

State of Minnesota

State Register



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

**TUESDAY 5 July 2011
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Pages 1 - 28**

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- Withdrawn Rules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. 36 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 1	TUESDAY 5 July	Noon Tuesday 28 June	Noon Wednesday 22 June
# 2	Monday 11 July	Noon Tuesday 5 July	Noon Wednesday 29 June
# 3	Monday 18 July	Noon Tuesday 12 July	Noon Wednesday 6 July
# 4	Monday 25 July	Noon Tuesday 19 July	Noon Wednesday 13 July

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Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. 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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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 Racing Commission

Proposed Permanent Rules Relating to Horse Racing

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 Rules Governing Horse Racing, *Minnesota Rules, 7876 Stabling, 7890 Horse Medication, and 7897 Prohibited Acts*

Introduction. The Racing Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on August 10, 2011, the Commission will hold a public hearing in the Presidents Suite, Canterbury Park, 1100 Canterbury Road, Shakopee, Minnesota 55379, starting at 10:00 a.m. on Monday, August 22, 2011. To find out whether the Commission will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after August 10, 2011 and before August 22, 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: Richard Krueger at Minnesota Racing Commission, P. O. Box 630, Shakopee, MN 55379, **phone:** (952) 496-7950, **fax:** (952) 496-7954, and **e-mail:** richard.krueger@state.mn.us. **TTY** users may call the Racing Commission at 1-800-627-3529.

Subject of Rules and Statutory Authority. The Commission is considering rule amendments that require a record of a negative test for Equine Piroplasmiasis, add or revise definitions to Horse Medication definitions, set regulatory limits on medications, and prohibit acts with regard to feed and medication. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed and posted on the Commission's **website at:** www.mrc.state.mn.us.

Comments. You have until 4:30 p.m. on Wednesday, August 10, 2011, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing, and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. You must make your request for a public hearing in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday,

Proposed Rules

August 10, 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 Commission will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

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

Cancellation of Hearing. The Commission will cancel the hearing scheduled for August 22, 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 952-496-7950 after August 10, 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 Commission will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Commission will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, 600 North Robert Street, P. O. Box 64620, St. Paul, MN 55164-0620, telephone 651-361-7900, and FAX 651-361-7936.

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

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

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person or on the Commission's website at www.mrc.state.mn.us.

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

Proposed Rules

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

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

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

Dated: 20 June 2011

Richard G. Krueger, Executive Director
Minnesota Racing Commission

7876.0100 ON-TRACK STABLING.

[For text of subps 1 to 10, see M.R.]

Subp. 11. **Record of negative test for equine piroplasmiasis.** No horse shall be allowed to enter the confines of a racetrack of any association holding a license to conduct a race meeting or race in Minnesota unless it has had an equine piroplasmiasis (EP) test taken within 12 months of the date of entry upon the racetrack with a negative result for Theileria equi and Babesia caballi. Record of the negative test shall be attached to the Certificate of Veterinarian Inspection (CVI) and presented at the stable gate when the horse first enters the confines.

7876.0110 OFF-TRACK STABLING.

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

Subp. 5. **Record of negative test for equine piroplasmiasis.** No horse shall be allowed to enter the confines of a racetrack of any association holding a license to conduct a race meeting or race in Minnesota unless it has had an equine piroplasmiasis (EP) test taken within 12 months of the date of entry upon the racetrack with a negative result for Theileria equi and Babesia caballi. Record of the negative test shall be attached to the Certificate of Veterinarian Inspection (CVI) and presented at the stable gate when the horse first enters the confines.

7876.0120 ON- AND OFF-TRACK STABLING OF NONRACING HORSES.

Any horse arriving on the grounds must be accompanied by an original health certificate issued not more than ten days prior to the arrival. The health certificate must be completed by an accredited veterinarian and must contain complete equine infectious anemia (EIA) test results, including the date, laboratory, and accession number of the most recent negative EIA test. The health certificates must be surrendered to stable gate personnel for immediate transmittal to the commission veterinarian. Trainers with horses shipping in and out with health certificates originating within Minnesota may obtain a copy of the horse's certificate from the commission veterinarian allowing them 30 days of use. Day one begins with the original issue date. The horse must also have a negative equine piroplasmiasis test as prescribed in part 7876.0100, subpart 11, or 7876.0110, subpart 5.

7890.0100 DEFINITIONS.

[For text of subps 1 to 11, see M.R.]

Subp. 11a. **Intra-articular or IA.** "Intra-articular" or "IA" means in the joint space.

Subp. 11b. **Intramuscular or IM.** "Intramuscular" or "IM" means in the muscle.

Subp. 11c. **Intravenous or IV.** "Intravenous" or "IV" means in the vein.

Subp. ~~11a~~ 11d. **Ketoprofen.** "Ketoprofen" is a nonsteroidal anti-inflammatory drug with the chemical name 2-(3-benzoylphenyl)propionic acid.

Proposed Rules

Subp. 12. [Repealed, 25 SR 1609]

Subp. 12a. **Limit of Detection or LOD.** “Limit of Detection” or “LOD” means the lowest concentration of the drug that can be detected by a particular laboratory method.

Subp. 12b. **Limit of Quantitation or LOQ.** “Limit of Quantitation” or “LOQ” means the lowest concentration of the drug that can be reliably quantified by a particular laboratory method. The LOQ is generally higher than the LOD.

Subp. 13. **Medication.** “Medication” is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. The term medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

A. ~~The following~~ Nonsteroidal anti-inflammatory drugs (NSAIDs):

(1) The use of one of the three approved NSAIDs shall be permitted under the following conditions:

(+)

(a) Bute, provided that the test sample does not contain more than ~~the~~ five micrograms of the substance or metabolites thereof per milliliter of blood plasma ~~permitted in Minnesota Statutes, section 240.24, subdivision 2~~ or serum;

(=)

(b) Flunixin, provided that the test sample does not contain more than 20 nanograms of the substance or metabolites thereof per milliliter of blood plasma or serum; and

(⇒)

(c) Ketoprofen, provided that the test sample does not contain more than ten nanograms of the substance or metabolites thereof per milliliter of blood plasma or serum.

(2) These or any other NSAIDs are prohibited from being administered within the 24 hours before post time for the race in which the horse is entered.

(3) The presence of more than one of the three approved NSAIDs, with the exception of Phenylbutazone in a concentration below 0.5 micrograms per milliliter of serum or plasma or any unapproved NSAID in the post-race serum or plasma sample, is not permitted. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

(4) Any horse to which a NSAID has been administered shall be subject to having a blood or urine sample or both taken at the direction of the official veterinarian to determine the quantitative NSAID level or the presence of other drugs which may be present in the blood or urine samples.

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

[For text of subps 13a to 14b, see M.R.]

Subp. 14c. **PO.** “PO” means orally.

[For text of subp 15, see M.R.]

Subp. 15a. **Regulatory limit.** “Regulatory limit” is the concentration of a drug and/or its metabolites below which no administrative action is taken.

[For text of subps 16 to 21, see M.R.]

Proposed Rules

7890.0110 MEDICATIONS AND PRACTICES PROHIBITED.

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

Subp. 5. **Presence.** The presence of more than one of the three approved NSAIDs, with the exception of Phenylbutazone in a concentration below 0.5 micrograms per milliliter of serum or plasma, or any unapproved NSAID in the post-race serum, plasma, or urine sample is not permitted. The use of all but one of the approved NSAIDs shall be discontinued at least 48 hours before the post time for the race in which the horse is entered.

[For text of subps 6 to 9, see M.R.]

Subp. 10. **Medications with regulatory limits.** No medications other than those listed below or found in part 7890.0100, subpart 13, items A to D, shall be allowed in the test sample of a horse. Levels on the following medications shall not exceed:

	<u>Medications</u>	<u>Regulatory Limits</u>
1.	Acepromazine	25 ng/ml (urine)
2.	Clenbuterol	25 pg/ml (serum or plasma)
3.	Dantrolene and Hydroxydantrolene	50 ng/ml (urine)
4.	Dantrolene and Hydroxydantrolene	0.1 ng/ml (serum or plasma)
5.	Detomidine (or metabolite)	10 ng/ml (urine)
6.	Dexamethasone	0.1 ng/ml (serum or plasma)
7.	Diclofenac	2 ng/ml (serum)
8.	DMSO	10 mcg/ml (serum or plasma)
9.	Firocoxib	40 ng/ml (serum or plasma)
10.	Glycopyrrolate	2.0 pg/ml (serum or plasma)
11.	Isoxsuprine	50 ng/ml (serum) after screening level in urine of >500 ng/ml
12.	Methocarbamol	1 ng/ml (serum or plasma)
13.	Methylprednisolone	0.1 ng/ml (serum or plasma)
14.	Pyrimamine	50 ng/ml (urine)
15.	Triamcinolone Acetonide	0.1 ng/ml (serum or plasma)

7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 19, see M.R.]

Subp. 20. **Possession or use of a drug, substance, medication, biological product, or venom.**

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

D. No person shall feed, or cause or knowingly permit to be fed, or connive in any manner to feed products that contain any drug not permitted by chapter 7890 to a horse to be entered or entered for a race.

E. No person shall have in possession, within the confines of a racetrack or within its stables, buildings, sheds, or grounds, where horses are lodged or kept which are eligible to race over a racetrack, any feed products containing drugs not otherwise and expressly approved for use in race horses.

Adopted Rules

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

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

Minnesota Racing Commission Adopted Permanent Rules Relating to Horse Racing

The rules proposed and published at *State Register*, Volume 35, Number 40, pages 1523-1527, April 04, 2011 (35 SR 1523), are adopted as proposed.

Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* Sections 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only. The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

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

Department of Human Services (DHS) Adopted Exempt Permanent Rules Governing the Medical Assistance Program and Prior Authorization Required for Certain Out-of-State Services

9505.0170 APPLICABILITY.

Parts 9505.0170 to 9505.0475 govern the administration of the medical assistance program, establish the services and providers that are eligible to receive medical assistance payments, and establish the conditions a provider must meet to receive payment.

Exempt Rules

Parts 9505.0170 to 9505.0475 must be read in conjunction with title XIX of the Social Security Act as amended through October 17, 1986 for appropriate populations; title XXI of the Social Security Act for appropriate populations; *Code of Federal Regulations*, title 42; and *Minnesota Statutes*, including chapters 256 and 256B; and parts 9505.5000 to 9505.5105. Unless otherwise specified, citations of *Code of Federal Regulations*, title 42, refer to the code amended as of October 1, 1985.

9505.0215 COVERED SERVICES; OUT-OF-STATE PROVIDERS.

Subpart 1. **Out-of-state provider.** For purposes of this part, “out-of-state provider” means a provider who is located outside of Minnesota and outside of the recipient’s local trade area.

Subp. 2. **Reimbursement requirements.** A health service provided to a recipient by an out-of-state provider is eligible for medical assistance payment if the service meets the requirements of items A, B, and C. ~~For purposes of this part, “out-of-state provider” means a provider who is located outside of Minnesota and outside of the recipient’s local trade area.~~

A. The service must be a covered service as defined in part 9505.0175, subpart 6.

B. The provider must obtain prior authorization if prior authorization is required under *Minnesota Statutes*, section 256B.0625, subdivision 25, parts 9505.0170 to 9505.0475, or parts 9505.5000 to 9505.5030.

C. The service must meet one of the following conditions:

(1) the department determines, on the basis of medical advice from a consultant as defined in part 9505.5005, subpart 3, that the service is not available in Minnesota or the recipient’s local trade area;

(2) the service is in response to an emergency; or

(3) the service is needed because the recipient’s health would be endangered if the recipient was required to return to Minnesota.

Subp. 3. **Inapplicability when recipient not out-of-state.** The requirements in subpart 2, item C, do not apply when, at the time of service, the recipient is located within Minnesota or the recipient’s local trade area.

9505.5025 PRIOR AUTHORIZATION REQUIREMENT FOR HEALTH SERVICES PROVIDED OUTSIDE OF MINNESOTA.

Prior authorization for health services to be provided outside of Minnesota under part 9505.0215 must be obtained before the service is provided when, at the time of service, the recipient is located outside of Minnesota and the recipient’s local trade area. A health service that is provided to a Minnesota resident outside of Minnesota but within the recipient’s local trade area and that would not require prior authorization if it were provided to a Minnesota resident within Minnesota shall be exempt from the prior authorization requirement.

Expedited Emergency Rules

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

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

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

Department of Natural Resources (DNR)

Adopted Expedited Emergency Game and Fish Rules: Youth Waterfowl Day; Early Goose Hunting; Waterfowl Feeding and Resting Areas

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.045, 97A.091, 97A.095, 97B.112, 97B.731, and 97B.803.

The emergency conditions that do not allow compliance with *Minnesota Statutes*, Sections 97A.0451 to 97A.0459, are as follows: Provisions for taking Canada geese in early seasons are based on population data that is not available until June and selection of options as allowed under federal frameworks for early season migratory bird hunting announced in June. Field recommendations on opening and closing refuges and establishing waterfowl feeding and resting areas are not available until June.

Dated: 8 June 2011

Tom Landwehr, Commissioner
Department of Natural Resources

6230.0400 SPECIAL PROVISIONS FOR STATE GAME REFUGES.

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

Subp. 9. **Elizabeth and German Lake Game Refuges, Isanti County.** The Elizabeth and German Lake Game Refuges in Isanti County are open to all hunting and trapping, except waterfowl. The refuges are open for goose hunting during the early goose season. Youth who are accompanied by a nonhunting adult and participating in a mentoring program approved by the commissioner may hunt ~~Canada geese during the early goose season and~~ waterfowl on youth waterfowl day.

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

[For text of subps 10 to 59, see M.R.]

6240.1200 ~~SPECIAL PROVISIONS ON TAKING GEESE DURING EARLY SEASONS~~ SEASON.

Subpart 1. [See repealer.]

Subp. 2. [See repealer.]

Subp. 3. **Open season.** The open early season for taking Canada geese begins the first Saturday in September and ends on September 22, except as follows:

A. the season begins on Sunday September 1 in any year when the first Saturday falls on September 7; and

B. the season closes on the first Friday before the duck season opens in years when the duck season opens on or before September 22.

Subp. 4. **Daily limits.** A person may not take more than five Canada geese per day during the early season.

Subp. 5. **Taking near water.**

Expedited Emergency Rules

A. Taking Canada geese during the early season is prohibited on or within 100 yards of all surface waters:

(1) in the Northwest Goose Zone;

(2) in the Swan Lake Goose Zone; and

(3) within the boundaries of the Carlos Avery Wildlife Management Area.

B. Taking Canada geese on or within 100 yards of surface waters during the early Canada goose season is allowed for youth hunters participating in youth waterfowl hunting days and on specific bodies of water in closed zones as described or shown on maps provided by the commissioner.

6240.1850 REFUGES OPEN TO THE TAKING OF GEESE.

Subpart 1. **Goose refuges.** ~~Those portions of The following refuges are open to goose hunting during the early and regular goose seasons: Douglas County Goose Refuge in Douglas County, the Otter Tail County Goose Refuge in Otter Tail County, and the Sauk Rapids-Rice Goose Refuge in Benton County, in the respective zone or zones in which they are located, are open to goose hunting during the early, regular, and late goose seasons for those zones. All other goose hunting regulations apply in these refuges. Taking waterfowl from public roads and their rights-of-way is prohibited. The Ashby Goose Refuge in Grant County is open closed to Canada goose hunting during the early September goose season.~~

Subp. 2. **Game refuges.**

A. The following refuges are open to goose hunting during the first three days of the regular goose season: Fox Lake Game Refuge in Martin County and the Saint James Game Refuge in Watonwan County are open to goose hunting during the first three days of the regular goose season in the respective zones in which they are located.

B. The Fox Lake Game Refuge is open to goose hunting from the last Saturday of the December Canada goose season to the end of the goose season in the zone in which it is located, except for the last seven days of the statewide goose season. There is no goose hunting within 100 yards of Fox and Temperence Lakes.

Subp. 3. **Waterfowl refuges.**

A. The following refuges are open to Canada goose hunting during the early goose season: Harstad Slough Waterfowl Refuge in Stevens County is open to Canada goose hunting during the early September goose season and the Rickert Lake Waterfowl Refuge in Steele County.

B. The Mud-Bardwell Waterfowl Refuge in Martin County is open to Canada goose hunting from the Saturday on or nearest November 1 to the end of the goose season in the zone in which it is located, except. There is no goose hunting within 100 yards of Mud and Bardwell Lakes. The Rickert Lake Waterfowl Refuge in Steele County is open to Canada goose hunting during the early September goose season. The waterfowl sanctuary within this refuge is closed to hunting and trespass, as posted.

REPEALER. Minnesota Rules, part 6240.1200, subparts 1 and 2, are repealed.

EFFECTIVE PERIOD. The expedited emergency amendments to Minnesota Rules, parts 6230.0400, 6240.1200, and 6240.1850, and the repealer expire January 1, 2012. 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.

Official Notices

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

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

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Minnesota Comprehensive Health Association (MCHA) Notice of Board of Director’s Meeting July 19, 2011

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association’s (MCHA) Board of Directors will be held at 8:30 a.m. on Tuesday, July 19, 2011, at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Peggy Zimmerman-Belbeck at (952) 593-9609.

Department of Human Services (DHS) Continuing Care Administration Public Notice Regarding Payment Rate Change Affecting Certain Nursing Facilities Participating in the Medical Assistance Program

NOTICE IS HEREBY GIVEN to recipients, providers of services under the Medical Assistance Program, and to the public, of a change affecting payment rates for certain nursing facilities participating in the Medical Assistance Program .

This notice is published pursuant to 42 *United States Code* §1396a(a)(13)(A) (§1902(a)(13)(A) of the Social Security Act), which requires the Department to publish institutional payment rates, the methodologies underlying the establishment of such rates and the justification for such rates. It is also published pursuant to *Code of Federal Regulations*, title 42, part 447, section 205 (42 CFR §447.205), which requires publication of a notice when there is a proposed rate change in the methods and standards for setting payment rates for Medical Assistance services.

Effective July 6, 2011, nursing facilities operated in Minnesota by the Indian Health Service, or by tribes or tribal organizations funded by Title I or Title V of the Indian Self-Determination and Education Assistance Act, P.L. 93-638, will be paid for Medicaid services

provided at the nursing facilities as authorized by the Indian Health Care Improvement Act Reauthorization of 2010, 25 *United States Code* §1680l. Payment will be according to a negotiated nursing facility per diem rate.

Information on the nursing facility rate change is available from Kathleen Vanderwall, Department of Human Services, PO Box 68983, St. Paul, MN 55164-0983; **e-mail:** Kathleen.vanderwall@state.mn.us; **phone:** (651) 431-2186.

Minnesota Department of Human Services (DHS) Division of Disability Services

REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Public Guardianship or Conservatorship, *Minnesota Rules*, Parts 9525.3010, 9525.3020, 9525.3025, 9525.3040, 9525.3055, 9525.3060, and 9525.3065

Subject of Rules. The Minnesota Department of Human Services (“Department”) requests comments on its possible amendments to rules governing public guardianship and conservatorship for those developmentally delayed adults who are unable to fully provide for their own needs, and for whom no qualified person is willing and able to seek guardianship or conservatorship. The Department is considering rule amendments that update terminology and legal citations, provide for greater flexibility within established standards, update practices consistent with current health care standards by adding advance health care directives and hospice care to medical treatments for which the county can seek the Department’s approval, and simplify some county administrative procedures.

Persons Affected. The amendments to the rules would likely affect:

- persons with developmental disabilities for whom public guardianship or conservatorship is sought, or who are now public wards, and their families;
- interested persons regarding an allegedly developmentally disabled person, including public officials, guardians, and legal counsel;
- persons who nominate the Commissioner of Human Services to act as guardian or conservator for a person with developmental disabilities;
- county boards and staff who provide public guardianship or conservator services for persons with developmental disabilities for their citizen public wards;
- private sector individuals or agencies that provide guardianship or conservator services for public wards; and
- health care providers who provide medical services to public wards.

Statutory Authority. *Minnesota Statutes*, section 252A.21, requires the Department to adopt rules to implement the Public Guardianship for Adults with Developmental Disabilities Act, set forth at *Minnesota Statutes*, sections 252A.01 through 252A.21.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until further notice is published in the *State Register* that the Department intends to adopt or withdraw the rule amendments. 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 prepared a draft of the possible rule amendments that is available to the public.

Agency Contact Persons. Written or oral comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rules should be directed to: Stacy Myhre, regarding public guardianship or conservatorship policy, at the Minnesota Department of Human Services, Disability Services Division, P.O. Box 64967, Saint Paul, MN 551164-0967, **telephone:** (651) 431-2714, **fax:** (651) 431-7411, e-mail at: Stacy.Z.Myhre@state.mn.us; or Beth Scheffer, regarding rulemaking, at the Minnesota Department of Human Services, Appeals and Regulations Division, P.O. Box 64941, Saint Paul, MN 55164-0941, **telephone:** (651) 431-

Official Notices

4336, fax: (651) 431-7523, e-mail at: Elizabeth.Scheffer@state.mn.us. TTY users may call the Department at (651) 296-5705.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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

Dated: June 6, 2011

Lucinda Jesson, Commissioner
Department of Human Services

Metropolitan Council Notice of Public Hearings on Potential Transit Fare and Service Adjustments

The Metropolitan Council will hold a series of public hearings on potential fare and service adjustments to address a possible budget shortfall. Service changes could affect Metro Transit and Metropolitan Council Regional Routes, Metro Mobility and Transit Link dial-a-ride services. Fare adjustments would apply to all regional public transit services, including suburban transit providers, Metro Mobility and Transit Link services.

The absence of a final state budget, in combination with potential increases in fuel costs and Motor Vehicle Sales Tax (MVST) receipts below forecast, could result in an overall budget shortfall for transit operations in the 2012-13 biennium. It may be necessary to adjust transit fares and/or service to address this shortfall. Public hearings are an opportunity for the public to provide input on the proposed fare and service adjustments.

The public hearings will be held from **Aug. 8 to 18** at the following times and locations:

- **Monday, Aug. 8 – 6:30 to 7:30 p.m.**
Bloomington Civic Plaza, Council Chambers
1800 W. Old Shakopee Road, Bloomington
Served by Routes 535, 539
- **Tuesday, Aug. 9 – 6:30 to 7:30 p.m.**
Hopkins Center for the Arts, Community Room
111 Main Street, Hopkins
Served by Route 12, 615, 664
- **Wednesday, Aug. 10 – 12 noon to 1 p.m.**
Minneapolis Central Library, Doty Board Room300
Nicollet Mall, Minneapolis
Served by many transit routes
- **Thursday, Aug. 11, 5:30 to 6:30 p.m.**
Maplewood Library, Large Meeting Room
3025 Southlawn Drive, Maplewood
Served by Routes 64, 80, 219, 223
- **Monday, Aug. 15 – 6:30 to 7:30 p.m.**
Brookdale Library, Large Meeting Room

6125 Shingle Creek Pkwy., Brooklyn Center
Served by Route 722

- **Tuesday, Aug. 16 – 5:30 to 6:30 p.m.**
Metro Transit Offices – Chambers
560 - 6th Avenue North, Minneapolis
Served by routes 5, 19, 22 & 55 (Hiawatha LRT)
- **Thursday, Aug. 18 – 12 noon to 1 p.m.**
Metropolitan Council Offices – Chambers
390 North Robert Street, St. Paul
Served by many transit routes

Should a budget agreement offer an improved budget outlook, the Council may need additional time to revise proposals to reflect the new budget. The Council chair has the authority to reschedule these public hearings, or to plan additional public meetings, to accommodate this need.

Refer to the Council website at www.metrocouncil.org for additional information and the most up-to-date meeting schedule.

All interested persons are encouraged to attend the hearings and offer comments. Those attending may register in advance to speak by calling the Data Center at 651-602-1140. Upon request, the Metropolitan Council will provide reasonable accommodations to persons with either special language needs or who need other special accommodations. **Two weeks advance notice, indicating the specific accommodation needed, is appreciated.** Please include the date, place and time of the hearing you will attend.

The Council will also receive comments on the proposed fare and service adjustments through at least **5:00 p.m. on Aug. 29** as follows:

- Written comments: Metropolitan Council Data Center
390 N. Robert St., St. Paul, 55101
Fax comments to: Data Center at (651) 602-1464
- Send TTY comments to: Data Center at (651) 291-0904
- E-mail: data.center@metc.state.mn.us
- Record comments on Council's Public Comment Line at (651) 602-1500

The Draft Proposal for Fare and Service Adjustments will be available no later than **July 29, 2011**. The draft proposal will be available online at www.metrocouncil.org or can be requested by calling (651) 602-1140.

Should the hearing dates be postponed, the Draft Proposal for Fare and Service Adjustments will be available at least 10 days before the date of the first hearing and the public comment period will continue until 10 days after the final public hearing. Refer to www.metrocouncil.org for the most up-to-date schedule.

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

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 two (2) years effective January 4, 2010 until January 3, 2012:

Riley Bros. Companies Inc. and its affiliates, Morris MN
Riley Bros. Construction Inc. and its affiliates, Morris MN

Official Notices

Riley Bros. Properties, LLC, and its affiliates, Morris MN

Riley Bros. Utilities, Inc. dba/Chris Riley Utilities, Inc. and its affiliates, 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 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 Grants & Loans

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

Additional Funding for Projects

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

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

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Minnesota Department of Agriculture (MDA) Agriculture Marketing and Development Division Notice of Availability of Grant Funds for Dairy Profitability Enhancement Teams

Grants to Dairy Profitability and Enhancement Teams are available from the Minnesota Department of Agriculture, as authorized by the laws of MN Laws 2011, Chapter 14, Section 3, Subdivision 5, for regional or statewide organizations to administer one-on-one educational delivery teams to provide appropriate new technologies, including rotational grazing and other sustainable agriculture methods, applicable to small and medium sized dairy farms to enhance the financial success and long-term sustainability of dairy farms in the state. Dairy development and profitability enhancement teams are encouraged to engage in activities including, but not limited to, improving milk quality, comprehensive financial analysis, risk management education, enhanced milk marketing tools and technologies, five-year business plans, and design and engineering costs. Activities must be spread throughout the dairy producing regions of the state. Applicants are strongly encouraged to coordinate risk management education and use of milk marketing tools and technologies.

These teams must consist of farm business management instructors, dairy extension specialists, and dairy industry partners to deliver the informational and technological services. These teams must report semiannually to the program director on the aggregate changes in producer financial stability, productivity, product quality, animal health, environmental protection, and other performance measures attributable to the program. Information reported must be sufficient to establish regional and statewide performance benchmarks for the dairy industry a format that maintains the confidentiality of business information related to any single dairy producer. Grants to individual producers must not be used for capital improvements.

Grants will be awarded August 1, 2011 to June 30, 2012. There is approximately \$460,000 in grant funds available.

To receive an application for grant funds contact:

David Weinand
Minnesota Department of Agriculture
625 North Robert St.
St. Paul, MN 55155
E-mail: David.Weinand@state.mn.us
Phone: (651) 201-6646
Fax: 651-201-6120

Questions concerning the grant application should be directed to Mr. Weinand. Two copies of the application must be received by Mr. Weinand by 4:00 pm C. D. T. on July 15, 2011. Faxed and emailed applications will be accepted. At the department's discretion, applicants may be asked to meet with the department or submit clarification.

Grant funds will be withheld from grantees that fail to submit reports. Applicants must include participants from the areas of extension and farm business management on the diagnostic teams. Preference will be given to those applicants whose proposals are aimed at small and medium sized farms, show low administrative cost versus services delivered to dairy producers and also for innovative ideas for delivering information and technology to dairy producers.

State Grants & Loans

Minnesota Department of Human Services (DHS) Alcohol and Drug Division

Notice of Request for Proposals to Implement the Strategic Prevention Framework for Three Substance Abuse Prevention Priorities in Local Communities

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals from qualified responders to implement the Strategic Prevention Framework in local communities to address Minnesota's three substance abuse prevention priorities.

Objective: The objective of this RFP is to contract with qualified responders to work with community coalitions to implement the Strategic Prevention Framework and comprehensive, evidence-based prevention programming to reduce past 30-day alcohol use among sixth through twelfth graders, binge drinking among ninth through twelfth graders, and binge drinking among 18 to 25 year-olds within a geographically defined community. Work is proposed to start on or around October 1, 2011.

Anticipated Total Available Funding: \$1,820,000 Annually, from Federal SPF SIG Funds

Estimated Number of Awards: Between Eight and 20 Community Awards

Eligible Applicants: Non-profit Organizations and Local Units of Government (municipal units of government such as counties, cities, townships, recognized tribes, and school districts)

Contact: For more information about this Request for Proposals, contact:

Molly Malone Patil, SPF SIG Program Consultant
Department of Human Services
Alcohol and Drug Abuse Division
P.O. Box 64977
St. Paul, MN 55164-0977
Phone: (651) 431-5457
Fax: (651) 431-7449
E-mail: molly.malone@state.mn.us

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

The RFP will be posted on the Alcohol and Drug Abuse Division website:

http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_003462

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

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.

Potential State Shutdown: If the Minnesota Legislature does not appropriate funds for the upcoming biennial budget by June 30th, 2011, Grantee funding and the RFP process may be delayed or suspended. To view a notice regarding Grant Contracts beginning after July 1st, 2011 see page 1879 of the May 31st, 2011 *State Register*: www.comm.media.state.mn.us/bookstore/stateregister/35_48.pdf. All dates in the RFP, including the due dates and the Bidder's Conferences dates, will remain unchanged if a shutdown should occur and end on or before July 18th, 2011. Interested Responders should contact Molly Malone Patil on July 18th for updated information regarding the SPF SIG funding and RFP process. If the SPF SIG staff is not recalled on or before July 18th, you can assume that all dates will be delayed until further notice. The most current information regarding the SPF SIG funding process will go out to subscribers of the MN-Prev list serve that is maintained by the Minnesota Prevention Resource Center. Visit www.mprc.org to subscribe.

State Contracts

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

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

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

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

Bids, Contracts & Proposals:

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:

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

Minnesota State Colleges and Universities (MnSCU) Hibbing Community College – Industrial Mining Program Requests for Bids for an Industrial Crane

NOTICE IS HEREBY GIVEN that Hibbing Community College, a Technical and Community College is requesting bids for the following equipment:

Advertisement for Sealed Bids for an Industrial Crane with the following specifications:

Industrial Crane: 30 foot boom, 18,000 # capacity, pick and carry 11,700#, 360 degree rotation, 4 wheel steer, power shift transmission, GM 3.0 Tier II Dual fuel engine, cabin heater, wiper, defroster, 10 foot jib, full hydraulic controls, independent Outrigger controls.

Please submit sealed bids marked "Industrial Crane" to:

William Manney, Chief Financial Officer
Hibbing Community College
1515 East 25th Street
Hibbing MN 55746

Bids must be received by 3:00 p.m. CDT on Wednesday, July 20th, 2011.

Late bids will not be considered. Faxed or Emailed bids will not be considered.

State Contracts

For additional information/questions or to request a copy of the Request for Proposal, please contact:

Rick Mayerich
Hibbing Community College
1515 East 25th Street
Hibbing MN 55746
Telephone: (218) 262-4136
E-mail: *rickmayerich@hibbing.edu*

Minnesota State Colleges and Universities (MnSCU) Hibbing Community College – Industrial Mining Program Requests for Bids for 3 Simulators

NOTICE IS HEREBY GIVEN that Hibbing Community College, a Technical and Community College is requesting bids for the following equipment:

Advertisement for Sealed Bids for the simulators with the following specifications:

Motor Grader Simulator: Motion Platform, Head Tracker, Armrest mounted fingertip controls.

Excavator Simulator: Foot Pedals, Toggle between backhoe and excavator, Motion Platform, Head Tracker and Budget based scoring.

Four wheel Drive Loader Simulator: Bucket and Fork option, Motion Platform, Head Tracker.

Please submit sealed bids marked “3 Simulators” to:

William Manney, Chief Financial Officer
Hibbing Community College
1515 East 25th Street
Hibbing MN 55746

Bids must be received by 3:00 p.m. CDT on Wednesday, July 20th, 2011.

Late bids will not be considered. Faxed or Emailed bids will not be considered.

For additional information/questions or to request a copy of the Request for Proposal, please contact:

Rick Mayerich
Hibbing Community College
1515 East 25th Street
Hibbing MN 55746
Telephone: (218) 262-4136
E-mail: *rickmayerich@hibbing.edu*

Minnesota State Colleges and Universities (MnSCU) Northland Community and Technical College Notice of Request for Unmanned Aerial Systems (UAS) Equipment / UAS System for Northland Community & Technical College

NOTICE IS HEREBY GIVEN that Northland Community & Technical College Request for Proposal (RFP) for Unmanned Aerial Systems Equipment and more specifically a complete Unmanned Aerial System. The vendor selected will provide a fully operational UAS

system for use in the UAS training program at Northland Community and Technical College. To receive a copy of the full RFP, please contact Curtis Zoller either by telephone (218) 683-8829 or e-mail at curtis.zoller@northlandcollege.edu.

Proposals are due by 5:00 p.m. CST, Monday, July 11th, 2011 and are to be addressed to Shannon Jesme, Northland Community and Technical College, 1011 Highway 1 East, Thief River Falls, MN 56701. Any questions should be in the form of an RFI and directed to Curtis Zoller at e-mail curtis.zoller@northlandcollege.edu. Late responses will not be considered.

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

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

State Contracts

Fax: (651) 297-7496
TTY: (651) 635-8268
E-mail: johnm@mnlottery.com

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

Response Delivery

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

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.mcginnis@state.mn.us
Telephone: (651) 366-4644

Department of Transportation (Mn/DOT)

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Kelly Arneson at (651) 366-4774; for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of

State Contracts

Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Kelly Arneson
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, MN 55155

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

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

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

Non-State Bids, Contracts & Grants

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

Projects in Other Government Agencies

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

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

Dakota County, Minnesota REQUEST FOR PROPOSAL for Office Support Services

The Dakota County Community Services Division (County) is seeking proposals for the provision of Office Support Services. Departments within the Division include Social Services, Public Health, Employment and Economic Assistance (E&EA), Community Corrections and Veteran's Services. The County is developing a comprehensive workforce strategy designed to complement its' workforce needs and would like to contract with one or more companies specializing in various forms of supported employment using disabled workers. Projects and ongoing assignments have been identified with an estimated budget of \$5,000 to \$10,000 per month. The preferred provider will have the capacity to work flexibly to staff and supervise multiple projects at a competitive cost. The worksite is the Dakota County Northern Services Center, 1 Mendota Road West, West St. Paul, MN 55118. Additional sites may be added at a later date

It is anticipated that a contract will be written for a two year period, with an option to renew annually for two additional years if service proves satisfactory.

The complete RFP and supporting documentation is available at:

<http://www.co.dakota.mn.us/DoingBusiness/RequestsFor/default.htm>

Questions regarding this RFP will be accepted until Therese Branby by phone, 651-554-5878 or by email at:

therese.branby@co.dakota.mn.us.

VENDOR'S CONFERENCE SCHEDULE:

Monday, July 11, 1:00 – 2:00 p.m.
Conference Rooms 110 A & B
Dakota County Northern Service Center (NSC)
1 Mendota Road West,
West St. Paul, MN 55118

No questions will be accepted after the Vendor's Conference has been completed. The deadline for the receipt of proposals is 12:00 noon (CDT), Wednesday, July 21, 2011.

Minnesota's Bookstore

660 Olive Street (Williams Hill Business Development), St. Paul, MN 55155

(1 block east of I-35E Bridge, 1 block north of University Ave.)

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- **Minnesota's Indian Mounds and Burial Sites:** A Synthesis of Prehistoric and Early Historic Archaeological Data, by Constance M. Arzigian and Katherine P. Stevenson, \$44.95
- **Mike Lynch's Minnesota Starwatch** - The Essential Guide to Our Night Sky, \$24.95
- **Minnesota's State Capitol** - The Arts and Politics of a Public Building, \$16.95
- **A Birders's Guide to Minnesota**, by Kim R. Eckert, \$20.00
- **Celebrate Saint Paul** - 150 Years of History, \$49.95
- **Minnesota Guidebook to State Agency Services** - Owners manual for Minnesotans, \$14.95

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- ♦ **Retail store** Open 8 a.m. - 5 p.m. Monday - Friday, 660 Olive Street, St. Paul
- ♦ **Phone** (credit cards): 8 a.m. - 5 p.m. Monday - Friday, 651.297.3000 (Twin Cities) or 1.800.657.3757 (nationwide toll-free)
- ♦ **On-line orders:** www.minnesotasbookstore.com
- ♦ **Minnesota Relay Service:** 8 a.m. - 5 p.m. Monday - Friday, 1.800.627.3529 (nationwide toll-free)
- ♦ **Fax** (credit cards): 651.215.5733 (fax line available 24 hours/day)
- ♦ **Mail orders:** Orders can be sent to Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155

PREPAYMENT REQUIRED. Prices and availability subject to change.

Fax and phone orders: Credit card purchases ONLY (American Express/Discover/MasterCard/VISA). Please allow 1-2 weeks for delivery. **Mail orders:** Complete order blank and send to address above. Enclose check or include credit card information. Please allow 4-6 weeks for delivery. Please make checks payable to "Minnesota's Bookstore." A \$20.00 fee will be charged for returned checks.

Stock No.	Title	Quantity	Unit Price	Total

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<i>If Product</i>	<i>Please</i>
<i>Subtotal is:</i>	<i>Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
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<small>*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.</small>	
More than \$1,000	Call

Product Subtotal _____

Shipping _____

Subtotal _____

Sales tax _____

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

TOTAL _____

If tax exempt, please provide ES number or completed exemption form.
ES# _____