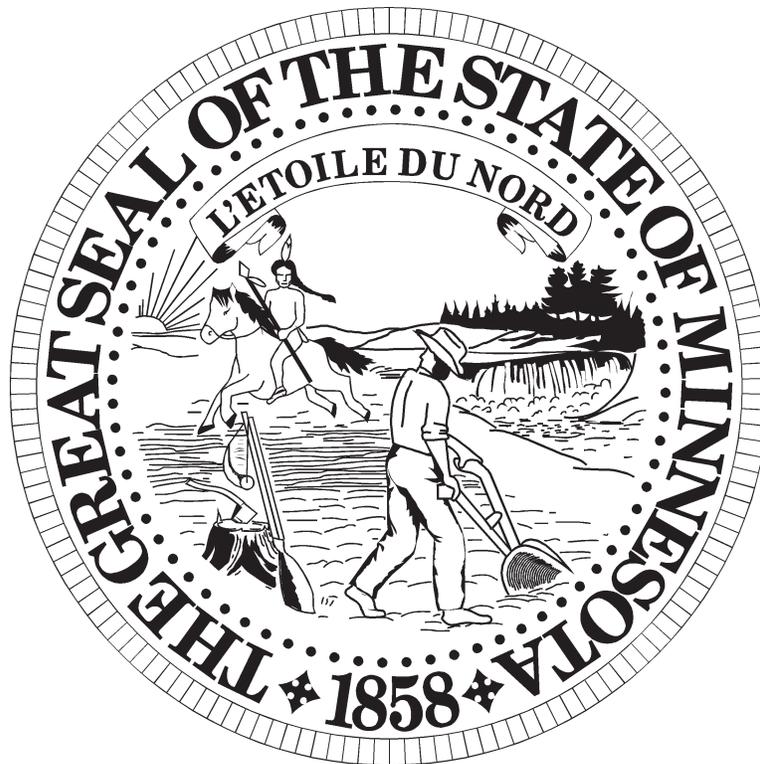


State of Minnesota

# State Register



**Proposed, Adopted, & Expedited Rules; Executive Orders; Appointments;  
Commissioners' Orders; Revenue Notices; Official Notices;  
State Grants & Loans; State Contracts; Non-State Public Bids, Contracts & Grants**  
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# State Register

## 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- Withdrawn Rules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 ( <b>BOLDFACE</b> 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	
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# 51	Monday	20 June	Noon Tuesday	14 June	Noon Wednesday	8 June
# 52	Monday	27 June	Noon Tuesday	21 June	Noon Wednesday	15 June

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State Capitol, Room 231, St. Paul, MN 55155  
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State Office Building, Room 175,  
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## Minnesota State Court System

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25 Rev. Dr. Martin Luther King Jr Blvd.,  
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## Federal Register

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# Minnesota Rules: Amendments and Additions

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

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

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

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

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

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# Proposed Rules

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

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

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

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

## Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design

### Proposed Permanent Rules Relating to Licensing and Operations

#### 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 Oral Examinations, *Minnesota Rules*, 1800.0800, 1800.0900, 1800.2600, 1800.3600

**Introduction.** The Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design (Board) 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 Wednesday, July 6, 2011, the Board will hold a public hearing in Suite 295, Golden Rule Building, 85 E. 7<sup>th</sup> Place, St. Paul, Minnesota, 55101, starting at 9:00am on Monday, July 25, 2011. To find out whether the Board will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after July 6, 2011 and before July 25, 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: Andrea Barker at Board of AELSLAGID, 85 East 7<sup>th</sup> Place, Suite 160, St. Paul, Minnesota 55101; **Phone:** (651) 757-1511; **Fax:** (651) 297-5310; **e-mail:** [andrea.barker@state.mn.us](mailto:andrea.barker@state.mn.us). **TTY** users may call the Board of AELSLAGID at 1-800-627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about the elimination of oral examinations as a requirement for licensure as a professional engineer or land surveyor. The statutory authority to adopt the rules is *Minnesota Statutes*, section 326.06 (2008). 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 Wednesday, July 6, 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.

# Proposed Rules

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**Request for a Hearing.** In addition to submitting comments, you may also request that the Board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, July 6, 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, the Board can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

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

**Cancellation of Hearing.** The Board will cancel the hearing scheduled for July 25, 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) 757-1511 after July 6, 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 Board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge 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 Board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The SONAR is also available on the Board's website at [www.aelslagid.state.mn.us](http://www.aelslagid.state.mn.us).

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

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# Proposed Rules

Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 296-5148 or 1-800-657-3889.

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

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

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

Dated: 26 May 2011

Doreen Frost, Executive Director  
MN Board of AELSLAGID

## **1800.0800 PROOF OF QUALIFICATION TO PRACTICE.**

An applicant shall submit evidence to the board indicating that the applicant is qualified to practice in the profession or field of major practice in which the applicant seeks licensure or certification. The burden of proof is upon the applicant who should make every effort to present qualifications fully and clearly. Qualifications shall be established by one or more of the following methods:

A. by passing a written examination;

~~B. by successfully completing an oral examination;~~

~~C. B. by submitting satisfactory exhibits of technical qualifications;~~

~~D. C. by submitting a council certificate prepared by the National Council of Architectural Registration Boards (NCARB), for architect applicants only;~~

~~E. D. by submitting a council record prepared by the National Council of Examiners for Engineering and Surveying (NCEES) for engineer applicants only;~~

~~F. E. by submitting a council record prepared by the Council of Landscape Architectural Registration Boards (CLARB), for landscape architect applicants only;~~

~~G. F. for licensure by comity as an architect, engineer, or landscape architect under *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (a), clause (2), and experience as the board may require together with evidence of current licensure and proof of good standing;~~

~~H. G. for licensure by comity as a land surveyor, an applicant is subject to *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (a), clause (2). In addition, the applicant is required to take examinations that the board deems necessary to determine qualifications, but in any event the applicant is required to take an examination;~~

~~I. H. for certification by comity as a certified interior designer under *Minnesota Statutes*, section 326.10, subdivision 1, paragraph (a), clause (2). The applicant shall meet the certification requirements that were in effect in Minnesota at the time of the applicant's original licensure or certification in the other state, territory, or the District of Columbia. Applicants who were certified in other states prior to August 1, 1992, shall meet the requirements of part 1800.2100; or~~

~~J. I. for licensure within a professional geoscience discipline by comity or submission of records, an applicant shall be subject to *Minnesota Statutes*, sections 326.10, subdivision 1, paragraph (a), clause (2); and 326.10, subdivision 1, paragraph (b).~~

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## 1800.0900 QUALIFICATION PROCEDURES.

Subpart 1. **Exhibits.** Exhibits in connection with oral interview or written examination shall be submitted when requested by the board.

Subp. 2. [Repealed, 21 SR 1427]

Subp. 3. **Examination required.** An applicant for certification as an engineer-in-training, a land surveyor-in-training, a geologist-in-training, or a soil scientist-in-training must take all parts of the applicable fundamentals examination at one time. An applicant for licensure as a professional engineer, land surveyor, professional geologist, or professional soil scientist must pass the applicable fundamentals examination prior to taking the professional examination, except for the professional engineering applicant that meets the requirements outlined in part 1800.2800.

An applicant for licensure as a professional engineer, professional geologist, or professional soil scientist must take all parts of the professional examination at one time.

Subp. 4. **Reexamination.** An applicant who does not receive a passing grade in an examination may make application to retake that examination. The application shall be accompanied by a reexamination fee as required under part 1800.0500, subpart 7. The board may require an applicant failing an examination four or more times to submit evidence of improved qualifications before an additional retake examination is permitted.

Subp. 5. **Date and place of examination.** Oral ~~examinations~~ interviews may be given each year at such times as may be designated by the board. A candidate who files an application for licensure by examination and is determined to be eligible for admission to the examination will be informed of the date and place of the examination in writing. Examinations shall be scheduled once the applicant's application is approved.

Subp. 6. **Registration in another state.** An applicant duly registered in another state and whose registration is current, upon notification from the Minnesota board that the application has been received and is in order may practice the applicant's profession while his or her application is pending pursuant to Minnesota Statutes, section 326.13. An application which has not been acted upon by the board within six months from the date of submission of the application, because of failure of the applicant to furnish the board with qualifying information pertaining to the registration, shall be denied.

The plans and specifications which are prepared by the applicant during the period in which the application is pending must bear the certification stamp of the state in which the applicant is registered along with a statement that she or he has applied for registration in Minnesota and that the application is pending. This stamp must be placed on each sheet of the set of drawings prepared for the project, and on the title sheet of the specifications.

The Minnesota board does not require the use of a seal. If the state in which the architect or engineer is registered has a seal or provisions for signing and dating plans, specifications, and reports, this will be acceptable. If the seal does not provide for signing and dating the plans, the architect or engineer shall sign and date the plans under the seal imprint on each plan certified.

## 1800.2600 ORAL EXAMINATION.

An applicant shall appear before the board for oral examination and shall submit two exhibits of engineering work the applicant has performed if:

~~A: the applicant's experience record, in the sole opinion of the board, does not clearly indicate the required qualifying engineering experience;~~

~~B: the applicant does not hold a degree from an approved engineering curriculum; or~~

~~C: the applicant qualifies for waiver of the fundamentals of engineering examination as provided in part 1800.2800.~~

The applicant shall furnish a letter to the board from the applicant's employer verifying the degree of involvement and responsibility displayed by the applicant in the conduct of the project exhibited.

~~An applicant residing in an overseas area shall submit one exhibit of the applicant's engineering work with a written critique of that exhibit in lieu of the oral examination.~~

## 1800.3600 REQUIREMENTS FOR ADMISSION TO EXAMINATION.

Subpart 1. **Authority to order examination.** The board may subject an applicant to such examinations as may be deemed necessary to establish the qualifications of the applicant. ~~Oral and~~ Written examinations shall be held at such times and places as the board may direct.

Subp. 2. **Land surveyor-in-training.** The Fundamentals of Land Surveying (FLS) examination may be taken upon meeting the requirements of part 1800.3505, subpart 2. The applicant shall submit an official transcript from the college or university the applicant is attending. An applicant taking the FLS examination must be notified of the applicant's score in writing. An applicant failing this examination shall retake the entire examination. A final official transcript showing the degree and the date awarded must be submitted to the board before the land surveyor-in-training certificate is released to the applicant. The passage of this examination and providing proof of the degree and the award date gives the applicant the status of land surveyor-in-training as defined in *Minnesota Statutes*, section 326.10, subdivision 7. The applicant shall take and pass the FLS examination before being permitted to take the professional examination.

Subp. 3. **Professional practice.** The applicant must have successfully completed the Fundamentals of Land Surveying (FLS) examination and have met the education and experience requirements in part 1800.3505, subpart 3. ~~After the applicant has submitted an application for admission to the professional practice examinations, the applicant may be required to appear before the board for an oral examination to determine the applicant's eligibility for admission to the professional examinations. The board shall conduct the examination to review evidence of personal qualifications and evaluate the educational and experience record of the applicant.~~

## Minnesota Board of Dentistry

### Proposed Permanent Rules Relating to Advanced Dental Therapists and Dental Therapists

#### 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 Amendments to Permanent Rules Relating to Dental Therapists and Advanced Dental Therapists, *Minnesota Rules*, Chapter 3100

**Introduction.** The Minnesota Board of Dentistry 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 Wednesday, July 6, 2011, the board will hold a public hearing in the 4<sup>th</sup> Floor Conference Room A, University Park Plaza, 2829 University Avenue SE, Minneapolis, Minnesota 55414, starting at 9:00 a.m. on Friday, August 5, 2011. To find out whether the board will adopt the rules without a hearing or if the hearing will be held, you should contact the agency contact person after July 6, 2011 and before August 5, 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: Kathy Johnson at Minnesota Board of Dentistry, University Park Plaza, 2829 University Avenue SE, Suite 450, Minneapolis, MN 55414-3249, phone: (612) 548-2134 or (888) 240-4762 (outside metro), Fax: (612) 617-2260. Minnesota Relay Service for hearing impaired: (800) 627-3529.

**Subject of Rules and Statutory Authority.** The proposed rules are about dental therapists and advanced dental therapists. The statutory authority to adopt the rules is *Minnesota Statutes*, section 150A.04, subdivision 5. 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 board's website at [www.dentalboard.state.mn.us](http://www.dentalboard.state.mn.us) or a free copy of the entire proposed rules is available upon request from the agency contact person listed above.

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

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**Request for a Hearing.** In addition to submitting comments, you may also request that the board hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, July 6, 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 board cannot count that request when determining whether the board must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

**Alternative Format/Accommodation.** Upon request, the board can make this Notice available in an alternative format, such as large print, Braille, or 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 board may modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the board or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the board follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the board encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The board will cancel the hearing scheduled for Friday, August 5, 2011, if the board does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the board will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (612) 548-2134 after July 6, 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 board will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The board will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge 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, St. Paul, MN 55164-0620, **telephone:** (651) 361-7945, and **fax:** (651) 361-7936.

**Hearing Procedure.** If the board holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the board 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 board 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. A free copy of the statement is now available from the agency contact person, if requested, or available on the board's website at [www.dentalboard.state.mn.us](http://www.dentalboard.state.mn.us).

A copy of the Dual Notice and proposed rules shall be mailed by sending an electronic mailing to everyone who has registered to be on

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the Board of Dentistry's rulemaking mailing list under *Minnesota Statutes*, section 14.14, subdivision 1a; and a copy of the Dual Notice, proposed rules, and the Statement of Need and Reasonableness shall be mailed to the Legislature according to *Minnesota Statutes*, section 14.116.

**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) 2965148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the board may adopt the rules after the end of the comment period. The board will submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the board 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 board 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: 24 May 2011

Marshall Shragg, MPH, Executive Director  
Minnesota Board of Dentistry

## 3100.0100 DEFINITIONS.

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

Subp. 5. **Allied dental personnel.** "Allied dental personnel" means ~~a~~ an advanced dental therapist, dental therapist, dental hygienist, licensed dental assistant, dental assistant with a limited-license permit, assistant without a license or permit, and dental technician.

[For text of subps 5a to 9b, see M.R.]

Subp. 9c. **Dental assistant with a limited-license permit.** "Dental assistant with a limited-license permit" means a person holding a limited-license permit as a dental assistant under part 3100.8500, subpart 3.

Subp. 9c 9d. **Dental health care personnel or DHCP.** "Dental health care personnel" or "DHCP" means individuals who work in a dental practice who may be exposed to body fluids such as blood or saliva.

Subp. 9d 9e. **Dental hygienist.** "Dental hygienist" means a person holding a license as a dental hygienist issued by the board pursuant to the act.

[For text of subps 10 and 11, see M.R.]

Subp. 11a. **Elective activities.** "Elective activities" refers to those activities directly related to, or supportive of, the practice of dentistry, dental therapy, dental hygiene, or dental assisting.

[For text of subps 11b to 12e, see M.R.]

Subp. 13. **Licensee.** "Licensee" means a dentist, dental therapist, dental hygienist, licensed dental assistant, or dental assistant with a limited-license permit.

[For text of subps 13a to 22, see M.R.]

## 3100.1170 LICENSE TO PRACTICE AS A RESIDENT DENTAL THERAPIST OR RESIDENT DENTAL HYGIENIST.

### Subpart 1. **Licensure.**

A. In order to practice dental therapy or dental hygiene as directly related to a respective graduate or advanced educational clinical experience, an enrolled graduate student or a student of an advanced education program must be licensed by the board.

B. The board must license a person to practice dental therapy or dental hygiene as a resident dental therapist or resident dental  
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hygienist if:

(1) the person completes and submits to the board an application furnished by the board;

(2) the person provides evidence of being an enrolled graduate student or a student of an advanced dental education program approved by the board; and

(3) the person has not engaged in behavior for which licensure may be suspended, revoked, limited, modified, or denied on any of the grounds specified in *Minnesota Statutes*, section 150A.08.

## **Subp. 2. Termination of licensure.**

A. A person's license to practice dental therapy or dental hygiene as a resident dental therapist or resident dental hygienist is terminated when the person is no longer an enrolled graduate student or a student of an advanced dental education program approved by the board.

B. A person licensed to practice dental therapy or dental hygiene as a resident dental therapist or resident dental hygienist must inform the board when the licensee is no longer an enrolled graduate student or a student of an advanced dental education program approved by the board.

C. A person who fails to inform the board as required in item B is deemed to have committed fraud or deception within the meaning of *Minnesota Statutes*, section 150A.08, subdivision 1, clause (1).

## **3100.1700 TERMS AND RENEWAL OF LICENSE OR PERMIT; GENERAL.**

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

Subp. 2. **Renewal applications.** ~~A dentist, dental hygienist, licensed dental assistant, or dental assistant with a permit under part 3100.8500, subpart 3;~~ Each licensee shall submit an application for biennial renewal of a license or permit together with the necessary fee no later than the last day of the licensee's birth month which is the application deadline. An application for renewal is deemed timely if received by the board or postmarked no later than the last day of the licensee's birth month. The application form must provide a place for the renewal applicant's signature certifying compliance with the applicable professional development requirements including holding a current CPR certification and information including the applicant's office address or addresses, the license number, whether the licensee has been engaged in the active practice of dentistry during the two years preceding the period for which renewal is sought as a licensee, and if so, whether within or without the state, and any other information which may be reasonably requested by the board.

[For text of subs 3 to 5, see M.R.]

## **3100.1850 REINSTATEMENT OF LICENSE.**

[For text of subs 1 to 2a, see M.R.]

Subp. 3. **Expiration or voluntary termination of 24 months or more.** An applicant whose license has expired according to part 3100.1700, subpart 3, or who voluntarily terminated the license 24 months or more previous to the application for reinstatement must:

A. comply with subpart 2a; and

B. submit either:

(1) evidence of having successfully completed part II of the national board examination or the clinical examination in part 3100.1100, subpart 2, for dentists; the examinations in *Minnesota Statutes*, section 150A.106, subdivision 1, clauses (2) and (6), for advanced dental therapists; the clinical examination in *Minnesota Statutes*, section 150A.06, subdivision 1d, for dental therapists; the national board examination or the clinical examination in part 3100.1200, item C, for dental hygienists; and the two examinations in part 3100.1300, item C, for licensed dental assistants. The examination must have been completed within 24 months prior to the board's receipt of the application; or

(2) evidence of having successfully completed applicable board-approved coursework with minimal hour requirements directly relating to the practice of dentistry, advanced dental therapy, dental therapy, dental hygiene, or dental assisting as indicated in the reinstatement application. The board-approved coursework must have been completed within 24 months prior to the board's receipt of

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the application. The coursework completed under this subpart may not be used to fulfill any of the applicable professional development requirements in part 3100.5100.

[For text of subps 4 and 5, see M.R.]

## **3100.3100 CONDUCT OF EXAMINATIONS.**

This part and parts 3100.3300 to 3100.3500 govern the conduct of examinations and must be strictly adhered to throughout each entire examination given to those applicants for licensure as a dentist or dental therapist, dental hygienist, or ~~as a~~ licensed dental assistant and must be strictly adhered to throughout the entire examination, or for certification as an advanced dental therapist. An examinee who violates any of the applicable rules or instructions may be declared by the board to have failed the examination.

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

## **3100.3200 CLINICAL EXAMINATIONS.**

Every dentist, advanced dental therapist, dental therapist, and dental hygienist applicant shall give a demonstration of skill in those operations appropriate for the level of licensure or certification prescribed by the board. Licensed dental assistant applicants may also be examined for licensure. All operations shall be performed in the presence of a board member qualified for the particular examination being given or consultant appointed by the board for that purpose.

## **3100.3350 EXAMINATION OF DENTAL THERAPISTS AND ADVANCED DENTAL THERAPISTS.**

**Subpart 1. Scope.** This part provides that the examination of applicants for a license to practice dental therapy and become certified to practice advanced dental therapy in this state shall be sufficiently thorough to test the fitness of the applicant to practice dental therapy or advanced dental therapy.

**Subp. 2. Clinical examination.** An applicant must pass a board-approved clinical examination designed to determine the applicant's clinical competency.

**Subp. 3. Additional examination content.** All applicants shall be examined for general knowledge of the act and the rules of the board. Additional written theoretical examinations may be administered by the board.

**Subp. 4. Additional education for two failed clinical examinations.** If an applicant fails twice any part of the clinical examination required by *Minnesota Statutes*, section 150A.06, subdivision 1d, for dental therapists, or *Minnesota Statutes*, section 150A.106, subdivision 1, for advanced dental therapists, the applicant may not retake the examination until the applicant successfully completes additional education provided by an institution approved by the board. The education must cover all of the subject areas failed by the applicant in the clinical examination. The applicant may retake the examination only after the institution provides information to the board specifying the areas failed in the previous examinations and the instruction provided to address the areas failed, and certifies that the applicant has successfully completed the instruction. The applicant must take the additional instruction provided above each time the applicant fails the clinical examination twice.

**Subp. 5. Examination for continued licensure.** The board may administer any other examination it deems necessary to determine qualifications for continued licensure.

## **3100.3600 ADMINISTRATION OF GENERAL ANESTHESIA, DEEP SEDATION, MODERATE SEDATION, MINIMAL SEDATION, AND NITROUS OXIDE INHALATION ANALGESIA.**

**Subpart 1. Prohibitions.** A dental therapist, dental hygienist, or licensed dental assistant may not administer general anesthesia, deep sedation, moderate sedation, or minimal sedation.

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

**Subp. 4. Nitrous oxide inhalation analgesia; educational training requirements.** A dentist may administer nitrous oxide inhalation analgesia only according to items A to D and subpart 5, items A and C. A dental therapist may administer nitrous oxide inhalation analgesia only according to items C to F. A dental hygienist may administer nitrous oxide inhalation analgesia only according to items C to F and subpart 5, item D. A licensed dental assistant may administer nitrous oxide inhalation analgesia only after a maximum dosage has been prescribed by a dentist for a specific patient, and it is administered according to items C to F and subpart 5, item D.

[For text of items A and B, see M.R.]

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C. A dentist, dental therapist, dental hygienist, or licensed dental assistant must complete CPR training and maintain current CPR certification thereafter.

D. A dentist, dental therapist, dental hygienist, or licensed dental assistant must only use fail-safe anesthesia equipment capable of positive pressure respiration.

E. A dental therapist, dental hygienist, or licensed dental assistant may administer nitrous oxide inhalation analgesia only after satisfactorily completing a course on the administration of nitrous oxide inhalation analgesia from an institution accredited by the Commission on Accreditation, and submitting to the board original documentation from the institution of successful completion of the course. The course must be a minimum of 12 hours total comprised of didactic instruction, personally administering and managing at least three individual supervised cases of analgesia, and supervised clinical experience using fail-safe anesthesia equipment capable of positive pressure respiration.

F. A dental therapist, dental hygienist, or licensed dental assistant may administer nitrous oxide inhalation analgesia under the appropriate level of supervision by a dentist who is current with the requirements to administer nitrous oxide inhalation analgesia according to items A to D and subpart 5, items A to C.

[For text of subps 5 to 7, see M.R.]

Subp. 8. **Reporting of incidents required.** A dentist, dental therapist, dental hygienist, or licensed dental assistant must report to the board any incident that arises from the administration of nitrous oxide inhalation analgesia, general anesthesia, deep sedation, moderate sedation, local anesthesia, analgesia, or minimal sedation that results in:

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

B. minimal sedation unintentionally becoming moderate sedation, deep sedation, or general anesthesia when the licensee does not have a certificate for administering general anesthesia or moderate sedation described in subpart 9.

The report must be submitted to the board on forms provided by the board within ten business days of the incident by the dentist, dental therapist, dental hygienist, or licensed dental assistant, even when another licensed health care professional who, under contract or employment with the dentist, was the actual person administering the analgesia or pharmacological or nonpharmacological method. A licensee who fails to comply with reporting of incidents is subject to disciplinary proceedings on grounds specified in parts 3100.6100 and 3100.6200 and *Minnesota Statutes*, section 150A.08, subdivision 1.

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

## **3100.5100 PROFESSIONAL DEVELOPMENT.**

### Subpart 1. **Professional development cycles.**

A. The initial professional development cycle must coincide with the initial licensure period for each dentist, dental therapist, dental hygienist, or licensed dental assistant. The initial cycle for each licensee begins on the date of initial licensure and ends on the last day of the licensee's birth month in either an even-numbered or odd-numbered year that corresponds with the licensee's year of birth. The initial cycle varies in the number of months depending on the date of initial licensure for each licensee.

B. A biennial professional development cycle coincides with the biennial licensure periods for each dentist, dental therapist, dental hygienist, or licensed dental assistant. Each biennial renewal cycle consists of a 24-month period beginning on the first day of the month following expiration of the previous professional development cycle. An established biennial cycle continues to apply even if the license is revoked, suspended, conditioned, or not renewed for any reason for any length of time.

### Subp. 2. **Professional development requirements.**

A. For the initial professional development requirements, each dentist, dental therapist, dental hygienist, and licensed dental assistant shall establish a portfolio to record, monitor, and retain acceptable documentation of fundamental and elective professional development activities, CPR certification, and self-assessments.

B. The minimum number of required hours of fundamental and elective professional development for each biennial cycle is 50 hours for dentists and dental therapists, and 25 hours for dental hygienists and licensed dental assistants. Each dentist, dental therapist, dental hygienist, and licensed dental assistant shall establish a portfolio to record, monitor, and retain acceptable documentation of fundamental and elective professional development activities, CPR certification, and self-assessments. Any professional development hours earned in

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excess of the required hours for a biennial cycle must not be carried forward to the subsequent biennial cycle. The requirements for the fundamental and elective professional development activities are described in subitems (1) and (2).

(1) Each dentist, dental therapist, dental hygienist, and licensed dental assistant must complete a minimum of 60 percent of the required biennial hours in fundamental activities directly related to the provision of clinical dental services as follows: a minimum of 30 hours for dentists and dental therapists, and a minimum of 15 hours for dental hygienists and licensed dental assistants. A licensee may earn all required biennial hours in fundamental activities only.

(2) Dentists, dental therapists, dental hygienists, and licensed dental assistants are allowed a maximum of 40 percent of the required biennial hours in elective activities directly related to, or supportive of, the practice of dentistry, dental therapy, dental hygiene, or dental assisting as follows: a maximum of 20 hours for dentists and dental therapists, and a maximum of ten hours for dental hygienists and licensed dental assistants.

[For text of items C and D, see M.R.]

Subp. 3. **Professional development activities.** Professional development activities include, but are not limited to, continuing education, community services, publications, and career accomplishments throughout a professional's life. Professional development activities are categorized as fundamental or elective activities as described in items A and B.

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

B. Elective activities for an initial or biennial cycle include, but are not limited to, the examples described in subitems (1) to (6):

[For text of subitem (1), see M.R.]

(2) volunteerism or community service directly relating to the practice of dentistry, dental therapy, dental hygiene, or dental assisting such as international or national mission work, voluntary clinic work, or dental health presentations to students or groups;

(3) professional reading of published articles or other forms of self-study directly relating to the practice of dentistry, dental therapy, dental hygiene, or dental assisting;

(4) scholarly activities include, but are not limited to:

(a) teaching a professional course directly related to the practice of dentistry, dental therapy, dental hygiene, or dental assisting; or presenting a continuing dental education program;

(b) presenting a table clinic directly related to the practice of dentistry, dental therapy, dental hygiene, or dental assisting;

[For text of units (c) to (e), see M.R.]

[For text of subitem (5), see M.R.]

(6) the board shall approve other additional elective activities if the board finds the contents of the activity to be directly related to, or supportive of, the practice of dentistry, dental therapy, dental hygiene, or dental assisting.

[For text of subps 4 and 5, see M.R.]

## **3100.6100 STATUTORY GROUNDS FOR DISCIPLINE.**

In general terms, the grounds for suspension or revocation of licenses of dentists, dental therapists, dental hygienists, and licensed dental assistants are in *Minnesota Statutes*, section 150A.08, subdivision 1.

## **3100.6200 CONDUCT UNBECOMING A LICENSEE.**

“Conduct unbecoming a person licensed to practice dentistry, dental therapy, dental hygiene, or dental assisting, or conduct contrary to the best interests of the public,” as used in *Minnesota Statutes*, section 150A.08, subdivision 1, clause (6), shall include the act of a dentist, dental hygienist, licensed dental assistant, or applicant in:

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

F. dental therapists, hygienists, or licensed dental assistants performing services not authorized by the dentist under this chapter or *Minnesota Statutes*, chapter 150A;

[For text of items G to L, see M.R.]

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## 3100.6300 ADEQUATE SAFETY AND SANITARY CONDITIONS FOR DENTAL OFFICES.

[For text of subps 1 to 13, see M.R.]

Subp. 14. **Hazardous waste.** ~~Dentists, dental hygienists, and licensed dental assistants~~ Dental health care personnel shall comply with the requirements for hazardous waste in chapter 7045.

Subp. 15. **Ionizing radiation.** ~~Dentists, dental hygienists, and licensed dental assistants~~ Each licensee shall comply with the requirements for ionizing radiation in chapter 4732.

## 3100.8200 UNLAWFUL PRACTICE BY ALLIED DENTAL PERSONNEL.

An assistant, hygienist, dental therapist, or dental technician who assists a dentist in practicing dentistry in any capacity other than as an employee or independent contractor, who directly or indirectly procures a licensed dentist to act as nominal owner, proprietor, or director of a dental office as a guise or subterfuge to enable the assistant, hygienist, dental therapist, or dental technician to engage directly in acts defined by the act as the “practice of dentistry,” or who performs dental services within the meaning of Minnesota Statutes, section 150A.11, subdivision 1, for members of the public, other than as an employee or independent contractor for an employing dentist, shall be deemed to be practicing dentistry without a license.

## 3100.8300 RESPONSIBILITIES OF LICENSED DENTIST.

Nothing in this chapter relating to the scope of services rendered by assistants, technicians, ~~or hygienists, or dental therapists~~ shall diminish or abrogate the professional and legal responsibilities of employing dentists to their patients, to their profession, and to the state of Minnesota. Dentists employing assistants, technicians, ~~or hygienists, or dental therapists~~ shall be fully responsible for all acts or omissions of these personnel performed or omitted if the acts or omissions are within the normal scope of their employment. Acts or omissions of personnel means whether or not omitted or committed by personnel at the instance and request of the employing dentist if the omission or commission is within the normal scope of their employment.

## 3100.9600 RECORD KEEPING.

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

Subp. 9. **Informed consent.** Dental records must include a notation that:

A. the dentist, advanced dental therapist, or dental therapist discussed with the patient the treatment options and the prognosis, benefits, and risks of each; and

B. the patient has consented to the treatment chosen.

[For text of subps 10 to 14, see M.R.]

# Expedited Emergency Rules

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

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

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

## Minnesota Department of Natural Resources (DNR) Adopted Expedited Emergency Game and Fish Rules: Lynx Management Zone

**NOTICE IS HEREBY GIVEN** that the above entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, section 84.027, subdivision 13 (b). The statutory authority for the contents of the rule is *Minnesota Statutes*, sections 97B.605, 97B.621, 97B.625, 97B.631, 97B.635, 97B.911, 97B.915, 97B.921, 97B.925.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, sections 97A.0451 to 97A.0459, are as follows: Rule changes are made to comply with a federal court order that directs the Minnesota DNR to implement regulatory and programmatic changes to restrict, modify, or eliminate the incidental taking of Canada Lynx through trapping activities in the core Canada Lynx ranges.

The federal court order remains in effect until the U.S. Fish and Wildlife Service issues an incidental take permit, which could require further changes to lynx rules. The 18-month effective time of rules under *Minnesota Statutes* 84.027 subdivision 13(b) best accommodates the incidental take permit process. Once the incidental take permit is finalized, the DNR will begin a permanent rulemaking process.

Dated: 16 May 2011

Tom Landwehr, Commissioner  
Department of Natural Resources

### 6234.1000 DESCRIPTION OF FURBEARER ZONES.

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

Subp. 5. **Lynx Management Zone.** That portion of the state lying north and east of a line beginning on U.S. Highway 53 at the east boundary of the state; thence along U.S. Highway 53 to the north boundary of the state is known as the Lynx Management Zone.

### 6234.2200 USE OF TRAPS.

[For text of subs 1 to 5, see M.R.]

Subp. 5a. **Body-gripping traps in Lynx Management Zone.** In the Lynx Management Zone, a person may not set, place, or operate, except as a waterset, any body-gripping or "conibear" type trap that has a maximum jaw opening, when set, of greater than five inches and less than 7-1/2 inches measured from the inside edges of the body-gripping portions of the jaws, unless the trap is set:

A. at least three feet above the ground or snow level in a tree;

B. at least three feet above the ground or snow level on a leaning pole six inches or less in diameter; or

C. in a cubby box recessed at least seven inches from the box opening, which must be less than 50 square inches in opening size. A cubby box may be constructed of any material, but must be constructed and set in a manner that only allows an animal to enter through the cubby box opening.

[For text of subs 6 to 12, see M.R.]

Subp. 13. **Trap staking and tethering in Lynx Management Zone.** In the Lynx Management Zone, except for watersets, all traps must be staked or otherwise secured by tethering chains or cables not more than 18 inches long, in a manner that prevents captured animals

# Expedited Emergency Rules

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from removing the trap from the trap site.

Subp. 14. **Trap tether swivels.** In the Lynx Management Zone, except for watersets, all leghold traps must have two or more swivels in the tethering chain or cable.

Subp. 15. **Bait restrictions.** In the Lynx Management Zone, the use of fresh meat, rabbits or hares, or the parts of rabbits or hares as bait is prohibited. Other meat may be used as bait if it has been unfrozen and exposed to air for at least 24 hours before being placed in a trap.

Subp. 16. **Sight attractant restrictions.** In the Lynx Management Zone, the use of suspended flags or other sight attractants within 20 feet of a trap is prohibited.

## **6234.2400 SPECIAL RESTRICTIONS ON USE OF SNARES.**

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

Subp. 8. **Snare loop diameter.** The diameter of a snare loop may not exceed ten inches. In the Lynx Management Zone, the diameter of a snare loop must be at least eight inches when set on land.

Subp. 9. **Snare cable diameter.** Snare cable or wire may not exceed one-eighth inch in diameter. In the Lynx Management Zone, snare cable or wire must be at least 5/64 inch in diameter when set on land.

[For text of subp 10, see M.R.]

## **6234.2700 SPECIAL RESTRICTIONS ON TAKING AND POSSESSION OF FURBEARERS.**

The restrictions in items A ~~and B~~ to C apply to the possession and transportation of accidental captures.

[For text of items A and B, see M.R.]

C. A person must report any incidental taking of a Canada lynx to the local conservation officer within 24 hours.

**REPEALER.** The expedited emergency amendments to *Minnesota Rules*, parts 6234.1000; 6234.2200; 6234.2400; and 6234.2700, published in the *State Register*, volume 34, page 1046, February 1, 2010, are repealed.

## **Minnesota Department of Natural Resources (DNR) Adopted Expedited Emergency Game and Fish Rules: 2011 Camp Ripley and Youth Deer Hunts**

**NOTICE IS HEREBY GIVEN** that the above-entitled rules have been adopted through the process prescribed by *Minnesota Statutes*, Section 84.027, subdivision 13(b). The statutory authority for the contents of the rule is *Minnesota Statutes*, Sections 97A.091, 97A.401, 97B.112, 97B.305, 97B.311.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, Sections 97A.0451 to 97A.0459, are that data on deer populations necessary to establish special hunts, including youth hunts and Camp Ripley are available on an annual basis each May. Additionally, hunt cooperators have not determined their participation plans or recommended hunt dates until May.

Dated: 16 May 2011

Tom Landwehr, Commissioner  
Department of Natural Resources

## **6232.0900 CAMPRIPLEY ARCHERY HUNT.**

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Antlerless deer and legal bucks.** In 2011, Camp Ripley is open for taking antlerless deer and legal bucks. Not more than 2,500 permits shall be issued for each two-day hunting period.

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## Expedited Emergency Rules

Subp. 4. **Bag limits.** The bag limit for the Camp Ripley archery hunt is two deer. Hunters may use bonus permits to take antlerless deer and may take a deer of either sex on their regular license. Only one legal buck may be taken during this hunt.

### 6232.2550 YOUTH SPECIAL DEER HUNTS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Open areas.** The youth special deer hunt areas described in items A to N are open by permit during the 2011 season.

A. Camp Ripley Military Refuge in Morrison County is open for youth taking deer by archery October 7 to 9. No more than 175 permits shall be issued. Sponsors are the Minnesota Deer Hunters Association and the Minnesota State Archery Association. The bag limit is two deer. Hunters may use bonus permits to take antlerless deer and may take a deer of either sex on their regular license.

B. The Lake Alexander Preserve in Morrison County is open October 7 to 9 for youth taking deer by archery. No more than 20 permits shall be issued. Sponsors are the Nature Conservancy, Minnesota State Archery Association, and the Minnesota Deer Hunters Association. The bag limit is two deer. Hunters may use bonus permits to take antlerless deer and may take a deer of either sex on their regular license.

C. Portions of Afton State Park in Dakota County are open November 5 and 6 for youth taking deer with firearms. No more than 15 permits shall be issued. The Division of Parks and Trails is the sponsor. The bag limit is two deer. Hunters may use bonus permits to take antlerless deer and may take a deer of either sex on their regular license. The park will be open only to participating youth deer hunters and their mentors from sunset on November 4 through 8 a.m. on November 7.

D. Portions of Banning State Park in Pine County are open October 29 and 30 for youth taking antlerless deer and legal bucks with firearms. No more than six permits shall be issued. The Division of Parks and Trails is the sponsor. A bonus permit may be used, but the bag limit is one deer. Areas specified on maps provided by the park manager will be open only to participating youth deer hunters and their mentors.

E. Portions of Buffalo River State Park in Clay County are open October 22 and 23 for youth taking deer with firearms. No more than ten permits shall be issued. The Division of Parks and Trails is the sponsor. The bag limit is two deer. Hunters may use bonus permits to take an antlerless deer and may take a deer of either sex on their regular license.

F. Portions of Buffalo River State Park in Clay County are open October 29 and 30 for youth taking deer with firearms. No more than ten permits shall be issued. The Division of Parks and Trails is the sponsor. The bag limit is two deer. Hunters may use bonus permits to take an antlerless deer and may take a deer of either sex on their regular license.

G. A portion of Itasca State Park in Clearwater, Hubbard, and Becker Counties is open October 15 and 16 for youth taking deer with firearms. No more than 75 permits shall be issued. The Division of Parks and Trails and the Minnesota Deer Hunters Association are the sponsors. The bag limit is two deer. Hunters may use bonus permits to take antlerless deer and may take a deer of either sex on their regular license.

H. Portions of Lake Bemidji State Park in Beltrami County are open October 15 and 16 for youth taking deer with firearms. No more than 20 permits shall be issued. The Minnesota Deer Hunters Association Bemidji Chapter is the sponsor. The bag limit is two deer. Hunters may use bonus permits to take antlerless deer and may take a deer of either sex on their regular license.

I. Rydell National Wildlife Refuge in Polk County is open October 22 and 23 for youth taking antlerless deer and legal bucks with firearms. No more than 20 permits shall be issued. Sponsors are the friends of the Rydell National Wildlife Refuge and the Minnesota Deer Hunters Association. A bonus permit may be used, but the bag limit is one deer.

J. Portions of St. Croix State Park in Pine County are open October 29 and 30 for youth taking antlerless deer and legal bucks with firearms. No more than 90 permits shall be issued. The Division of Parks and Trails is the sponsor. A bonus permit may be used, but the bag limit is one deer. Areas specified on maps provided by the park manager will be open only to participating youth deer hunters and their mentors.

K. Portions of Savanna Portage State Park in Aitkin County are open October 29 and 30 for youth taking antlerless deer and legal bucks with firearms. No more than 20 permits shall be issued. The Division of Parks and Trails is the sponsor. A bonus permit may be used,

# Expedited Emergency Rules

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but the bag limit is one deer. Areas specified on maps provided by the park manager will be open only to participating youth deer hunters and their mentors.

L. Portions of Tettegouche State Park in Lake County are open October 15 and 16 for youth taking antlerless deer and legal bucks with firearms. No more than ten permits shall be issued. The Division of Parks and Trails is the sponsor. A bonus permit may be used, but the bag limit is one deer. Areas specified on maps provided by the park manager will be open only to participating youth deer hunters and their mentors.

M. The Game Haven Scout Reserve in Olmsted County is open October 8 and 9 for youth taking deer with firearms. No more than eight permits shall be issued to youth hunters selected by the Boy Scouts of America Game Haven Council. The Boy Scouts of America Game Haven Council is the sponsor. The bag limit is five deer. Hunters may use bonus permits to take antlerless deer and may take a deer of either sex on their regular license.

N. The Game Haven Scout Reserve in Olmsted County is open October 15 and 16 for youth taking deer with firearms. No more than eight permits shall be issued to youth hunters who are selected by the Boy Scouts of America Game Haven Council. The Boy Scouts of America Game Haven Council is the sponsor. The bag limit is five deer. Hunters may use bonus permits to take antlerless deer and may take a deer of either sex on their regular license.

Subp. 4. **Placement of portable deer stands on state parks with limited permits.** Portable deer stands may be placed for the duration of a special hunt described in subpart 3 during normal business hours no more than seven days before the start of the hunt. One stand per person may be left overnight. The stand must be clearly marked with the person's name and MDNR number. Only stands that do not damage the tree or surrounding vegetation are allowed. Screw-in tree steps, nails, screws, or other devices that damage the tree bark are prohibited. Stands legally placed by a person may not be occupied by another person without permission. All stands must be removed within 24 hours of the close of the season.

## **6232.2560 YOUTH SPECIAL DEER SEASONS.**

Subpart 1. **Requirements.** Youths participating in youth special deer seasons must obtain a license for taking deer by firearms, valid for any season option, by the beginning date of the special season. A youth special season participant may take one deer, which must be antlerless. One bonus permit may be used. An adult mentor age 18 or older authorized by the youth's parent or guardian must accompany the youth hunter at all times during the hunt. The accompanying adult may not hunt. Party hunting is not allowed. The blaze orange requirements in *Minnesota Statutes*, section 97B.071, paragraph (a), apply to all hunters and trappers, and all adult mentors of youth hunters, in the areas open to firearms deer hunting during the youth special seasons established in this part.

Subp. 2. **Open areas.** Open areas and dates for youth special deer seasons shall be established annually by the commissioner. For 2011, permit areas 101, 105, 111, 114, 201, 203, 208, 209, 256, 257, 260, 263, 264, 267, 268, 338, 339, 341, 342, 343, 344, 345, 346, 347, 348, 349, and 601 are open October 20 to 23 for taking antlerless deer by firearms for youth who are at least age ten and under age 15 at the time of the hunt. Old Mill State Park, Lake Bronson State Park, Hayes Lake State Park, Zippel Bay State Park, and Whitewater Game Refuge are open to taking antlerless deer by eligible youth. One bonus permit may be used, but a hunter may not take more than one deer.

**EFFECTIVE PERIOD.** The emergency amendments to *Minnesota Rules*, parts 6232.0900, 6232.2550, and 6232.2560 expire December 31, 2011. After the emergency amendments expire, the permanent rules as they read prior to those amendments again take effect, except as they may be amended by permanent rule.

# 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

### Emergency Executive Order 11-19: Providing Assistance for the State of North Dakota

**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**, on Saturday, May 28, 2011, an Emergency Management Assistance Compact (EMAC) Interstate Mutual Aid Request for Assistance was received from the State of North Dakota; and

**WHEREAS**, hydrologic conditions have caused severe spring flooding throughout Central and Western North Dakota; and

**WHEREAS**, the resources of the affected local and county and state governments have been fully utilized to meet the demands generated by this flooding; and

**WHEREAS**, the State of North Dakota has requested assistance from the Minnesota National Guard to support ongoing flood response operations;

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

1. The Adjutant General of Minnesota shall order to state active duty on or about May 30 2011, in the service of the State, any personnel, equipment and resources of the military forces of the State that are required to provide assistance in responding to the emergency and in providing emergency relief services.
2. The Adjutant General may purchase, lease, or contract for goods and services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay, and allowances of these individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes*, sections 192.49, 192.52, and 192.54.

Under *Minnesota Statutes*, section 4.035, subdivision 2, this Emergency Executive Order is effective immediately and will remain in effect until the conclusion of the emergency.

**IN TESTIMONY WHEREOF**, I have set my hand on May 31, 2011.

Signed: **Mark Dayton**  
**Governor**

Filed According to Law:

Signed: **Mark Ritchie**  
**Secretary of State**

# Official Notices

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

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

## Worth Noting:

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

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## Bassett Creek Watershed Management Commission (BCWMC) Notice of Public Hearing on Proposed Major Plan Amendment to the Bassett Creek Watershed Management Commission's *Watershed Management Plan*

**NOTICE IS HEREBY GIVEN** that the Bassett Creek Watershed Management Commission (BCWMC) will meet at Golden Valley City Hall, 7800 Golden Valley Road, Golden Valley, Minnesota, on Thursday, June 16, 2011, and will hold a public hearing at 11:30 a.m. Interested persons are invited to attend. The purpose of the public hearing is to explain a proposed major plan amendment to the BCWMC's *Watershed Management Plan* and to hear public testimony and comments of member cities regarding the proposed amendment. The proposed major plan amendment involves the following:

- Adding to the BCWMC's Capital Improvement Program (CIP) one project to restore 2.5 miles of the Main Stem of Bassett Creek from Irving Avenue North in Minneapolis to Golden Valley Road in Golden Valley for 2012. The estimated cost of this improvement is \$600,000.

- Adding to the CIP a project to modify the outlet of Wirth Lake to prevent backflow from the Creek during flooding, which would reduce phosphorus loading to the lake, as recommended in the Wirth Lake TMDL Implementation Plan for 2012. The estimated cost of this improvement is \$250,000. The BCWMC received a \$75,000 grant for this project from the Minnesota Board of Water and Soil Resources through the 2011 Clean Water Fund Competitive Grants Program, which will be applied to the total cost of the project.

- Adding to the CIP a project to construct a pond at Lakeview Park within the Medicine Lake watershed that would reduce nutrient loading to this impaired water for 2013. The estimated cost of this improvement is \$196,000.

The proposed method by which the costs of the improvements are to be paid is a levy of an ad valorem property tax by Hennepin County on property within the Bassett Creek Watershed.

Bassett Creek Watershed Management Commission  
Linda Loomis, Chair

**Minnesota Department of Corrections (DOC)  
Division of Community Services, Inspection and Enforcement Unit  
REQUEST FOR COMMENTS on Possible Amendment to Rules Governing  
Municipal Jail Facilities, *Minnesota Rules*, Chapter 2945**

**Subject of Rules.** The Minnesota Department of Corrections requests comments on its possible amendment to Chapter 2945 Municipal Jail Facilities. The Department is considering rule amendments that establish minimum standards for municipal jail facilities. The last amendment of the municipal jail facilities was in 1992. The amendment of the rule will address new case laws, remove duplicative language and requirements and reflect changes in technology.

**Persons Affected.** The people affected will be city police chiefs that have cells in their police department and the city council. There are currently 45 cities that have municipal jail facilities. Also affected are the county sheriffs' personnel that are doing the municipal facility inspections for the Department of Corrections as required by *Minnesota Statutes*, Section 642.09.

**Statutory Authority.** The department's statutory authority to adopt the amendment to these rules is set forth in *Minnesota Statutes* section 241.021, subdivision 1, which provides:

**“Correctional facilities; inspection; licensing.** (a) Except as provided in paragraph (b), the commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons detained or confined therein....(f) As used in this subdivision, “correctional facility” means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated to be guilty or delinquent.”

Under this statute, the department had the necessary statutory authority to adopt the proposed rules and thereby amend those rules. All sources of statutory authority were adopted and effective prior to January 1, 1996 and therefore *Minnesota Statutes*, section 14.125, does not apply. See *Minnesota Laws 1995*, Chapter 233, article 2, section 58.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 pm, Monday, August 8, 2011. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the possible rules.

**Rules Drafts.** The Department has not prepared a draft of the possible rules amendments. A committee including Department of Corrections staff, police department staff, city council members and sheriff department inspectors will be convened.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules and requests for more information on these possible rules should be directed to: Tracy Gerasch at Minnesota Department of Corrections, 1450 Energy Park Drive, Suite 200, St. Paul, MN 55108-5219, **phone:** (651) 361-7581, **fax:** (651) 306-0036, **e-mail:** [tracy.gerasch@state.mn.us](mailto:tracy.gerasch@state.mn.us). **TTY** users may call the Minnesota Relay Service at 1-800-627-3529.

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

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

Dated:

Tom Roy, Commissioner  
Department of Corrections

# Official Notices

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## Department of Human Services (DHS)

### Health Care Administration

#### Notice of Intent to Publish Request for Proposals for Health Care Delivery Demonstrations

The Department of Human Services (DHS) is providing notification of its intent to publish a Request for Proposals (RFP) by July 1, 2011 for the Health Care Delivery System (HSDS) demonstration as required by *Minnesota Statutes* § 256B.0755 for Minnesota Health Care Programs. The RFP will include design elements and technical specifications for proposal submission and participation in the HCDS demonstration. These elements include required structure and functions of participating systems, enrollee assignment and attribution, payment models, quality measures, and data feedback to providers. For more information on the design elements of the demonstration and to sign up for email alerts, please visit DHS' HCDS website at: [www.dhs.state.mn.us/provider/HCDeliveryDemo](http://www.dhs.state.mn.us/provider/HCDeliveryDemo).

For questions regarding the Health Care Delivery System demonstration, contact:

Ross Owen  
Minnesota Department of Human Services  
Health Care Administration  
P.O. Box 64984  
St. Paul, MN 55164-0984  
**Phone:** (651) 431-4228  
**E-mail:** [ross.owen@state.mn.us](mailto:ross.owen@state.mn.us)

## Minnesota Department of Natural Resources (DNR)

### Notice of Hearing on Sale of State Land in Washington County

**NOTICE IS HEREBY GIVEN**, that pursuant to *Minnesota Statutes*, section 97A.135, subd. 2a, a hearing will be held by the Department of Natural Resources, in the 4<sup>th</sup> Floor Minerals conference room at the DNR Central Office, 500 Lafayette Road North, St. Paul, Minnesota, on June 24, 2011 at 9:00 a.m.

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

Outlot B of the recorded plat of BASSWOOD ESTATES, on file and of record in the Office of the County Recorder. This parcel contains 3.2 acres, more or less.

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

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

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

Dated: 27 May 2011

Kathy A. Lewis, Assistant Director  
Division of Lands and Minerals  
Department of Natural Resources

**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

**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 March 25, 2011 until March 25, 2014:

Philip Joseph Franklin, Leesburg, VA  
Franklin Drywall Inc. and its affiliates, Little Canada, MN  
Master Drywall Inc. and its affiliates, Little Canada, 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 Contracts

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

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

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

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

## Projects Open for Bid

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**
- **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**

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](mailto:loretta.diaz@state.mn.us)

## Department of Agriculture (MDA)

### Farm Advocate Program

#### Notice of Availability of Contracts for Minnesota Farm Advocates

The Minnesota Department of Agriculture announces the availability of contracts for farm advocates for the period of July 1, 2011 through June 30, 2012. Applicants must be familiar with or experienced in farm financial planning (cash flows through financial statements); be knowledgeable of farmers' borrowers' rights and responsibilities with the ability to comprehend state and federal rules and regulations governing agricultural credit; have good communication skills (written, oral and listening); and have compassion for and interest in helping farmers. Preference will be given to applicants with a farm background.

Resumes will be accepted through June 27, 2011.

For more information, contact:

Jim Boerboom, Deputy Commissioner  
Minnesota Department of Agriculture  
625 Robert St. No.  
St. Paul, MN 55155  
**Phone:** (651) 201-6395  
**E-mail:** [jim.boerboom@state.mn.us](mailto:jim.boerboom@state.mn.us)

**Minnesota State Colleges and Universities (MnSCU)  
Anoka Technical College  
Advertisement for Bids for 2011 Pavement Rehabilitation**

**Sealed Bids for:** 2011 Pavement Rehabilitation  
Anoka Technical College  
Anoka, Minnesota

**will be received by:** Marilyn Smith  
Room 106A  
Anoka Technical College  
1355 West Highway 10  
Anoka, Minnesota 55303

Until 10:00 AM, local time, June 17, 2011, at which time the bids will be opened and publicly read aloud in Room 106A.

**Project Scope:** Project consists of parking lot reconstruction, seal coating, concrete curbing, re-striping, and all associated work.

A **Pre-Bid Meeting** will be held at 10:00 AM, Friday, June 10, 2011, in Room 106A at Anoka Technical College. The Architect/Engineer and/or College/University Representatives will review the bidding procedures, Bidding Documents and other conditions with interested Bidders and answer questions.

**Bidding Documents** are as prepared by the Project Architect/Engineer; Larson Engineering, Inc.

Interested parties may view the Bidding Documents at no cost on the website:

*<http://www.finance.mnscu.edu/facilities/design-construction/index.html>*

and click on "Announcements", then click on "*Advertisement for Bids (E-Plan Room)*". Bidding Documents can be downloaded for a non-refundable charge of \$10.00. Planholders are parties that have downloaded the plans and specifications. Planholders 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. The sales of paper copies for projects listed on this site are not available. Contact **QuestCDN.com** at (952) 233-1632 or **e-mail:** *info@questcdn.com* for assistance in viewing or downloading with this digital project information.

**Minnesota State Colleges and Universities (MnSCU)  
Dakota County Technical College  
Notice of Request for Sealed Proposals for Banking Services**

**NOTICE IS HEREBY GIVEN** that Dakota County Technical College will receive proposals for Banking Services. Proposal documents are available by calling (651) 423-8577 or e-mailing: *Tom.Klemenhagen@dctc.edu*.

Sealed proposals must be received by:

Tom Klemenhagen  
Dakota County Technical College  
1300 - 145<sup>th</sup> St. East  
Rosemount, MN 55068

by 2:00pm on June 20, 2011.

Dakota County Technical College reserves the right to reject any or all proposals or portions thereof, or to waive any irregularities or informalities in proposals received.

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU) Lake Superior College Request for Proposal for Food Service

**NOTICE IS HEREBY GIVEN** that proposals are being solicited for Pricing and Service for the In-House Cafeteria food service at Lake Superior College located in Duluth, Minnesota.

Lake Superior College seeks to enter into an agreement for In-House Food Services to be used by students, faculty and staff for the period of August 15, 2011 through May 16, 2014. For additional information or to request a copy of the Request for Proposal, please contact:

Joyce Clock, Purchasing  
Lake Superior College  
2101 Trinity Rd  
Duluth MN 55811  
**Telephone:** (218) 733-5976  
**Fax:** (218) 733-5977  
**E-mail:** *purchasing@lsc.edu*

Proposals are due at the Lake Superior College Business Office by 4:00 PM CT on Friday, June 24, 2011.

This notice and the Request for Proposal do not obligate the State of Minnesota, Minnesota State Colleges and Universities or Lake Superior College to award a contract; and reserves its right to withdraw from the RFP if it is considered to be in its best interest.

## Minnesota State Colleges and Universities (MnSCU) Lake Superior College Request for Proposal for Single-engine Aircraft Rental

**NOTICE IS HEREBY GIVEN** that proposals are being solicited for the rental of single-engine aircraft to be used for student pilot instruction at Lake Superior College located in Duluth, Minnesota.

Lake Superior College seeks to enter into a rental agreement for up to three (3) single-engine aircraft to be used for student pilot instruction during the period of July 1, 2011 through June 30, 2013. For additional information or to request a copy of the Request for Proposal, please contact:

Mark Winson, Vice President - Administration  
Lake Superior College  
2101 Trinity Road  
Duluth, MN 55811  
Telephone: 218-733-7613  
**Fax:** (218) 733-5937  
**E-mail:** *m.winson@lsc.edu*

Proposals are due at the Lake Superior College Business Office by 4:00 p.m. CT on Monday, June 6, 2011.

This notice and the Request for Proposal do not obligate the State of Minnesota, Minnesota State Colleges and Universities or Lake Superior College to award a contract; and reserves its right to withdraw from the RFP if it is considered to be in its best interest.

**Minnesota State Colleges and Universities (MnSCU)****Pine Technical College****Formal Request for Bid (RFB) for the Purchase of Hunter Alignment Machine and Hoist, Including Installation of New Hoist and Trade-in for Old Hunter Hoist and Alignment Machine**

Response Due Date and Time: Thursday, June 22, 2011 by 4:00 p.m. Central Time

The complete Request for Bid will be available on Monday, June 6, 2011. Interested parties must contact Joan Bloemendaal-Gruett at (320) 629-5116 or [bloemendaalj@pinetech.edu](mailto:bloemendaalj@pinetech.edu) to obtain bid specifications.

**TITLE OF PROJECT:** Hunter Alignment System and Scissor Rack

**GEOGRAPHIC LOCATION REQUIREMENTS:**

Pine Technical College  
900 Fourth Street SE  
Pine City, MN 55063

**RESPONSES MUST BE RECEIVED AT LOCATION LISTED BELOW:**

Joan Bloemendaal-Gruett, Chief Academic Officer  
Pine Technical College  
900 Fourth Street South East, Room 44  
Pine City, MN 55063  
**Phone:** (320) 629-5116  
**Fax:** (320) 629-5101  
**E-mail:** [bloemendaalj@pinetech.edu](mailto:bloemendaalj@pinetech.edu)

**CONTACT FOR QUESTIONS:** Joan Bloemendaal-Gruett, phone: (320) 629-5116

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

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

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

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

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU) Minnesota State University Moorhead Request for Proposals for Admissions Marketing

**NOTICE IS HEREBY GIVEN** that Minnesota State University Moorhead has identified the following need: Increase MSUM's marketing penetration to prospective students, ultimately increasing the enrollment of incoming freshmen and MSUM's market share.

The ultimate success of our efforts is to leverage a new brand strategy that will include qualitative as well as quantitative dimensions from research provided from a branding exercise currently in progress.

Among the quantitative dimensions we expect to use to monitor our future success include:

1. Increase in the size, quality, demographic mix and geographic reach of our undergraduate and graduate populations and applicant pools, based on detailed targeting and marketing
2. Growth in enrollment and tuition revenue as a result of increases in freshmen enrollment
3. Measureable increase in response rates from high school seniors, juniors and sophomores

To support this initiative, Minnesota State University Moorhead is requesting proposals to assist in services aimed at helping the University increase enrollment. This RFP is undertaken by Minnesota State University Moorhead pursuant to the authority contained in provisions of *Minnesota Statutes* § 136F.581 and other applicable laws.

**Information Contact:** Minnesota State University Moorhead's agent for purposes of responding to inquiries about the RFP is:

**Name:** Jeremy Johnson  
**Title:** Director of Admissions & Marketing  
**Address:** 1104 - 7<sup>th</sup> Avenue South, Moorhead, MN 56563  
**Telephone:** (218) 477-2564  
**E-mail address:** [johnso@mnstate.edu](mailto:johnso@mnstate.edu)

A COPY OF THIS RFP AS WELL AS ANY Questions and Answers to this RFP will be posted as a link to:

<http://www.mnstate.edu/publications/>

It is the responder's responsibility to check this site on a regular basis.

Other persons are not authorized to discuss RFP requirements before the proposal submission deadline and Minnesota State University Moorhead shall not be bound by and responders may not rely on information regarding RFP requirements obtained from non-authorized persons. Questions must include the name of the questioner and his/her telephone number, fax number and/or e-mail address. Anonymous inquiries will not be answered.

**Proposals should be sent or emailed, by 3PM CST on June 17, 2011 to:** Jeremy Johnson, Director of Admissions & Marketing, Minnesota State University Moorhead, 1104 - 7<sup>th</sup> Avenue S., Moorhead, MN 56563; **e-mail:** [johnso@mnstate.edu](mailto:johnso@mnstate.edu)

The responder, if sending electronically, should email its RFP response in Microsoft Word format to [johnso@mnstate.edu](mailto:johnso@mnstate.edu).

Proposals received after this date and time will be returned to the responder un-opened. **Fax responses will NOT be considered.**

**Minnesota State Colleges and Universities (MnSCU)****Department of Administration (Admin)****St. Cloud State University****Request for Qualifications for Construction Manager at Risk for the Case Hall and Hill Hall Renovation at St. Cloud State University**

**NOTICE OF AVAILABILITY** of Request for Qualifications (RFQ) for Construction Manager at risk for the Case Hall and Hill Hall Renovation at St Cloud State University, St Cloud MN.

The State of Minnesota, Department of Administration is soliciting qualifications from interested, qualified Construction Managers at risk for the above referenced project.

Interested parties may view the RFQ at no cost on the website:<http://www.finance.mnscu.edu/facilities/design-construction/index.html>; click on "Announcements"

Mandatory Project Information Meeting and Site Visit: Monday, June 6, 2011, 10:00 AM, Oak Room, Atwood Memorial Center, St. Cloud State University, 651 - 1<sup>st</sup> Avenue South, Saint Cloud, MN 56301. Contact Jane Spaude, (320) 308-2267 or [jjspaude@stcloudstate.edu](mailto:jjspaude@stcloudstate.edu) to sign up for this meetin

Qualifications must be delivered to Lisa Sparks, Director of Purchasing, St Cloud State University, Administrative Services Room # 122, 720 Fourth Avenue South, St Cloud, MN 56301-4498, phone: (320) 308-4788, not later than 3:00 PM C.T. June 21, 2011. Late responses will not be considered.

St. Cloud State University/Minnesota State College and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

**Minnesota Department of Human Services (DHS)****Aging and Adult Services Division****Program of All-Inclusive Care for the Elderly (PACE) Organization****Development Contract****Notice of Amended Request for Proposals to Develop PACE Organizations Contracts**

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services through its Aging and Adult Services Division (State) has amended the request for proposals (RFP) to develop a financially and service viable Program of All-Inclusive Care for the Elderly (PACE) Organization. (RFP originally published on Monday, March 21, 2011.) The deadline for the receipt of proposals has been changed from June 24, 2011 to September 30, 2011, 4:00 p.m. Central Daylight Time. Late, faxed and e-mailed proposals will not be considered.

For more information contact:

Mary Olsen Baker, Planner  
Aging and Adult Services  
**Phone:** (651) 431-2568  
**E-mail:** [dhs.mnpaace@state.mn.us](mailto:dhs.mnpaace@state.mn.us)

The complete amended RFP is available online at the Minnesota Department of Human Services website,  
[http://www.dhs.state.mn.us/dhs16\\_159268.doc](http://www.dhs.state.mn.us/dhs16_159268.doc)

Additional resources and information for potential responders is available at the DHS PACE website:

# State Contracts

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<http://www.dhs.state.mn.us/mnpace>

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

## Department of Human Services (DHS) Health Services and Medical Management Division Notice of Request for Proposals for a Qualified Contractor(s) to Provide Psychiatric Consultation Services

The Minnesota Department of Human Services, Chemical and Mental Health Services Administration, (DHS) is seeking Proposals from qualified Responders to provide Psychiatric Consultation and related services for primary care practitioners, mental health professionals and other health care providers. Specifically, the successful Responder(s) will provide:

- Outreach, support and education for local collaborative partnerships including mental health, primary care and other providers
- Triage-level assessment to determine most appropriate response to each request for consultation
- Referrals to other services as appropriate
- Mandatory consultations relating to psychotropic prescriptions that exceed certain thresholds for children on Medical Assistance fee-for-service (see below)
- Voluntary consultations to improve collaboration between primary care and behavioral health
- Rapid access to direct psychiatric services, probably limited to a one-time in-person (or interactive video) appointment for individuals who are at risk of hospitalization and only when local services are not available, with recommendations provided and subsequent care management retained by primary care
- A clinical resource for state pharmacy staff and the state's prior authorization vendor, including assistance with review of challenging drug regimens.

Development of this service is specifically required by *Minnesota Statutes* 245.4862. The legislature took this action based on pilot projects and other states' experience indicating that this type of a service could improve the quality of health care while reducing overall costs. This statute requires first priority for this service to be for consultations which are required as part of the authorization process for certain children's psychotropic medications, as provided in *Minnesota Statute* 256B.0625, subd. 13j. Based on this statutory priority and a DHS analysis of need, DHS projects that, in the first year, 90% of this service will relate to children, particularly the mandatory children's consultations. In subsequent years, DHS projects a reduced need for the mandatory children's consultations, thus freeing up more resources for voluntary consultations, including services for adults.

The term of any resulting Contract is anticipated to be two years (September 15, 2011 to September 14, 2013), with an option to extend for one 3-year term.

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

[http://www.dhs.state.mn.us/main/id\\_000102](http://www.dhs.state.mn.us/main/id_000102)

or by contacting:

John Zakelj  
Chemical and Mental Health Services Administration  
Minnesota Department of Human Services  
P.O. Box 64981  
St. Paul, MN 55164-0981  
**Fax:** (651) 431-7566  
**E-mail:** [john.m.zakelj@state.mn.us](mailto:john.m.zakelj@state.mn.us)

This is the only person designated to answer questions by potential responders regarding this request. Proposals must be received at

DHS no later than *4:00 p.m. Central Time, July 15, 2011*. Late proposals will NOT be considered. Faxed or e-mailed proposals will NOT be considered.

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

## Minnesota State Lottery Request for Proposals for Sponsorship Agreements

### Description of Opportunity

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

### Proposal Content

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

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

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

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

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

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

### Questions

Questions concerning this Solicitation should be directed to:

John Mellein, Marketing Director  
Minnesota State Lottery  
2645 Long Lake Road  
Roseville, MN 55113  
**Telephone:** (651) 635-8230  
**Toll-free:** (888) 568-8379 ext. 230  
**Fax:** (651) 297-7496  
**TTY:** (651) 635-8268  
**E-mail:** [johnm@mnlottery.com](mailto:johnm@mnlottery.com)

# State Contracts

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

## Response Delivery

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

## Department of Natural Resources (DNR) Division of Lands and Minerals Notice of Availability of Contract for Minerals Diversification Research Certification #25579

The Minnesota Department of Natural Resources is requesting proposals for the purpose of Minerals Diversification Research whose goal is to conduct research that increases the knowledge of Minnesota's mineral potential, stimulate the development of mineral resources in Minnesota, promote basic mineral research, and identify Minnesota aggregate resources.

Work is proposed to start after July 1, 2011.

A Request for Proposals will be available by mail from this office through June 3, 2011. **A written request (by email, direct mail, or fax) is required to receive the Request for Proposal.** After June 3, 2011, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

John Arola, Mineral Development Consultant  
DNR-Lands and Minerals  
1525 Third Avenue East  
Hibbing, Minnesota 55746  
**E-mail:** *john.arola@state.mn.us*  
**Phone #:** (218) 231-8441  
**Fax #:** (218) 262-7328

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 2:30 p.m. central time, June 16, 2011. **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

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

## Department of Natural Resources (DNR) Division of Parks and Trails Notice of Availability of Contract for the Minnesota State Park Reservations and Point of Sale System

The Minnesota Department of Natural Resources, Division of Parks and Trails is requesting proposals for the purpose of developing and operating a centralized camping/lodging reservation and point-of-sales system to support public accommodation reservations for overnight camping, lodging, and merchandise sales within Minnesota state parks.

System is proposed to be in place by: January 1, 2012.

RFP's are available online at the Minnesota Department of Natural Resources Website located at:

*<http://www.dnr.state.mn.us/rfp/index.html>*

All questions and answers to this RFP will be available at the Website listed above.

All proposals must be mailed or delivered to:

Mr. Bill Anderson  
Minnesota Department of Natural Resources  
Division of Parks and Trails  
500 Lafayette Road  
St Paul, MN 55155  
**E-mail:** *bill.anderson@state.mn.us*  
**Phone:** (651) 259-5590

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **2:00 p.m., CDT on Tuesday, June 28, 2011. Late proposals will NOT be considered.** Faxed or emailed proposals will **NOT** be considered.

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

## 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

# State Contracts

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

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

## **Minnesota Zoological Garden Request for Proposals for the Black Bear Exhibit**

The Black Bear Exhibit project consists of a new 3150 SF animal holding building, outdoor holding area and visitor viewing structure attached to the existing Minnesota Trail and Target Learning Center. The project also includes a fenced in 10,000 SF exhibit yard.

Bidders will be prime contractors for their respective Scopes of Work. Scopes can be found in the Specifications.

Bidders shall include: Site Work/Demo/Utilities/Final Grade (BP1); Concrete/Flatwork/Masonry/Precast (BP2); Precast Concrete/ (BP3); Carpentry/ Structural Steel/Misc. Metals/ Roofing/Sheet Metal / Caulking/Sealants (BP7); Flooring/Paint/ Caulking/Sealants/ Flooring/Paint (BP4); Glazing/Skylights (BP5); Fencing (BP13).

A pre-bid meeting will be held at the Zoo on June 7 at 10:00am. All contractors are encouraged to attend and this will be the only chance for contractor to see non-public areas of the site and adjacent buildings. This meeting is MANDATORY for ALL bidders.

### **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.

### **Additional Projects in Local Government**

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](mailto: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."

# Non-State Bids, Contracts & Grants

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## City of Ely, Minnesota

### Notice of Call for Bids for the Ely Municipal Airport - 2011 Capital Improvement Program - Crack Repair

Project Location: Ely Municipal Airport, Ely, Minnesota  
Project Name 2011 Capital Improvement Program - Crack Repair  
FAA AIP No. 3-27-0027-12-11  
State Project No. 6920-41  
TKDA Project No. 14900  
Bids Close At: 2:00 PM on June 30, 2011

**Notice to Contractors:** Sealed bid proposals for the project listed above will be received by the City of Ely at the office of the City Clerk, 209 E. Chapman St., Ely, MN 55731, until the date and hour indicated.

This project consists of the following major items of work at Ely Municipal Airport, Ely, Minnesota:

Mobilization	1	LS
Traffic Provisions	1	LS
Bituminous Pavement Crack Sealing	72,000	LF
Storm Sewer Casting Adjustment	1	LS

**Disadvantaged Business Enterprises (DBE):** The goal of the City of Ely for the utilization of DBE on this project is 2.2%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the City of Ely in the amount of not less than 5% of the total bid, or a surety bond in the same amount payable to the City of Ely, with the surety company thereon duly authorized to do business in the State of Minnesota.

**Availability of Bidding Documents:** Bidding Documents are on file for inspection at the office of the City Clerk, City of Ely, 209 E. Chapman St., Ely, MN 55731 and at the office of TKDA, 444 Cedar Street, Suite 1500, St. Paul, MN 55101

Digital copies are available at <http://www.tkda.com> for a fee of \$20. These documents may be downloaded by selecting this project from the Purchase Plan Sets link and by selecting QuestCDN eBidDoc™ Number 1618272 on the SEARCH PROJECTS page. For assistance and free membership registration, contact QuestCDN at (952) 233-1632 or [info@questcdn.com](mailto:info@questcdn.com).

Paper copies of the Bidding Documents may be obtained from TKDA, **Phone:** (651) 292-4400; **Fax:** (651) 292-0083 for a non-refundable fee of \$50.

## City of Ely, Minnesota

### Notice of Call for Bids for the Ely Municipal Airport - 2011 Capital Improvement Program - Roof Repairs

Project Location: Ely Municipal Airport, Ely, Minnesota  
Project Name 2011 Capital Improvement Program - Roof Repairs  
FAA AIP No. 3-27-0027-12-11  
State Project No. 6920-41  
TKDA Project No. 14900  
Bids Close At: 2:00 PM on June 30, 2011

**Notice to Contractors:** Sealed bid proposals for the project listed above will be received by the City of Ely at the office of the City Clerk, 209 E. Chapman St., Ely, MN 55731, until the date and hour indicated.

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## Non-State Bids, Contracts & Grants

This project consists of the following major items of work: Standing Seam Metal Roof Repairs at Ely Municipal Airport, Ely, Minnesota.

**Disadvantaged Business Enterprises (DBE):** The goal of the City of Ely for the utilization of DBE on this project is 2.2%.

**Bid Security:** Each bid shall be accompanied by a "Bid Security" in the form of a certified check made payable to the City of Ely in the amount of not less than 5% of the total bid, or a surety bond in the same amount payable to the City of Ely, with the surety company thereon duly authorized to do business in the State of Minnesota.

**Availability of Bidding Documents:** Bidding Documents are on file for inspection at the office of the City Clerk, City of Ely, 209 E. Chapman St., Ely, MN 55731 and at the office of TKDA, 444 Cedar Street, Suite 1500, St. Paul, MN 55101

**Pre-Bid Conference:** A pre-bid conference will be held at 1:00 PM on June 22, 2011, at the Arrival/Departure Building at the Ely Municipal Airport.

Digital copies are available at <http://www.tkda.com> for a fee of \$20. These documents may be downloaded by selecting this project from the Purchase Plan Sets link and by selecting QuestCDN eBidDoc™ Number 1616349 on the SEARCH PROJECTS page. For assistance and free membership registration, contact QuestCDN at (952) 233-1632 or [info@questcdn.com](mailto:info@questcdn.com).

Paper copies of the Bidding Documents may be obtained from TKDA, **Phone:** (651) 292-4400; **Fax:** (651) 292-0083 for a non-refundable fee of \$50.

## Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for Project Name: 2011 Miscellaneous Construction

<b>MAC Contract No.</b>	<b>106-1-247</b>
<b>Bids Close At:</b>	<b>2:00 PM on June 14, 2011</b>

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040-28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated.

This project provides for the removal, adjustment, and replacement of manhole and catch basin castings, including associated pavement restoration. The project also includes rehabilitation of storm sewers by testing and sealing joints, and shotcrete lining of manholes.

**Targeted Group Businesses (TGBs):** The goal of the MAC for the utilization of TGBs on this project is 2%.

**Bid Security:** Each bid shall be accompanied by a "Bid-Security" in the form of a certified check made payable to the MAC in the amount of not less than five percent (5%) of the total bid, or a surety bond in the same amount, running to the MAC, with the surety company thereon duly authorized to do business in the State of Minnesota.

**Availability of Bidding Documents:** Bidding documents are on file for inspection at the office of TKDA, the Minneapolis and Saint Paul Builders Exchanges, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN 55101; **phone:** (651) 292-4400; **fax:** (651) 292-0083. Make checks payable to TKDA. Deposit per set (refundable): \$50.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids (Document 00020) for this project will be available on May 31, 2011 at MAC's web address of: <http://www.metroairports.org/business/solicitations> (construction bids).

# Non-State Bids, Contracts & Grants

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## Metropolitan Airports Commission (MAC) Public Notice for Qualifications for Environmental Consulting Services for the Metropolitan Airports Commission's System of Airports

The Metropolitan Airports Commission invites a Submittal of Qualifications for environmental consulting services for the Metropolitan Airport Commission's system of airports, including Minneapolis-St. Paul International Airport. Environmental services required include, but are not limited to: air quality; hydrogeology; storm water management; containment, collection and management of spent aircraft deicing fluid; soil and groundwater contamination; hazardous materials handling; solid waste cleanup; audits and investigation of releases by others; sustainability; and environmental management system development and implementation.

Deadline for receipt of statement of qualifications submittals is July 1, 2011.

An electronic copy of the invitation for the Request for Qualifications (RFQ) is available online at  
*<http://metroairports.org/business/solicitations/>*

choose "Request for Qualifications" from the drop-down menu, click "enter", and click the link under "Download Available Documents". Next you will either log in (if you have previously created an account) or create an account in order to log in.

You may also obtain a copy of the RFQ by contacting Mr. Roy R. Fuhrmann, Director of Environment, Metropolitan Airports Commission, 6040 - 28<sup>th</sup> Avenue South, Minneapolis, MN 55450, (612) 726-8134.

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