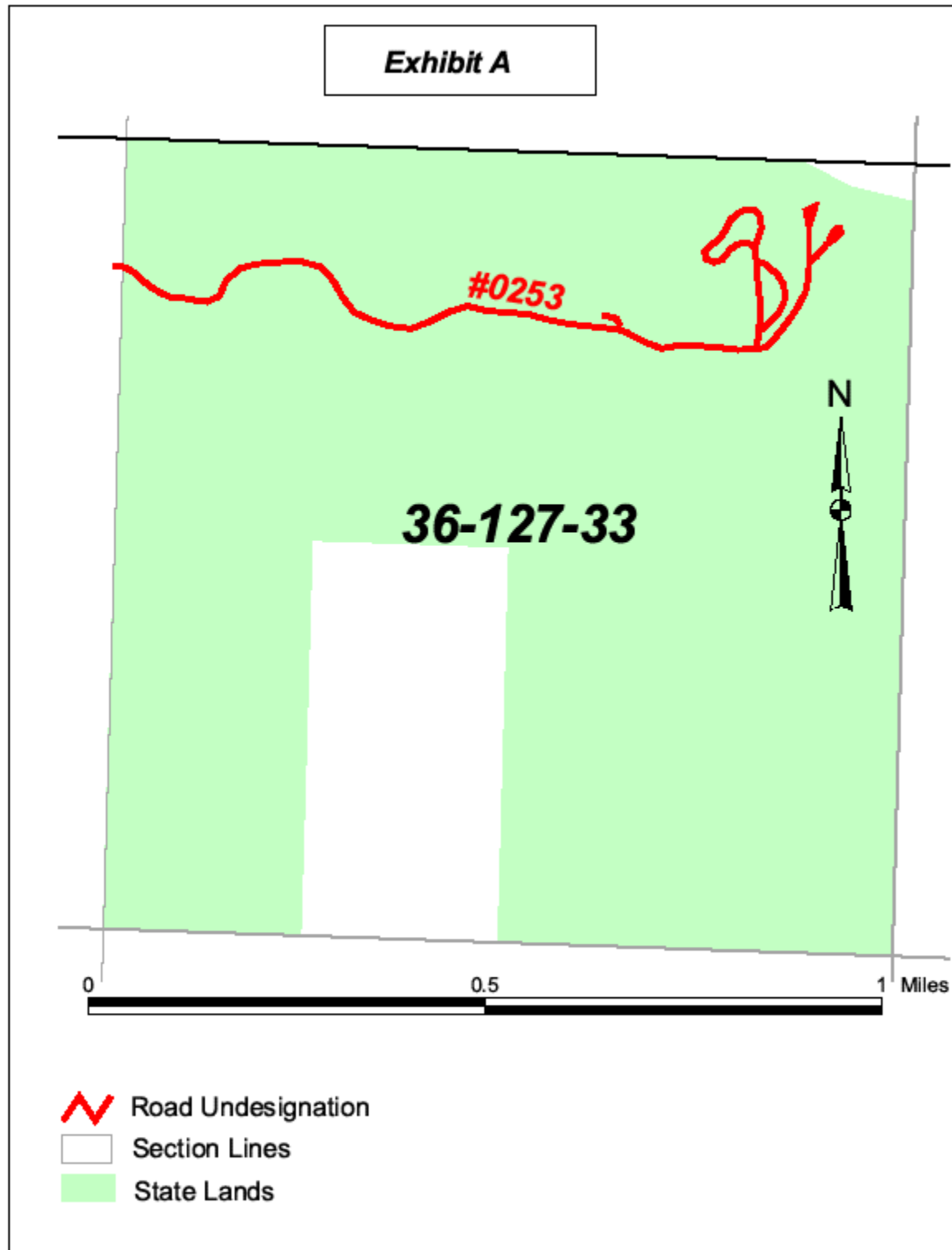
The primary use of the road identified in Exhibit A is for access to the campground, boat landing and day use area in the Birch Lakes State Forest. The road has been gated and has been closed to public use for the portion of the year when the campground is not open. A letter of agreement has been drafted between Parks and Forestry that states Parks will be responsible for routine road maintenance to provide access for recreational users. Parks and Trails personnel are in agreement that the policies regarding gating of forest roads and the established pattern of vehicle use are best reconciled if the road becomes part of the campground facility.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, section 89.71, subdivision 1, that undesignation of the state forest road identified in Exhibit A shall become effective on December 15, 2011.

Dated: 17 December 2010

Mark Holsten, Commissioner
Department of Natural Resources



Commissioners' Orders

Minnesota Department of Natural Resources (DNR)

Commissioner's Order : Undesignation of state forest roads #1104, 1106, 1107 and 1108 in the Rum River State Forest

Effective Date:

December 15, 2011

Statutory authority:

***Minnesota Statutes*, section 89.71, subd. 1**

Supplements: Forest Classification and Motor Route Designation Plan for the Rum River State Forest (South Unit).

BACKGROUND

Minnesota Statutes, Section 89.002, subdivision 3, directs the Commissioner of Natural Resources to provide a system of state forest roads for access to state forest land and other forest land under the Commissioner's authority, which is adequate to permit the Commissioner to manage, protect, and develop those lands and their resources consistent with the forest resource management policy, and to meet demands for forest resources.

Minnesota Statutes, Section 89.71, subdivision 1, provides that the commissioner must designate and undesignate state forest roads by written order published in the *State Register*.

All notice and procedural requirements in *Minnesota Statutes*, and other applicable rules and law have been complied with.

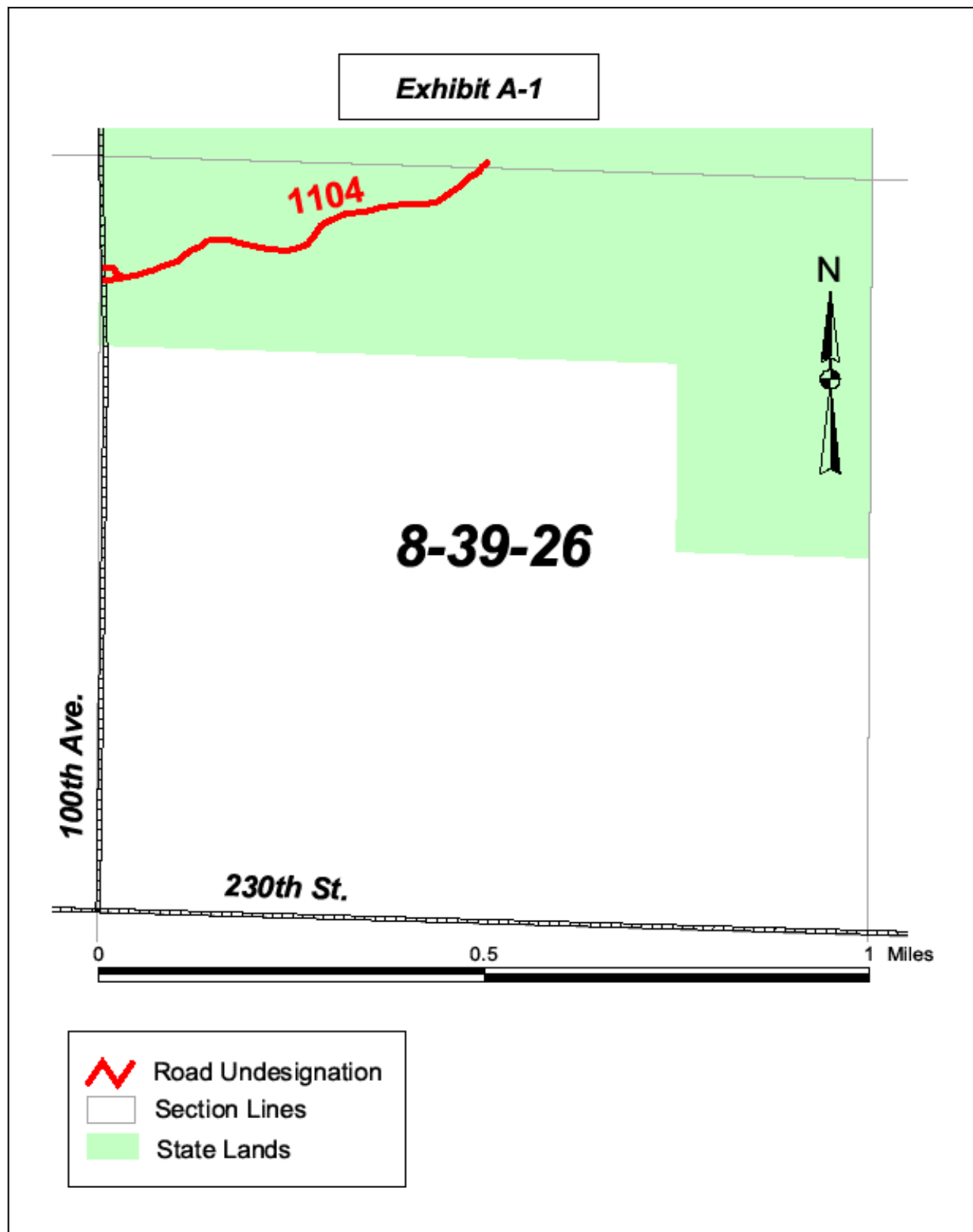
The roads identified in Exhibits A-1 through A-3 were established for timber access and resource management activities. The Forest Road and Trail Designation Plan should not be affected as these routes have no established history or pattern of public use.

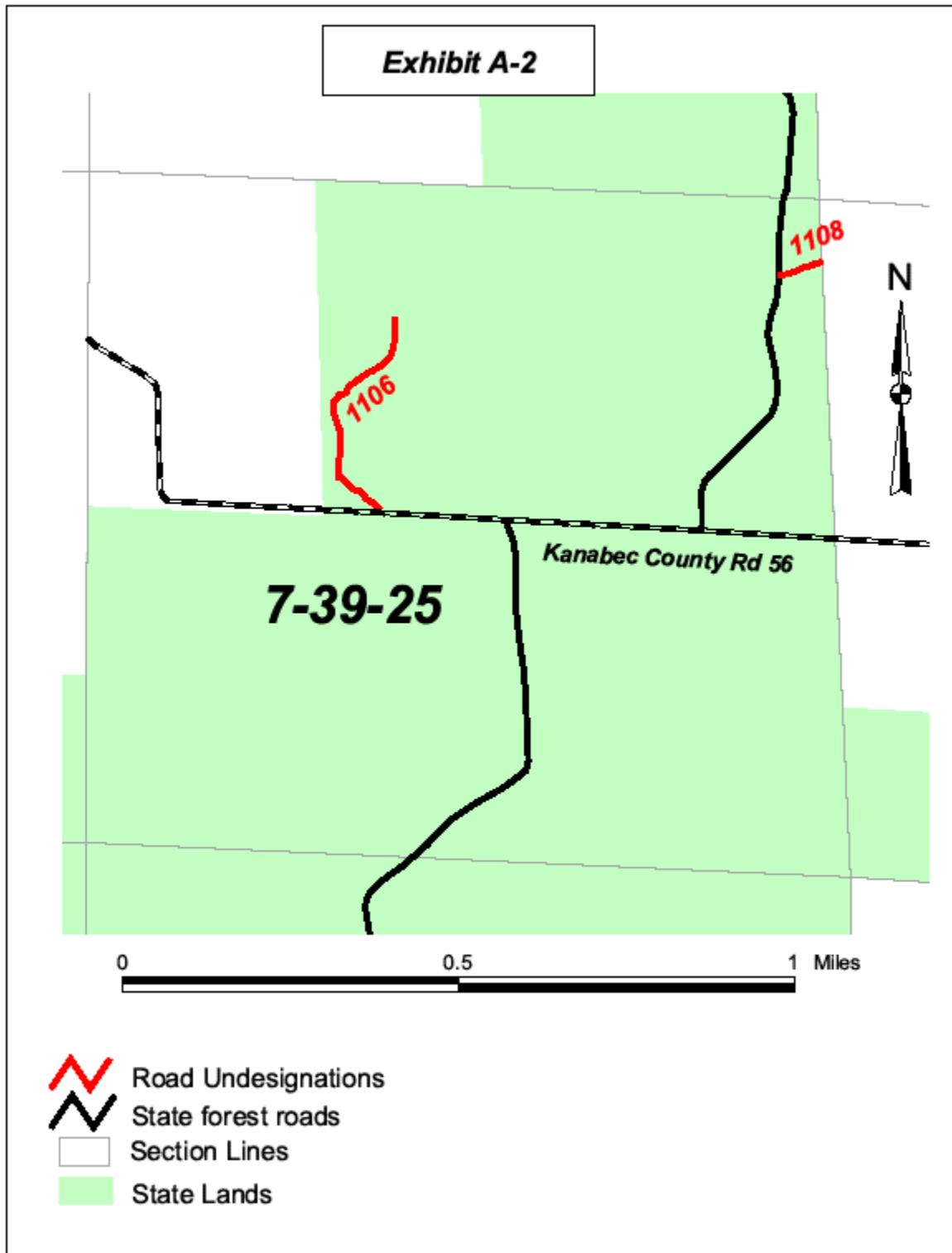
ORDER

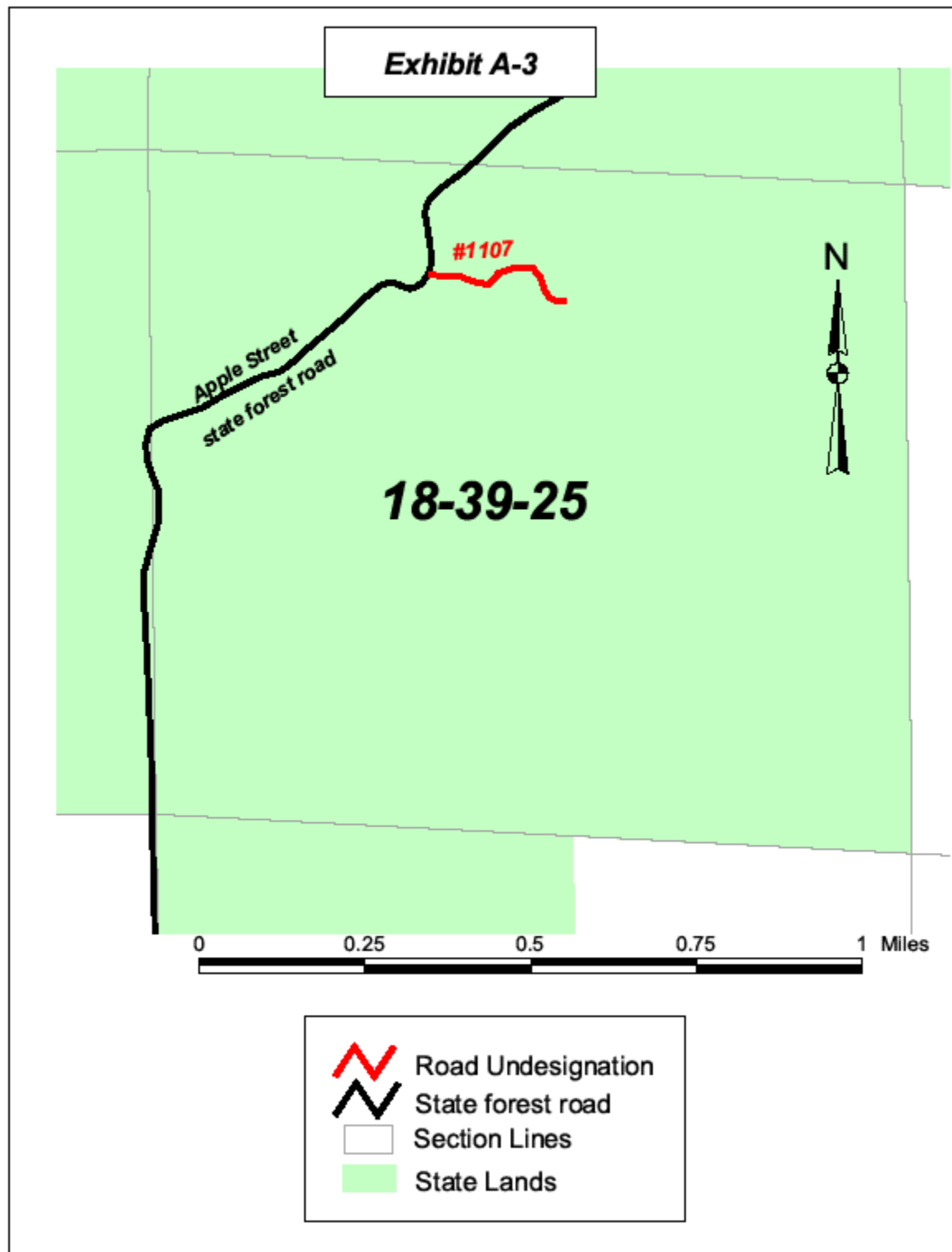
NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, section 89.71, subdivision 1, that the undesignation of the state forest roads identified in Exhibits A-1 through A-3 shall become effective on December 15, 2011.

Dated: 30 December 2010

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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Minnesota Department of Health (MDH) Environmental Health Division Notice of Selected Priority Chemicals

The list of Priority Chemicals must be published by February 1, 2011, but MDH can update the list whenever a new priority chemical is designated. There are also a number of eligibility exclusions that MDH must follow when designating a priority chemical (see Minnesota Office of the Revisor of Statutes, 2010 *Minnesota Statutes*, 116.9405).

As required by *Minnesota Statutes* 2010 116.9403, the Minnesota Department of Health has selected Priority Chemicals. They are as follows:

Name	Chemical Abstract Service (CAS)
	Registry Number
Bisphenol A (BPA)	80-05-7
Butyl benzyl phthalate (BBP)	85-68-7
Cadmium	7440-43-9
Decabromodiphenyl ether (decaBDE)	1163-19-5
Dibutyl phthalate (DBP)	84-74-2
Di (2-ethylhexyl) phthalate (DEHP)	117-81-7
Formaldehyde	50-00-0
Hexabromocyclododecane (HBCD)	3194-55-6
Lead	7439-92-1

More information about the Priority Chemicals can be found at:

<http://www.health.state.mn.us/divs/eh/hazardous/topics/toxfreekids/index.html>

Official Notices

Minnesota Housing Finance Agency (MHFA) Notice of Public Hearing on 2012 Housing Tax Credit Allocation Plan

The Minnesota Housing Finance Agency (Minnesota Housing) will hold a public hearing pursuant to Section 42 of the Internal Revenue Code of 1986, as amended. The public hearing will be held at the time and place listed below:

Wednesday February 23, 2011
1:00 P.M. to 3:00 P.M.
State Street Conference Room, First Floor
Minnesota Housing Finance Agency
400 Sibley Street, Suite 300
St. Paul, MN

The Omnibus Budget Reconciliation Act of 1989 (OBRA) requires that Housing Tax Credit Allocating Agencies develop a plan for allocating tax credits within their jurisdiction, setting forth criteria to determine priorities for selection of developments to receive tax credits. The OBRA also requires Tax Credit Agencies to hold a public hearing to receive public comment on the Allocation Plan.

The above public hearing is for the 2012 Allocation Plan developed by Minnesota Housing, in cooperation with local government representatives, for use within the Tax Credit Allocation jurisdiction of Minnesota Housing. Other Tax Credit Suballocating Agencies in Minnesota will be holding public hearings for their areas of jurisdiction. Currently, the following cities and counties are eligible to be Suballocating Agencies in Minnesota: Duluth, St. Cloud, Rochester, Minneapolis, St. Paul, Washington County and Dakota County.

All persons interested will be given an opportunity to express their views. In order to more effectively plan for the conduct of the hearings, persons desiring to speak at the hearing must so request in writing at least 24 hours before the hearing. Oral remarks by any person will be limited to 10 minutes. Written comments may also be submitted to the undersigned, and will be considered at the hearing. Note that this public hearing is not a workshop or training session, but is intended to solicit the comments of the public.

Copies of summaries of the proposed changes to the Housing Tax Credit Procedural Manual and Qualified Allocation Plan are available at the address listed below, by written or phone request or by checking the Minnesota Housing web site.

Minnesota Housing Finance Agency
Multifamily Underwriting
Housing Tax Credit Program
400 Sibley Street, Suite 300
St. Paul, MN 55101-1998
Phone: (651) 296-4451
Website: www.mnhousing.gov

Teachers Retirement Association (TRA) Notice of Meeting of the Board of Trustees February 16, 2011

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Wednesday, February 16, 2011 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board. Board members may participate by telephone.

**Department of Transportation (Mn/DOT)
Engineering Services Division,
Office of Construction and Innovative Contracting
Notices of Suspension and Debarment**

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be suspended effective December 28, 2009, until final disposition of the hearing or hearing appeal:

Riley Bros. Companies Inc. and its affiliates, Morris MN
Riley Bros. Construction Inc. and its affiliates, Morris MN
Riley Bros. Properties, LLC, and its affiliates, Morris MN
Riley Bros. Utilities, Inc. dba/Chris Riley Utilities, Inc. and its affiliates, Morris MN

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation (Mn/DOT) has ordered that the following vendors be debarred for a period of three (3) years effective February 24, 2010 until February 24, 2013:

Joseph Edward Riley, Morris, MN
John Thomas Riley, Morris, MN

Minnesota Statutes, Section 161.315, prohibits the Commissioner, counties, towns or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred; including

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity which is sold or transferred by a debarred person remains ineligible during the period of the seller's or transfer's debarment.

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.

Active Grant Opportunities

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
- LINKS, LINKS, LINKS
- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
- "Contracts & Grants" Open for Bid
- Early delivery, on Friday
- E-mailed to you . . . its so easy
- Indexes to Vols. 31, 30, 29, 28 and 27

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 Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** loretta.diaz@state.mn.us

Minnesota Department of Health (MDH)

Oral Health Unit

Request for Proposal for Minnesota Department of Health School-based Dental Sealant Program

The Minnesota Department of Health (MDH) School-based Dental Sealant Program (SDSP) is part of a comprehensive state-wide Oral Health Program to promote evidenced-based prevention strategies in order to achieve optimal oral health for all Minnesotans. Funding for Minnesota's Oral Health Program is provided by grants from the Centers for Disease Control and Prevention (CDC) and the *Health Resources and Services Administration* (HRSA).

School-based Sealant Grant Purpose and Description

The purpose of the sealant grant is to improve access to preventive dental services for Minnesota school-aged children. The funding will support school-based sealant program infrastructure by creating new, sustainable, school-based dental sealant programs and/or expand upon existing programs in high risk areas. The desired outcome is to create new or expand upon current school-based sealant programs with a focus on 2nd grade children who are at highest risk for dental disease. This is an 18 month grant period consisting of two phases: successful completion of the planning phase and the implementation of delivering dental sealants in schools.

Grant Deadline: February 28, 2011

Total Available Funding: 5-10 grants, \$10,000 - \$20,000 each

Duration of Funding: March 7, 2011 – Final services prior to August 30, 2012, final billing prior to October 14, 2012.

Grant Application

To obtain an application, please visit the Oral Health website: <http://www.health.state.mn.us/oralhealth/> or contact Patti Ulrich, Prevention Coordinator, Minnesota Department of Health, **phone:** (651) 201-4230, or via **e-mail:** patti.ulrich@state.mn.us.

Minnesota Department of Human Services (DHS)

Community Partnerships Division

Child Development Services

Notice of Request for Proposals (RFP) for Qualified Contractor to Adapt a Professional Development Communications Brochure and Identify Effective Professional Development Strategies for Child Care Providers and Early Childhood Educators in Hmong, Somali, and Spanish-Speaking Communities (Funded by American Recovery and Reinvestment Act)

The Minnesota Department of Human Services (DHS) Child Development Services (CDS) unit through the Division of Community Partnerships is soliciting proposals from qualified Responders (institutions or organizations) to build on the current Minnesota Early Childhood and School-age Professional Development (PD) system communications plan by adapting a communications brochure for child care providers and early childhood educators in Hmong, Somali and Spanish-speaking communities and identifying effective outreach strategies for providers and educators in these communities.

The broader purpose of this work is to prepare communication materials for distribution that will help child care providers and early childhood educators, in specific underserved communities and those with limited English, understand the value of and system support for professional development and training. There is a need to deliver consistent messages and accurate information about professional development opportunities and resources that reduce confusion, ensure access, encourage participation in the professional development system, and increase education and training that prepares individuals to care for and educate all children.

Terms of Contract: The term of any resulting contract is anticipated to be for approximately six months from April 1, 2011 until September 30, 2011 and should not exceed a maximum cost of \$15,000. DHS will award one contract to a single organization or a representative of a collaboration of partners which demonstrates:

- Experience in translation, editing, and format adaptation
- Experience working collaboratively with stakeholders
- Experience working with cultural communities
- Experience working with individuals with low reading and communication skills or ability to consult with individuals/experts who understand literacy levels
- Understanding of cross cultural awareness/communication in the context of early childhood care and education
- Knowledge of the MN Early Childhood and School-age Professional Development (PD) system, barriers to underserved communities in accessing the PD system, and strategies for outreach to and communication with cultural communities

The RFP can be viewed by visiting the Minnesota Department of Human Services RFP **Web site:** <http://www.dhs.state.mn.us/id> under “Partners and Providers,” “Grants and RFPs.” To obtain an email copy of the RFP, please contact Fred Fuhrmann, at:

fred.fuhrmann@state.mn.us

For further information or to request a paper copy of the Request for Proposals, please contact:

Fred Fuhrmann, Grants Coordinator
Community Partnerships Division
Department of Human Services
P.O. Box 64962
St. Paul, MN 55164-0962
E-mail: *fred.fuhrmann@state.mn.us*

Proposals must be physically received (not postmarked) at Minnesota Department of Human Services, 444 Lafayette Road North, St. Paul, MN, 55155, by 4:00 p.m. Central Standard Time on Tuesday, February 22, 2011 to 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.

State Contracts

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

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

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

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

Business Work in Government

The state spends about \$2 billion a year on contracts. The *State Register* is one of the best ways to advertise your contracts - 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 each 1/10 of a page, you cannot go wrong.

Subscribers receive a list of **all current contracts and grants**, as well as LINKS to the *State Register*, Bookmarks, and a growing INDEX to each volume, including the current issue, and previous volumes. To view, open the *State Register* and click on BOOKMARKS in the left hand corner. Here's what you receive via e-mail:

- **Word Search Capability**
- **Updates to Index to Vol. 31**
- **Early delivery, on Friday**
- **LINKS, LINKS, LINKS**
- **"Contracts & Grants" Open for Bid**
- **E-mailed to you . . . its so easy**
- **Easy Access to State Register Archives**
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Subscriptions cost \$180 a year (an \$80 savings). It's all E-MAILED to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** loretta.diaz@state.mn.us

State Department of Administration (Admin)

State Designer Selection Board Project #11-05

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Minnesota Department of Transportation, New Truck Station Building, Plymouth, Minnesota

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

A full Request for Proposals is available on the Minnesota Department of Transportation website: www.dot.state.mn.us/consult click on "P/T Notices."

Proposals must be delivered to Sherry Van Horn, State Designer Selection Board, 309 Administration Building in Real Estate and Construction Services, 50 Sherburne Ave., St. Paul, MN 55155, phone: (651) 201-2376 not later than 12:00 noon C.T., Monday, April 4, 2011. Late responses will not be considered.

Minnesota Department of Transportation 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.

State Contracts

Minnesota State Colleges & Universities (MnSCU)

Office of the Chancellor - Office of Internal Auditing

Notice of Request for Proposal for External Auditing Services for Six Colleges and Universities for Fiscal Years 2011 - 2013

NOTICE IS HEREBY GIVEN that the Minnesota State Colleges and Universities is seeking to acquire individual audits of six colleges and universities from an independent accounting firm duly licensed to practice in the State of Minnesota, pursuant to *Minnesota Statutes* Section 326.192, or a similarly qualified government agency.

Proposals are being sought from parties interested in providing financial statement audits for one or more of the following six colleges and universities on an annual basis for the three-year period from July 1, 2010 to June 30, 2013. The six colleges and universities are:

- Bemidji State University
- Minnesota State Community & Technical College
- Minnesota State University, Mankato
- Minnesota State University Moorhead
- St. Cloud State University
- Winona State University

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:

Beth Buse, 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 24, 2011**, 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 six 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:

Beth Buse, Executive Director of Internal Auditing
Telephone: (651) 201-1799
E-mail: beth.buse@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.

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Office of Chancellor

Request for Proposals for Graphic Design for the Web

The Office of the Chancellor is requesting proposals from qualified vendors for a graphic designer to redesign its public website to be more focused on system customers, including prospective and current students and those who influence them (parents, teachers, counselors, mentors), employers seeking customized training services, and news media. We are looking for a new graphic design that incorporates current best practices in Web graphic design.

Specifications for each proposal are available by visiting the Web site: www.pa.mnscu.edu/rfp-site-redesign or by contacting Christine McGing, Minnesota State Colleges and Universities, Wells Fargo Place, 30 - 7th St. E., Suite 350, St. Paul, Minnesota 55101, **phone:** (651) 201-1802, or request by e-mail: christine.mcging@so.mnscu.edu

Proposals must be received by NOON CDT, FRIDAY, FEBRUARY 11, 2011.

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

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

Minnesota State Colleges and Universities (MnSCU)

Minnesota State Colleges and Universities - Wadena

Request for Proposals for M-State Capital Campaign Professional Support

REFERENCE NUMBER: MSCTC-02-11

Description of Work: Assist the college staff in development and fund raising services that support a 4-campus capital campaign.

Estimated Cost: Not to exceed \$100,000

Contracting Agency: Minnesota State Community and Technical College

Location of Work: Moorhead, Detroit Lakes, Fergus Falls, Wadena MN. Some work may be done electronically and meetings conducted using interactive television connections provided by the college.

Response to this solicitation is due no later than Friday, March 11, 2011 at 5:00 CST.

To receive a copy of the complete solicitation, go to our web site:

http://www.minnesota.edu/about/solicitation_announcements/

contact person is: Name: Pat Wilber
Title: VP of Advancement
Address: 1414 College Way
Fergus Falls, MN 56537
Phone: (218) 779-4861

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Technical & Community College

Notice of Request for Sealed Bids for Select Entrance Replacement

will be received by: Ms. Susan Meyer
Purchasing Agent
Room No. 1-401H
St. Cloud Technical & Community College
1540 Northway Drive
St. Cloud, MN 56303

Until **2:00 PM, Thursday, February 17, 2011** at which time the bids will be opened and publicly read aloud.

Project Scope: Select Aluminum and hollow metal entrances to be replaced. Construction to be phased.

A Pre-bid Meeting will be held at 12:30 PM, Tuesday February 08, 2011, in the area for remodeling. We will gather in Rm. 1-452. The Architect and Owner Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Architect/Engineer, Hagemeister and Mack Architects, Inc., are on file at the offices of the:

- 1.) Project Architect/Engineer.
- 2.) QuestCDN.com

Complete sets only of bid forms and Drawings and Specifications for use by Bidders in submitting a bid may be “viewed” at the following address:

Hagemeister and Mack Architects, Inc.
501 West St. Germain Street, Suite 200
St. Cloud, MN 56301
Phone: (320) 251-9155

Plans and Specifications can be downloaded for a non-refundable charge of \$10.00. Plan holders are parties that have downloaded the plans and specifications. Plan holders will be notified via email as addenda are issued. Parties that download the plans and specifications and need to have them printed elsewhere are solely responsible for those printing costs. Note: Paper copies of plans and specifications will not be distributed by the owner or its agent(s). Please contact *QuestCDN.com* at (952) 233-1632 or *info@questcdn.com* for assistance in downloading and working with this digital project information.

Each bid which totals over \$15,000.00 must be accompanied by a bid bond or other security described here as a proposal guarantee that the bidder will enter into a contract if its bid is accepted. This security may be either a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than five percent (5%) of the total base bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Technical & Community College

Notice of Request for Sealed Bids for Select Washroom Renovations

will be received by: Ms. Susan Meyer
Purchasing Agent,
Room No. 1-401H
St. Cloud Technical & Community College
1540 Northway Drive

State Contracts

St. Cloud, MN 56303

Until **3:00 PM, Thursday, February 17, 2011** at which time the bids will be opened and publicly read aloud.

Project Scope: Select Men's and Women's washrooms will be gutted and then renovated. Construction to be phased.

A **Pre-bid Meeting** will be held at 2:30 PM, Tuesday February 08, 2011, in the area for remodeling. We will gather in Rm. 1-452. The Architect/Engineer and Owner Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Architect/Engineer, Hagemeister and Mack Architects, Inc., are on file at the offices of the:

- 1.) Project Architect/Engineer.
- 2.) QuestCDN.com

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Each bid which totals over \$15,000.00 must be accompanied by a bid bond or other security described here as a proposal guarantee that the bidder will enter into a contract if its bid is accepted. This security may be either a certified check, payable to **Minnesota State Colleges and Universities**, in the sum of not less than five percent (5%) of the total base bid or a corporate surety bond for the same amount by a surety company authorized to do business in the State of Minnesota.

Minnesota State Colleges and Universities (MnSCU) **South Central College** **Request for Proposals for Machining Equipment and Controls**

NOTICE IS HEREBY GIVEN that South Central College will receive sealed proposals for equipment and controls to be used in our computer integrated machining program.

Specifications will be available January 31, 2011, at the following South Central College website: <http://southcentral.edu/cimbid>

Specific questions in regard to request for proposal should be addressed to Mr. Jeffry Fischer at jeff.fischer@southcentral.edu or by telephone at (507) 389-7237.

Sealed proposals must be received by 2:00 PM, February 17, 2011, at the following location:

Karen Snorek, Vice President of Finance and Operations
South Central College
"CIM bid proposal"
1920 Lee Boulevard
North Mankato, MN 56003

South Central College reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received. The Request for Proposal does not obligate the college to complete a proposed contract, and the college reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota Board of Firefighter Training and Education (MBFTE) Request for Proposal for an International Fire Service Accreditation Congress (IFSAC) Accredited Organization to Provide Certification Exams for Licensing of Firefighters

In 2009 the Minnesota Legislature adopted Minnesota Statute section 299N.05, which requires the Minnesota Board of Firefighter Training and Education (MBFTE) to license all full time firefighters by July 1, 2011. This Request for Proposal seeks an IFSAC accredited organization to provide certification examinations to firefighters seeking licensing after July 1, 2011.

Request for Proposals will be available by mail or email from this office through February 14, 2011. **A written request (by direct mail or email) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Nancy Franke Wilson
Minnesota Board of Firefighter Training and Education
13065 Orono Pkwy
Elk River, MN 55330
Phone: (763) 635-1082
E-mail: *Nancy.frankewilson@state.mn.us*

All questions concerning this RFP should be emailed to Nancy Franke Wilson. Deadline for submitting and accepting questions will be February 14, 2011 at 3:00 p.m. Central Standard Time (CST). A full collection of all the questions and answers will be emailed to all entities requesting a complete RFP by the end of business day February 16, 2011.

Proposals submitted in response to the Request for Proposals in this advertisement must be postmarked no later than February 22, 2011 and received at the address above **no later than February 25, 2011**. Proposals postmarked after February 22, 2011 and received after February 25, 2011 will be considered late and will not be considered for review. The burden is placed on respondents to ensure that proposals are postmarked and received no later than the deadline. **Late proposals will NOT be considered.** Fax and e-mail responses **will be NOT be considered.**

The contract is anticipated to begin work on or around April 5, 2011 and end April 4, 2012. However, the MBFTE retains the option to extend the contract with the selected contractor for up to four additional one year periods.

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

Minnesota Historical Society (MHS) Notice of Request for Bids for DuPuis House, Caretaker Cottage, Ice House and Garage Roof Replacement at Sibley House Historic Site in Mendota, Minnesota

The Minnesota Historical Society (Society) is seeking bids from qualified and experienced contractors to provide all labor, materials, equipment, and supplies for roof replacement at the DuPuis House, Caretaker Cottage, Ice House, and Garage. All work will be accomplished in accordance with the Drawings, Technical Specifications, Instructions to Bidders, and Supplemental Instructions to Bidders, Contract Terms, Supplementary General Conditions, and the Request for Bids.

State Contracts

The Request for Bids is available from Mary Green-Toussaint, the Society's Purchasing Coordinator, via e-mail:
mary.green-toussaint@mnhs.org

There will be a MANDATORY pre-bid meeting for all interested parties on Tuesday, February 15, 2011, at 1:30 p.m. Local Time at the Site located at 1357 Sibley Memorial Highway (Hwy 13), Mendota, Minnesota 55150. The pre-bid meeting will start inside the DuPuis House, located at the intersection of Sibley Memorial Highway and D Street.

Bids must be received by 2:00 p.m. Local Time on Thursday, February 24, 2011. Late bids will not be considered.

Dated: 31 January 2011

Department of Transportation (Mn/DOT)

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of General Organizational Related Activities

(This document is available in alternative formats for persons with disabilities by calling Melissa McGinnis at 651-366-4644; for persons who are hearing or speech impaired by calling the Minnesota Relay Service at 800-627-3529.)

Mn/DOT, in conjunction with the Department of Administration, have developed a streamlined approach for fast-tracking select general organization service projects. These general organizational projects may include, but are not limited to, work in the following categories: 1) Develop, implement and summarize internal and external surveys; 2) Recommend best practices in an organizational structure; 3) Assist with organizational health structure; 4) Provide marketing support; 5) Develop, implement and provide support of ad hoc forums; 6) Establish and facilitate collaborative groups, including cross-organization and public-private teams; 7) Provide project management for non-technical initiatives; and 8) Facilitate non-technical activities and events.

This streamlined approach includes developing an email list of firms that are interested in receiving direct notification of general organizational projects. Firms will be added on an on-going basis. Fast-tracked projects will have a shorter advertising period and turn-around time. Firms will be asked to submit responses within 5 business days and will be required to work diligently with Mn/DOT toward establishing a contract upon selection. All projects will be advertised to the public. Your firm will be directly notified that there is a project posted on the Consultant Services Website (www.dot.state.mn.us/consult) that requires general organizational skills. Please note that this notice is not a solicitation or request for proposals of any kind. Being placed on the list does not guarantee work nor does it obligate Mn/DOT to provide any contracting opportunities under this program.

Interested firms should send the following information to the e-mail address below: Firm name, firm contact person, phone number, and email address.

Contact: Melissa McGinnis, Contract Administrator

E-mail: *melissa.mcginis@state.mn.us*

Telephone: (651) 366-4644

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 Kelly Arneson 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:

Kelly Arneson
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.

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.

Work with Governmental Units

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."

Minnesota Valley Transit Authority (MVTA) Request for Proposal for Graphic Design Services

Purpose of Project

The Minnesota Valley Transit Authority is issuing a Request for Proposal requesting information from firms interested in providing Graphic Design Services for the MVTA. The intent of this Request is to establish contracts with one or more qualified vendors for graphic design and execution, including updating of schedule timetables. This contract or these contracts would be for a minimum three-year period with two one-year renewal options. The RFP is available for download on the Authority's website: <http://www.mvta.com/procurement>.

The RFP will be released on **Monday, January 31, 2011** and will be posted on the MVTA web-site at www.mvta.com. Proposals are due at **11 a.m.** local time on Feb. **18, 2011** to RFP administrator Robin Selvig, Customer Relations Manager for the Minnesota Valley Transit Authority, 100 E. Highway 13, Burnsville, MN 55337. **E-mail:** Rselvig@mvta.com. Recommendations are expected to be awarded at the MVTA Board meeting on March 23, 2011.

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

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

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

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* \$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.	
More than \$1,000	Call

Product Subtotal _____

Shipping _____

Subtotal _____

Sales tax _____

(6.875% sales tax
if shipped to MN
address, 7.625% if
shipped to St. Paul
address. 7.125% MN
transit tax or other local
sales tax if applicable)

TOTAL _____

Credit card number: _____

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