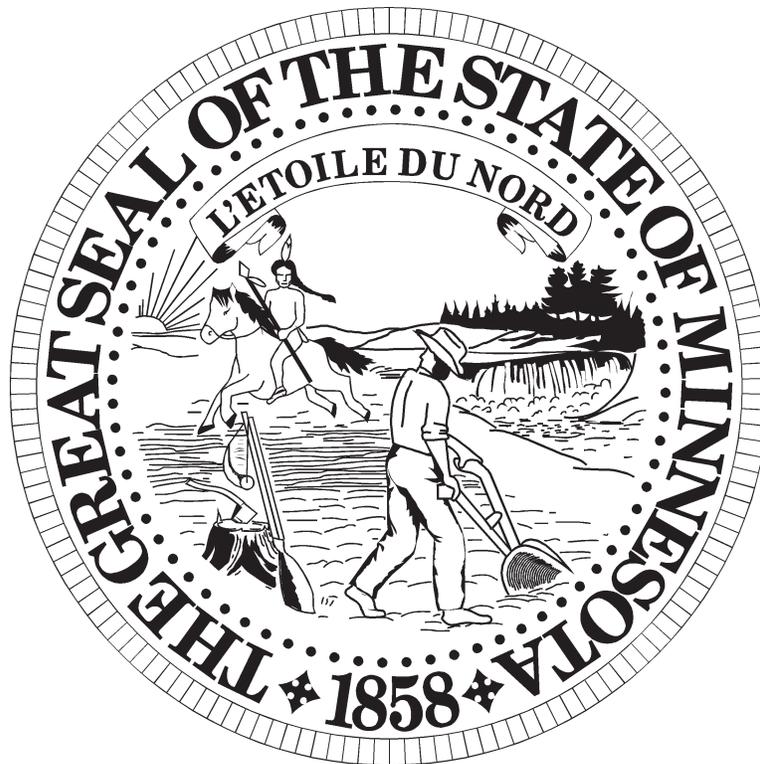


State of Minnesota

State Register



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

**Monday 29 August 2011
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State Register

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

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

- Proposed Rules
- Adopted Rules
- Exempt Rules
- Expedited Rules
- Withdrawn Rules
- Vetoed Rules
- Executive Orders of the Governor
- Appointments
- Proclamations
- Commissioners' Orders
- Revenue Notices
- Official Notices
- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-state Public Bids, Contracts and Grants

Printing Schedule and Submission Deadlines

Vol. 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
# 6	Monday 29 August	Noon Tuesday 23 August	Noon Wednesday 17 August
# 7	TUESDAY 6 September	Noon Tuesday 30 August	Noon Wednesday 24 August
# 8	Monday 12 September	Noon Tuesday 6 September	Noon Wednesday 31 August
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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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A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

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

Department of Agriculture (MDA)

Adopted Permanent Rules Relating to Compensation for Wolf Damage

The rules proposed and published at *State Register*, Volume 35, Number 31, pages 1153-1155, January 31, 2011 (35 SR 1153), 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.

Pollution Control Agency (MPCA)

Adopted Exempt Permanent Rules Relating to Permits and Certifications

7001.0030 PERMIT REQUIRED.

Except as provided under *Minnesota Statutes*, section 115.07, subdivisions 1 and 3, no person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.

Exempt Rules

7001.0090 REVIEW OF PERMIT APPLICATIONS.

The commissioner shall review all permit applications for completeness. If the commissioner finds that the application is incomplete or otherwise deficient, the commissioner shall promptly advise the applicant in writing of the incompleteness or deficiency. The commissioner shall suspend further processing of the portion of the application affected by the deficiency until the applicant has supplied the necessary information or otherwise corrected the deficiency notify the project proposer as required under *Minnesota Statutes*, section 116.03, subdivision 2b, paragraph (d).

7001.1050 CONTENTS OF NPDES PERMIT APPLICATION.

[For text of subp 1, see M.R.]

Subp. 2. **Manufacturing, commercial, mining, and silvicultural discharges.** If the applicant is requesting the issuance, modification, revocation and reissuance, or reissuance of a national pollutant discharge elimination system permit for a manufacturing, commercial, mining, or silvicultural discharge, the applicant shall submit the following information to the commissioner:

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

N. If the applicant wishes to request that the commissioner, in establishing a technology-based effluent limitation to be included in the conditions of the permit, establish an effluent limitation which is different than the effluent limitation which would result from the normal application of the relevant effluent limitation guideline, then the applicant shall submit, either in the application or in a supplement to the application filed no later than the last day of the comment period established in part 7001.0100, subpart 4, the following information:

[For text of subitems (1) to (5), see M.R.]

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

Expedited Rules

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

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

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

Minnesota Department of Transportation (Mn/DOT)

Division of State-Aid for Local Transportation

Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Expedited Permanent Rules Relating to Local State-Aid Route Standards, *Minnesota Rules*, Chapter 8820 and Repeal of 8820.3100, subpart 9a

Introduction. The Department of Transportation intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until September 28, 2011.

Expedited Rules

Agency Contact Person. You must submit comments or questions on the rules to: Paul Stine, Minnesota Department of Transportation, Division of State-Aid for Local Transportation, MS 500, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, **phone:** (651) 366-3830, **Fax:** (651)366-3801, **e-mail:** paul.stine@state.mn.us . **TTY** users may call the Department of Transportation at 1-800-627-3529.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules are amendments to update and clarify Chapter 8820, Rules Relating to Local State-Aid Roads. The department is also seeking the repeal of part 8820.3100, subp. 9a, General State-Aid Limitations, Flexible or rigid pavement. Amendments have been proposed with the advice of the State-Aid Rules Advisory Committee for the following rule parts: 8820.0100, subp. 3, 3c, 5, and 13b, Definitions of City Engineer, Clear Zone, County Highway Engineer and Reconditioning; 8820.1500, Construction Funds, subp. 2, State-aid contracts; 8820.2500, subp. 3, Right-of-way; part 8820.3100 General State-Aid Limitations, subp. 2. Lighting hazardous areas; 8820.3200 Local Road Research Board, subp. 1. Appointment, subp. 2 Terms; 8820.9920 Minimum Design Standards; Rural and Suburban Undivided; New or Reconstruction Projects; 8820.9922 Minimum Design Standards; New Bridge, Bridge Replacement, or Bridge Rehabilitation Projects and Approach Roadways on Rural or Suburban Undivided Roadways that are not on the State-Aid System; 8820.9936 Minimum Design Standards, Urban; New or Reconstruction Projects; 8820.9946 Minimum Design Standards, Urban; Reconditioning Projects; 8820.9981 Minimum Design Standards: Natural Preservation Routes, Designated National Forest Highways Within National Forests, and State Park Access Roads Within State Parks; New or Reconstruction Projects; and 8820.9995 Minimum Bicycle Path Standards.

The statutory authority to adopt the rules and to use the expedited rulemaking process under *Minnesota Statutes*, section 14.389 is *Minnesota Statutes*, section 162.02, subdivision 2, and section 162.09, subdivision 2. A free copy of the rules is available upon request from the agency contact person listed above. A copy of the proposed rules is published in the *State Register*. A copy of the proposed expedited rules and a copy of the department justification memorandum, which further explains the proposed rule amendments, may also be viewed at <http://www.dot.state.mn.us/stateaid/>

Comments. You have until 4:30 p.m. on Wednesday, September 28, 2011, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You must also make any comments on the legality of the proposed rules during this comment period.

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

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.

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

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

Dated: August 12, 2011

Thomas K. Sorel, Commissioner
Minnesota Department of Transportation

Expedited Rules

8820.0100 DEFINITIONS.

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

Subp. 3. **City engineer.** “City engineer” means a ~~registered licensed professional~~ engineer employed as the city engineer or the director of public works, city engineer of each urban municipality.

[For text of subs 3a and 3b, see M.R.]

Subp. 3c. **Clear zone.** “Clear zone” is the distance measured from the edge of the outside through-traffic lane, which must be free of fixed objects and meet or exceed the minimum in-slope dimensions indicated in the design charts of this chapter.

[For text of subs 4 and 4a, see M.R.]

Subp. 5. **County highway engineer.** “County highway engineer” means a ~~registered licensed professional~~ engineer employed as the county highway engineer, county engineer, or the director of public works, county engineer of each county.

[For text of subs 6 to 13a, see M.R.]

Subp. 13b. **Reconditioning.** “Reconditioning” includes resurfacing, replacement, or rehabilitation of the pavement structure to extend the life of the roadway and effectively address critical safety and operations needs through minor improvements to the existing facility. Reconditioning projects generally utilize the existing horizontal and vertical alignment, may entail minor widening or geometric improvement, and normally require little or no additional right-of-way. Reconditioning may include changes in vertical or horizontal alignment involving no more than 20 percent of the length of the project. Reconditioning may include curb replacement along no more than 20 percent of the length of the project, not including curb replacement for purposes of the Americans with Disabilities Act of 1990, United States Code, title 42, section 12101 et seq. Work does not normally extend beyond the existing ditch bottom.

[For text of subs 13c to 22, see M.R.]

8820.1500 CONSTRUCTION FUNDS.

Subpart 1. [Repealed by amendment, 8 SR 2146]

Subp. 2. **State-aid contracts.** Upon receipt of an abstract of bids, a certification as to the execution of a contract that includes a requirement for bond, and a payment request, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the contract. Upon further receipt of a signed supplemental agreement, including by means of an electronic signature, for a major addition to the contract, or appraised values for additional right-of-way costs, the commissioner shall promptly release from the funds available to the county or urban municipality up to 95 percent of the state-aid portion of the supplemental agreement or right-of-way appraised value. The commissioner shall keep the remaining percentage of the state-aid share of the contract, except of approved right-of-way claims which will be paid in full upon proof of acquisition and availability of funds, until the project is 95 percent or more completed as substantiated and requested by the county or city engineer.

Upon receipt of the final project acceptance and final cost determination by the county or city engineer, and upon concurrence of project acceptance by the district state aid engineer, the commissioner shall promptly release from the funds available any remaining money due to the state-aid portion of the contract.

[For text of subs 3 to 12, see M.R.]

8820.2500 MINIMUM STATE-AID STANDARDS.

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

Subp. 3. **Right-of-way.** The minimum widths of right-of-way for state-aid routes must be at least 60 feet within cities and 66 feet in rural areas, except that the right-of-way may be less for routes that are within a city, that were constructed before November 13, 1995, and that can be reconstructed to new construction standards within the previously existing right-of-way. Before construction, the governing body shall acquire control of the additional widths of right-of-way as may be necessary to properly maintain the ditch section, drainage structures, and the ~~recovery area~~ clear zone. Permanent easements for highway purposes are considered to be right-of-way for the purposes of this subpart.

[For text of subp 4, see M.R.]

8820.3100 GENERAL STATE-AID LIMITATIONS.

[For text of subp 1, see M.R.]

Expedited Rules

Subp. 2. **Lighting hazardous areas.** The cost of roadway and bridge lighting of locations at which accidents are likely to occur or are otherwise hazardous is an eligible expense if that lighting:

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

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

Subp. 9a. [See repealer.]

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

8820.3200 LOCAL ROAD RESEARCH BOARD.

Subpart 1. **Appointment.** The commissioner shall appoint a local road research board consisting of the following members:

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

C. two Department of Transportation staff engineers, one of whom must be the department's state-aid engineer;

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

Subp. 2. **Terms.** Appointments of county highway and city engineers, except for unexpired terms, are for ~~three~~ four years. The other members shall serve at the will of the commissioner.

[For text of subp 3, see M.R.]

8820.9920 MINIMUM DESIGN STANDARDS; RURAL AND SUBURBAN UNDIVIDED; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for rural and suburban undivided roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Projected ADT (b) (a)	Lane Width	Shoulder Width (g)	In-slope (c) (b)	Recovery Area (d) Clear Zone (c)	Design Speed (e) (d)	Surfacing	Structural Design Strength (h)	Bridges to Remain (f) (e) Width Curb to Curb
	feet	feet	rise: run	feet	mph		tons	feet
0-49	11	1	1:3	7	30-60	Agg.		22
50-149	11	3	1:4	9	40-60	Agg.		22
<u>150-299</u>	<u>12</u>	<u>4</u>	<u>1:4</u>	<u>15</u>	<u>40-60</u>	<u>Agg./Paved</u>	<u>7-ton/10-ton Staged (g)</u>	<u>28</u>
150 <u>300-749</u>	12	4	1:4	15	40-60	Paved	<u>9 10-ton Staged (g)</u>	28
750-1499	12	4	1:4	25	40-60	Paved	<u>9 10-ton Staged (g)</u>	28
1500 and over	12	6(g) <u>6(f)</u>	1:4	30	40-60	Paved	10	30

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) For rural divided roadways, use the geometric design standards of the Mn/DOT Road Design Manual, with a minimum ten tons structural design and minimum 40 mph design speed.

Expedited Rules

~~(b)~~ (a) Use the existing traffic for highways not on the state-aid system.

~~(c)~~ (b) Applies to slope within ~~recovery area~~ the clear zone only.

~~(d)~~ ~~Obstacle-free area (measured from edge of traffic lane)~~: (c) Culverts with less than 30-inch vertical height allowed without protection in the recovery area clear zone.

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge clear width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

For roadways in suburban areas as defined in part 8820.0100, the ~~recovery area clear zone~~ may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over. Wherever the legal posted speed limit is 40 mph or less, the recovery area clear zone may be reduced to a width of ten feet.

~~(e)~~ (d) Subject to terrain. In suburban areas, the minimum design speed may be equal to the current legal posted speed where the legal posted speed is 30 mph or greater.

~~(f)~~ (e) Inventory rating of H 15 is required. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.

~~(g)~~ (f) Shoulders are required to be a minimum width of eight feet for highways classified as minor arterials and principal arterials with greater than 1,500 ADT projected, at least two feet of which must be paved.

~~(h)~~ ~~Phased projects must be constructed to attain design strength within three years of completion of final grading. In suburban areas, the minimum structural design strength is nine tons or ten tons as needed for system continuity.~~

(g) Except within municipal corporate limits, ten-ton staged structural design must be able to carry ten-ton axle loads except during spring load-restriction periods, or year-round if needed for system continuity. Roadbed width must accommodate ultimate ten-ton pavement overlay thickness and ultimate 1:4 side-slope. Within municipal corporate limits, minimum structural design must support nine-ton axle strength.

Approach sideslopes must be 1:4 or flatter when the ADT exceeds 400.

HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges must be no less than either the minimum required lane plus shoulder ~~width widths~~ or the proposed lane plus shoulder ~~width widths~~, whichever is greater, but in no case less than the minimum lane widths plus four feet, and in no case less than required per *Minnesota Statutes*, section 165.04.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

8820.9922 MINIMUM DESIGN STANDARDS; NEW BRIDGE, BRIDGE REPLACEMENT, OR BRIDGE REHABILITATION PROJECTS AND APPROACH ROADWAYS ON RURAL OR SUBURBAN UNDIVIDED ROADWAYS THAT ARE NOT ON THE STATE-AID SYSTEM.

New bridge, bridge replacement, or bridge rehabilitation projects and approach roadways on rural or suburban undivided roadways that are not on the state-aid system must meet or exceed the minimum dimensions indicated in the following design chart.

Expedited Rules

Existing ADT (a)	Lane Width (feet)	Shoulder Width (feet)	Inslope (b) (rise:run)	Recovery Area Clear Zone (c) (feet)	Design Speed (e) (d) (mph)
0-49	11	1	1:3	7	30-60
50-149	11	3	1:4	9	30-60
150-400	12	4	1:4	15(d) 15(e)	30-60

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population, land use, benefit/cost analysis, traffic mix, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) For existing ADT greater than 400, part 8820.9920 standards apply.

(b) Applies to slope within recovery area the clear zone only.

(c) ~~Obstacle-free area (measured from edge of traffic lane)~~: Culverts with less than 30-inch vertical height allowed without protection in the recovery area clear zone.

(d) Subject to terrain.

(e) For roadways in suburban areas, the recovery area clear zone may be reduced to a width of ten feet for projected ADT under 1,000 and to 20 feet for projected ADT of 1,000 or over. Wherever the legal posted speed limit is 40 miles per hour or less, the recovery area clear zone may be reduced to a width of ten feet.

(~~e~~) Subject to terrain.

HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges must be equal to the proposed lane plus shoulder widths, but in no case less than the minimum lane width plus four feet, and in no case less than required per *Minnesota Statutes*, section 165.04.

Bridge structures of minimum 20-foot clear width may be constructed where existing ADT is less than 50, potential for increasing ADT is low, and the local government agency finds that the bridge width can operate effectively at that width for the expected life of the bridge.

8820.9936 MINIMUM DESIGN STANDARDS, URBAN; NEW OR RECONSTRUCTION PROJECTS.

New or reconstruction projects for urban roadways must meet or exceed the minimum dimensions indicated in the following design chart.

Functional Classification and Projected Traffic Volume	Design Speed	Lane Width (a)	Curb Reaction Distance (e)	Parking Lane Width
	mph	feet	feet	feet
Collectors or Locals with ADT < 10000	30-40	(b) 11	2	8
	over 40	12	2	10
Collectors or Locals with ADT ≥ 10000 and Arterials	30-40	(b) 11	(c) 4	10
	over 40	12	(c) 4	(d) 10

Expedited Rules

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

- (a) One-way turn lanes must be at least ten feet wide, except 11 feet is required if the design speed is over 40 mph.
- (b) Wherever possible, lane widths of 12 feet, rather than 11 feet, should be used.
- (c) May be reduced to two feet if there are four or more traffic lanes and on one-way streets.
- (d) No parking is allowed for six or more traffic lanes or when the posted speed limit exceeds 45 mph.
- (e) Curb reaction must be provided only where parking is not provided.

One-way streets must have at least two through-traffic lanes.

When a median is included in the design of the two-way roadway, a one-foot reaction distance to the median is required on either side of the median. Minimum median width is four feet.

~~Urban design roadways must be a minimum nine tons structural axle load design, or ten tons if needed for system continuity. Phased projects must be constructed to attain design strength within three years of completion of final grading.~~

Roadways not on the state-aid system are not subject to the minimum structural design strength requirements.

The minimum curb-to-curb width of a new bridge must be the required street width, but in no case less than required per Minnesota Statutes, section 165.04. HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new or reconstructed bridges and a minimum of HS 18 loading is required for all rehabilitated bridges. Where the new bridge approach roadway includes elements for the accommodation of pedestrians or bicycles, the new bridge width must also provide for pedestrians or bicycles unless pedestrians or bicycles are otherwise accommodated.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance.

Clearance of 1.5 feet from the face of the curb to fixed objects must be provided when the posted speed is 40 to 45 mph. A ten-foot clear recovery area zone measured from the driving lane must be provided when the posted speed exceeds 45 mph.

~~For volumes greater than 15,000 projected ADT, at least four through-traffic lanes are required. Additional average daily traffic may be allowed if, unless a capacity analysis demonstrates that a different lane configuration achieves level of service D or better is achieved at the higher traffic volume. If the capacity analysis demonstrates that additional lanes are required only during peak traffic hours, then each additional driving lane may be used as a parking lane during nonpeak hours.~~

“Level of service” has the meaning given it in the Highway Capacity Manual, Special Report 209, as revised and published by the Transportation Research Board of the National Research Council, Washington, D.C. The definition is incorporated by reference, is not subject to frequent change, and is located at the Minnesota State Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

8820.9946 MINIMUM DESIGN STANDARDS, URBAN; RECONDITIONING PROJECTS.

Subpart 1. **Two-way streets.** In the following design chart, total width is from face-to-face of curbs.

Reconditioning projects for two-way urban roadways must meet or exceed the minimum dimensions indicated in the chart.

Expedited Rules

Number of Through Lanes, Functional Class, and Present Traffic Volume	Total Width with No Parking	Total Width with Parking on One Side	Total Width with Parking on Both Sides	Proposed Structural Design Strength
	(feet)	(feet)	(feet)	(tons)
2-Lane Collector or Local with ADT < 10000	26	32	38	(b) 9
4-Lane Collector or Local with ADT < 10000	44	52	60	(b) 9
2-Lane Collector or Local with ADT ≥ 10000 or 2-Lane Arterial (a)	26	32	42	9
4-Lane Collector or Local with ADT ≥ 10000 or 4-Lane Arterial	44	54	64	9
6-Lane Collectors or Arterials	66	(c)	(c)	9

Engineering judgment may be used to choose a lane-width or shoulder-width dimension other than the widths indicated in the chart for roadways. Factors to consider may be safety, speed, population/land use, benefit/cost analysis, traffic mix, peak hourly traffic, farm equipment, environmental impacts, terrain limitations, bicycle traffic, pedestrian traffic, other nonmotorized uses, functional classification, or other factors. Widths less than those indicated in the chart require a variance in accordance with parts 8820.3300 and 8820.3400.

(a) Permissible for present traffic volumes less than 15,000 ADT.

(b) When ADT is less than 5,000, seven tons is allowable.

(c) No parking is allowed.

When a median is included in the design of the two-way roadway, a one-foot reaction distance to the median is required on either side of the median. Minimum median width is four feet.

For ADT less than 150, the widths of bridges to remain must be at least the sum of the lanes. For ADT greater than or equal to 150, the widths of bridges to remain must be at least the sum of the lanes plus half the sum of the shoulders, parking lane, and curb reaction distance.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

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

8820.9981 MINIMUM DESIGN STANDARDS: NATURAL PRESERVATION ROUTES, DESIGNATED NATIONAL FOREST HIGHWAYS WITHIN NATIONAL FORESTS, AND STATE PARK ACCESS ROADS WITHIN STATE PARKS; NEW OR RECONSTRUCTION PROJECTS.

Subpart 1. **Type I route.** New or reconstruction projects for type I natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Expedited Rules

Surface Type	Design Speed	Lane Width	Shoulder Width	Inslope	Recovery Area-Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet) (a)	(rise: run) (b)	(feet) (c)	(tons)	(feet) (d)
Aggregate	30	11	1	1:3	3		22
Paved	30	11	2	1:3	9	9	22

(a) If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable. The designer will provide a four-foot paved shoulder if the route is a popular bicycle route.

(b) Applies to slope within ~~recovery area~~ the clear zone only. Other design features, such as guardrails or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060.

(c) ~~Obstacle-free area (measured from edge of traffic lane):~~

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

(d) Inventory rating of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge is not deficient structurally or hydraulically.

HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths plus four feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless otherwise required for special conditions.

Curb and gutter may be used in lieu of a ditch section under the paved option. The lane width, shoulder width, and ~~recovery area~~ clear zone must be maintained.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart applies only where the projected ADT is less than 100, unless the route has been designated as a natural preservation route.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 2. **Type II route.** New or reconstruction projects for type II natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Expedited Rules

Surface Type	Design Speed	Lane Width	Shoulder Width	Inslope	Recovery Area Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet) (a)	(rise: run) (b)	(feet) (c)	(tons)	(feet) (d)
Aggregate	30	11	2	1:3	9		22
<u>Paved (e)</u>	<u>30</u>	<u>11</u>	<u>3</u>	<u>1:4</u>	<u>9</u>	<u>9</u>	<u>22</u>
Paved	40	11	3	1:4	9	9	22

(a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas that will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within ~~recovery area clear zone~~ only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the ~~recovery area clear zone~~ when the ADT exceeds 400.

(c) ~~Obstacle-free area (measured from edge of traffic lane)~~: Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

(d) This standard may be applied only when the project is located in a subdivided area.

(e) Inventory rating of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

HS 20 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than 30 feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the ~~recovery area clear zone~~, and to provide for adequate snow storage when a standard ditch would negatively impact the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For designated national forest highways within national forests, and state park access roads within state parks, this subpart may be applied only where the projected ADT is less than 300, unless the route has been designated as a natural preservation route.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

Subp. 3. **Type III route.** New or reconstruction projects for type III natural preservation routes, designated national forest highways within national forests, and state park access roads within state parks must meet or exceed the minimum dimensions indicated in the following design chart.

Expedited Rules

Surface Type	Design Speed	Lane Width	Shoulder Width	Inslope	Recovery Area Clear Zone	Design Strength	Bridge to Remain
	(mph)	(feet)	(feet) (a)	(rise:run) (b)	(feet) (c)	(tons)	(feet) (d)
Aggregate	30	12	3	1:4	10		24
<u>Paved (e)</u>	<u>30</u>	<u>12</u>	<u>4</u>	<u>1:4</u>	<u>10</u>	<u>9</u>	<u>24</u>
Paved	40	12	4	1:4	15	9	24

(a) The designer will provide a six-foot paved shoulder if the route is a popular bicycle route. If the route has scenic vistas which will require parking vehicles along the shoulder, widening the shoulder at these locations is acceptable.

(b) Applies to slope within ~~recovery area~~ the clear zone only. Other design features, such as guardrail or retaining walls, should be considered in particularly sensitive areas in lieu of reconstructing the inslope in accordance with part 8820.4060. Approach sideslopes must be 1:4 or flatter within the ~~recovery area~~ clear zone when the ADT exceeds 400.

(c) ~~Obstacle-free area (measured from edge of traffic lane).~~

Guardrail is required to be installed at all bridges where the design speed exceeds 40 mph, and either the existing ADT exceeds 400 or the bridge width is less than the sum of the lane and shoulder widths.

Mailbox supports must be in accordance with chapter 8818.

(d) Inventory rating of HS 15 is required. A bridge narrower than these widths may remain in place if the bridge does not qualify for federal-aid bridge funds.

(e) This standard may be applied only when the project is located in a subdivided area or an area in a detailed development process, and physical restraints are present that prevent reasonable application of another level of these standards.

HS 25 loading with AASHTO Standard Specifications or HL-93 loading with load and resistance factor design (LRFD) is required for new bridges. HS 18 loading is required for all rehabilitated bridges. The curb-to-curb minimum width for new or reconstructed bridges is the sum of the lane and shoulder widths, but may not be less than 32 feet.

Ditch depths and widths must be kept to the minimum required to function hydraulically, to be traversable if within the ~~recovery area~~ clear zone, and to provide for adequate snow storage when a standard ditch would negatively affect the surroundings.

The designer shall specify in the plan and special provisions that the clearing width is to be kept to the absolute minimum. In sensitive areas, the normal clearance allowed to a contractor for working room is zero unless required for special conditions.

For roundabout design, the design criteria of the current edition of the Minnesota State Aid Roundabout Guide are recommended.

8820.9995 MINIMUM BICYCLE PATH STANDARDS.

Minimum Bicycle Path Standards^(a)

For Off-Road Bike Path Design, the following shall apply:

Minimum Surface Width (two-way)	8 ft (b)
Shoulder/Clear Zone	2 ft (c) (d)
Inslope	<u>Maximum</u> 1:2 (rise:run)

Expedited Rules

Design Speed	20 mph (e)
Vertical Clearance <u>over lane and shoulder</u>	<u>10 ft 9 ft-9 in (7 ft-9 in if passage of emergency or maintenance vehicles is not required)</u>

(a) For on-road bicycle facilities, the ~~appropriate tables in the Minnesota Bicycle Transportation Planning and~~ current Minnesota Department of Transportation bicycle design guidelines are recommended for design purposes.

(b) Ten feet is desired for a combined bicycle/pedestrian path. Five feet is required for a one-way bicycle path.

(c) Whenever practicable, the shoulder/clear zone of an off-road bike path should be carried across bridges and through underpasses. Minimum structure clear width must be 12 feet. When the full width of the approach bike path (surface width plus shoulder/clear zone) is greater than the proposed clear width of the structure, then lead-in bicycle safety railing is required at each end of the bridge or underpass. As an alternative to lead-in bicycle safety railing, the surface width of the approach bike path may be narrowed at a 1:50 taper while maintaining minimum surface width and shoulder/clear zone through the structure.

(d) Clear zone is measured from the edge of the bicycle travel lane.

(e) Use a 30 mph design speed for grades longer than 500 feet and greater than four percent, from the uphill point where the grade equals four percent to 500 feet beyond the downhill point where the grade becomes less than four percent. The maximum allowable grade is 8.3 percent.

REPEALER. Minnesota Rules, part 8820.3100, subpart 9a, is repealed.

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 11-24: Declaring an Emergency and Providing for Relief from Regulations to Motor Carriers and Drivers Operating in Minnesota

I, MARK DAYTON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and applicable statutes, including *Minnesota Statutes*, chapter 12 and section 221.0269, do hereby issue this Emergency Executive Order:

WHEREAS, the recent spring flooding, the extremely hot weather, and disruptions in refinery production in Minnesota and other states have caused a disruption in the normal supply of gasoline and diesel fuels in Minnesota; and

Executive Orders

WHEREAS, many motor fuel terminals in Greater Minnesota are experiencing difficulties in obtaining their normal supply of gasoline and are running low on, or are out of gasoline and diesel fuel; and

WHEREAS, the motor fuel terminals are part of the distribution chain and gasoline from the terminals is pumped into trucks for delivery to local gas stations and convenience stores across Greater Minnesota; and

WHEREAS, many commercial motor carriers who haul motor fuels are experiencing significant delays at the terminals before they are able to fill their trucks, and/or are needing to obtain motor fuels from alternative terminals that are a significant distance from their delivery area; and

WHEREAS, because drivers are obtaining motor fuels at alternative terminals, there are long lines and delays at motor fuel terminals across the state; and

WHEREAS, Labor Day weekend is one of the peak travel times within Minnesota and relief is needed to ensure that local gas stations are able to obtain motor fuels for Minnesota consumers to ensure that consumers living and traveling in Greater Minnesota are not stranded without adequate access to necessary motor fuels; and

WHEREAS, the upcoming harvest season is one of the peak times for consumption of diesel fuel in the state and relief is needed to ensure that farmers have reliable supplies of diesel fuel to harvest crops.

NOW, THEREFORE, I hereby declare that:

1. An emergency exists in Minnesota that requires relief from regulations incorporated in *Minnesota Statutes* 2010, Section 221.0314, Subdivision 9, pertaining to hour of service for carriers and drivers of commercial motor vehicles while in the process of obtaining and transporting motor fuels.

2. Nothing in this order relieves motor carriers and drivers from regulations pertaining to driver qualifications; driving of commercial motor vehicles; commercial drivers' licenses; drug and alcohol testing for drivers; or equipment, parts, and accessories necessary for the safe operation of vehicles.

3. No motor carrier operating under terms of this emergency order shall require or allow an ill or fatigued driver to operate a commercial motor vehicle. Any driver who informs a carrier that he or she needs immediate rest shall be given at least ten consecutive off-duty hours before the driver is required to return to service.

4. Upon the expiration of this emergency order, or when a driver or carrier ceases to provide direct assistance to the emergency relief effort, a driver that has had at least thirty-four consecutive hours off-duty must be permitted to start his or her on-duty status hours and 60/70-hour clock at zero.

Under *Minnesota Statutes*, section 4.035, subdivision 2, this emergency order is effective immediately and must be filed with the Secretary of State and published in the State Register as soon as possible after its issuance. This order of relief from regulations to motor carriers and drivers remains in effect for 30 days or until the commercial motor carrier or driver ceases direct assistance in providing emergency relief, or 5 days, whichever occurs first. For purposes of this order, direct assistance is defined in *Minnesota Statutes*, section 221.0269, subdivision 3(c). This order may be extended in accordance with *Minnesota Statutes*, section 221.0269, subdivision 2.

IN TESTIMONY WHEREOF, I have set my hand on August 19, 2011.

Signed: **Mark Dayton**
Governor

Filed According to Law:

Signed: **Mark Ritchie**
Secretary of State

Office of the Governor

Emergency Executive Order 11-26: Providing for Personnel and Equipment for the Monticello Nuclear Power Plant Drill and Exercise

I, **MARK DAYTON, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and applicable statutes do hereby issue this executive order:

WHEREAS, the Minnesota Department of Public Safety, Division of Homeland Security and Emergency Management, has requested assistance in providing personnel and equipment to support the Monticello Nuclear Power Plant Drill and Exercise; and

WHEREAS, adequate personnel and equipment are not available from the Department of Public Safety, other participating agencies, Wright and Sherburne Counties of Minnesota, and other local authorities; and

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota orders to state active duty on or about August 23, 2011, in the service of the State, such personnel and equipment of the military forces of the State needed by the Department of Public Safety and Wright and Sherburne Counties to successfully complete the Monticello Nuclear Generating Plant Drill and Exercise.

2. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be paid by the Department of Public Safety, Division of Homeland Security and Emergency Management, as provided by an interdepartmental agreement.

Pursuant to *Minnesota Statutes* 2010, section 4.035, subdivision 2, this emergency executive order shall be effective immediately and shall remain in effect for one day, August 23, 2011.

IN TESTIMONY WHEREOF, I have set my hand on August 23, 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.

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Minnesota Department of Human Services (DHS)

REQUEST FOR COMMENTS for New Permanent Rules Governing Integrated Dual Diagnosis Treatment, *Minnesota Rules*, New Rules Chapter to be Identified; or Chapter 9520, Mental Health Services; or Chapter 9530, Chemical Dependency Programs

Subject of Rules. The Minnesota Department of Human Services (“Department”) requests comments on new rules that will govern the delivery of mental health and chemical health services, specifically, integrated dual diagnosis treatment. In accordance with new rulemaking authority granted in the 2011 special session, the Department will adopt rules to enforce the requirement that individuals who perform chemical dependency assessments or mental health diagnostic assessments use screening tools approved by the Commissioner to identify whether the individual screens positive for co-occurring mental health or chemical dependency disorders, and ensure that individuals assessed as having both receive integrated dual diagnosis treatment. The new rules will also establish a certification process for integrated dual disorder treatment providers. The new rules will update State policy to reflect state-of-the-art services delivery that has been proven clinically efficacious and cost-effective for achieving client outcomes.

Persons Affected. The new rules will likely affect mental health service providers and their employees and contractors, chemical dependency treatment providers and their employees and contractors, county and tribal social services agencies and their employees and contractors, recipients of mental health and chemical dependency treatment services, the families of these recipients, advocates for persons with dual disorders, health insurance providers, and any other interested members of the public.

Statutory Authority. Act effective July 1, 2011, 2011 *Minnesota Special Session Law* (H.F. 25)(directing the Department to adopt new rules to implement requirements on integrated dual diagnosis treatment and certification process for providers of such treatment).

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 the new rules. 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 will consider informal public comment on the possible rules during rule development. The timelines are still being determined.

Rules Drafts. The Department has not yet prepared a draft of the possible new rules. When a draft has been prepared, it will be posted on the Department's public website at: www.dhs.state.mn.us or a copy can be obtained through the agency contact persons listed below.

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: Julie Pearson, regarding policy on integrated dual diagnosis treatment and certification of providers of such treatment, at the Minnesota Department of Human Services, Adult Mental Health Division, P.O. Box 64981, Saint Paul, MN 55164-0981, **telephone:** (651) 431-4879, **facsimile:** (651) 431-7566, **e-mail at:** Julie.Pearson@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) 431-4336, **facsimile:** (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 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: 25 August 2011

Lucinda Jesson, Commissioner
Department of Human Services

Minnesota Department of Human Services (DHS) REQUEST FOR COMMENTS on Possible Amendments to and Repeal of Rules Governing Community Mental Health Centers and Community Mental Health Clinics, *Minnesota Rules*, Parts 9520.0010 through 9520.0230; and Parts 9520.0750 through 9520.0870

Subject of Rules. The Minnesota Department of Human Services ("Department") requests comments on its possible amendments to and possible repeal of rules governing community mental health centers and community mental health clinics. The Department is considering rule amendments to update the rules by enhancing their compatibility with recent developments in federal and state law, including federal health care reform. The Department is also considering amendments to bring the rules into conformance with other Department rules that have been adopted or updated more recently than 1996, when these rules were last amended, including new *Minnesota Rules*, parts 9505.0370 through 9505.0371 governing Medical Assistance standards for outpatient mental health services. The Department will also consider updates to bring the rule into conformance with current technology, accepted standards, and best practices. These changes will also reduce the number of variances to outdated rule requirements routinely granted to providers by the Department. The Department will also consider repeal of rule parts no longer in use by the Department.

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

- public or private health and human services facilities that provide clinical services in the treatment of mental illness, including community mental health centers and community mental health clinics (collectively, "centers");
- mental health professionals and mental health practitioners;
- any other staff who may work for the centers;
- persons or entities that may contract with the centers;
- county and tribal social services agencies;
- persons who are served by centers;
- advocates for persons with mental illness;
- health insurance providers; and
- other interested members of the public.

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Statutory Authority. *Minnesota Statutes*, section 245.69, requires the Department to adopt rules that set standards for approval of community mental health centers and clinics for purposes of insurance and subscriber contract reimbursement; prescribe standards for qualification of personnel and quality of professional service in community mental health centers and community mental health clinics; govern eligibility for service so that no person will be denied access to these centers on the basis of race, color, creed or inability to pay; and provide for the establishment of a sliding scale fee for center services based upon ability to pay.

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 plans to appoint an advisory committee to comment on the possible rules. The timelines for the formation and work of the advisory committee are still being determined, but at this time the Department plans to appoint an advisory committee later this year, and anticipates that committee work will likely begin later in 2011 and end in late 2012.

Rules Drafts. The Department has not yet prepared a draft of the possible rules amendments or repeal. When a draft has been prepared, it will be posted on the Department's public website at: www.dhs.state.mn.us or a copy can be obtained through the agency contact persons listed below.

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: Julie Pearson, regarding community mental health center or community mental health clinic policies concerning adult mental health, at the Minnesota Department of Human Services, Adult Mental Health Division, P.O. Box 64981, Saint Paul, MN 55164-0981, **telephone:** (651) 431-4879, **facsimile:** (651) 431-7566, **e-mail at:** Julie.Pearson@state.mn.us; Dwight Heil, regarding community mental health center or community mental health clinic policies concerning children's mental health, at the Minnesota Department of Human Services, Children's Mental Health Division, P.O. Box 64985, St. Paul, MN 55164-0985, **telephone:** (651) 431-4957, **facsimile:** (651) 431-7559, **e-mail at:** Dwight.Heil@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) 431-4336, **facsimile:** (651) 431-7523, **e-mail at:** Elizabeth.Scheffer@state.mn.us. **TTY** users may call the Department at (651)296-5705.

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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: 25 August 2011

Lucinda Jesson, Commissioner
Department of Human Services

Department of Human Services (DHS) Health Care Administration Public Notice Regarding Changes to Payment Rates and Methodologies, and Services under the Medical Assistance Program and the MinnesotaCare Program

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of certain statutory changes made to the Medical Assistance (MA) Program and the MinnesotaCare Program that the 2011 Minnesota Legislature enacted during the regular and special sessions.

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 final 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 any significant proposed change in the methods and standards for setting payment rates for Medicaid services.

The legislative changes are estimated to result in a net decrease of \$375 million in the MA program and a net decrease of \$31 million in the Medicaid portion of MinnesotaCare for state fiscal year 2012 (July 1, 2011 through June 30, 2012), and a net decrease of \$1.218 billion in the MA program and net decrease of \$150 million in the Medicaid portion of MinnesotaCare for state fiscal year 2013 (July 1, 2012 through June 30, 2013).

The actual text of most of the 2011 legislative changes is contained in *Minnesota Laws 2011*, Regular Session, Chapter 86 and First Special Session, Chapter 9. These are available by calling the House of Representatives Public Information Office at (651) 296-2146 (voice) or (651) 296-9896 (TTY) or 1-800-657-3550 (Greater Minnesota) or 1-800-627-3529 (TTY); or the Senate Information Office at (651) 296-0504 (voice) or (651) 296-0250 (TTY); for Greater Minnesota call 1-888-234-1112 (voice) or 1-888-234-1216 (TTY). These laws are also available on the internet at: <http://www.revisor.leg.state.mn.us>

It is important to note that not all changes made to these programs by the 2011 legislature are mentioned in this notice.

Information relating to implementation of these provisions will be sent to local human services agencies through bulletins and manual updates, to recipients and enrollees through written notice, and to health care providers through newsletters and updates to the *Minnesota Health Care Programs Provider Manual* (available at

http://www.dhs.state.mn.us/main/groups/business_partners/documents/pub/DHS_id_000221.hcsp

Changes were made to the following program areas:

- I. MA and MinnesotaCare Services and Payment Rates
- II. MA Institutional Payment Rates
- III. MA Home and Community-Based Waivers and Payment Rates

I. MA and MinnesotaCare Services and Payment Rates

Effective July 1, 2011, the commissioner of Human Services is authorized to retain a portion of the recovered funds equal to the amount of the contingency fee when the commissioner enters into a contingency-based contract for purposes of recovering improper MA and MinnesotaCare payments. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 18.

Effective January 1, 2013 and every two years after, relative values of the diagnostic categories for payment under the inpatient hospital payment system will be updated to more current data. The relative values may be based on historical charge data from the claims. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 19.

Effective January 1, 2013, inpatient hospital rebasing of rates to more current data is repealed. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 20.

Effective September 1, 2011 through June 30, 2015, payments for inpatient hospital services excluding Indian Health Services, long term hospitals, children's hospitals and managed care payments, are reduced ten percent. Effective July 1, 2013 through June 30, 2015, the reduction is reduced one percentage point for every percentage point reduction in the readmissions rates between the two previous calendar years to a maximum of five percent. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 21.

Effective September 1, 2011 or upon federal approval, whichever is later, the benchmark and formula used for reimbursement of prescription drugs changes from an Average Wholesale Price-based formula to an equivalent Wholesale Acquisition Cost based formula. Reimbursement for independently owned pharmacies in designated rural areas is increased. Hemophilia drugs are added to the list of specialty drugs for which the commissioner may negotiate lower rates. The reimbursement methodology used for drugs administered in an outpatient setting is clarified. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 35.

Effective September 1, 2011, the Department will apply for federal matching funds as disproportionate share hospital (DSH)

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payments under the fee for service MinnesotaCare program. Hospitals may elect annually to not be a DSH hospital if they do not receive disproportionate population adjustment payments. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 60.

Effective September 1, 2011, for payments made in fiscal years 2012 and 2013, the total Medicaid payments supporting the MERC payments required by *Minnesota Statutes*, §62J.692 are reduced by approximately \$27 million in 2012 and 2013, and by approximately \$14.2 million in 2014 and each year thereafter. The reduction is accomplished by limiting the amount carved out from the medical assistance capitation payments to \$23,936,000 in SFY 2012 and 2013, and to \$36,744,000 in 2014 and each year thereafter. In addition, the annual payment of \$1,475,000 to the University of Minnesota Medical Center – Fairview is eliminated. There are also two non-Medicaid payments through the MERC fund that have been eliminated. They are the \$2,075,000 payment to the University of Minnesota School of Dentistry, and the \$1,800,000 payment to the University of Minnesota Academic Health Center. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 2, Section 3, and Article 6, Section 62.

Effective July 21, 2011, services delivered or items supplied outside of the United States are not eligible for payment under MA. This codifies long-standing policy. This change is effective January 1, 2012 for enrollees in managed care plans. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 23.

Effective July 21, 2011, MA payments cannot be made to a provider, financial institution, or entity outside of the United States. This change is effective January 1, 2012 for enrollees in managed care plans. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 23.

Effective July 21, 2011, claims for payments for supplies or services based on an order or referral of a provider must include the ordering or referring provider's National Provider Identification number. The ordering or referring provider must be enrolled with the Department. This change is effective January 1, 2012, or upon federal approval, whichever is later, for enrollees in managed care plans. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 24.

Effective July 21, 2011, the Department of Human Services has authority to establish an electronic health records incentive program for eligible hospitals and providers. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 6.

Effective July 21, 2011, the Department of Human Services has authority to implement various provider screening processes related to the prevention of fraud and abuse in the MA program. The Department may withhold payment upon initial enrollment for a 90-day period if the provider is designated as high risk of committing fraud or abuse. The Department may require providers to establish a fraud compliance program as a condition of enrollment. The Department may revoke the enrollment of an ordering or rendering provider for a period of not more than a year if the provider fails to maintain and upon request provide access to documentation relating to written orders or requests for payments for certain services. The Department must terminate or deny the enrollment of any individual or entity if the individual or entity has been terminated from participation in Medicare or under the Medicaid program or the children's health insurance program of any other state. The Department of Human services can conduct unannounced onsite inspections of any provider location as a condition of enrollment of a "moderate" or "high-risk" provider as designated by the Centers for Medicare & Medicaid Services or the Department of Human Services. As a condition of enrollment, high-risk providers must consent to criminal background checks. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 26.

Effective January 1, 2012, MA payment for professional services associated with the delivery of a child in a hospital is prohibited unless information related to the nature of the labor and delivery including any induction of labor is provided with the claim. An exception is made for births that occur at hospitals that have policies in place that have been approved by the commissioner that prohibit elective inductions of labor prior to 39 weeks gestation. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 28.

Effective January 1, 2012, covered services for recipients under the Emergency Medical Assistance program are limited to those services that are necessary to treat an emergency medical condition, and that are delivered in an emergency department or delivered in an inpatient hospital setting after admission from an emergency department or an admission immediately following an office visit for treatment of an acute medical condition, and follow-up services directly related to the original treatment of an emergency medical condition and covered by the global payment. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 27.

Effective January 1, 2012, MA coverage for lawfully residing noncitizens who do not qualify for federally funded programs will end. These noncitizens may qualify for the MinnesotaCare program. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 27.

Effective January 1, 2012, coverage for specialized maintenance therapy for adults is eliminated in connection with physical therapy, occupational therapy and speech- language pathology services. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Sections 29, 30, 31. For enrollees with serious and persistent mental illness who are at risk of hospitalization, DHS must evaluate whether specialized maintenance therapy will improve the quality of care and lower medical assistance spending. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 91.

Effective March 1, 2012, authorization by the Department of Human Services is required to provide medically necessary physical therapy, occupational therapy, or speech-language pathology services to a fee-for-service recipient. Authorizations for these services may be approved for up to six months. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Sections 29, 30, 31.

Effective March 1, 2012, a case management approach for authorization of rehabilitation services for fee-for-service recipients is required. Authorization shall include approval for up to six months of services without additional documentation from the provider. The commissioner is required to implement an expedited five-day turnaround time to review requests for recipients who need emergency rehabilitation services. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 32.

Effective January 1, 2012, the number of chiropractic visits allowed fee-for-service recipients before prior authorization is required is increased from 12 to 24. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 33.

Effective January 1, 2012, coverage for acupuncture is allowed only when provided by a licensed acupuncturist, or by a practitioner for whom acupuncture is within the scope of practice and who has specific acupuncture training or credentialing. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 34.

Effective September 1, 2011, or upon federal approval, whichever is later, the following changes apply to coverage of medication therapy management services:

- allows persons taking three or more prescriptions with one or more chronic conditions to be eligible;
- allows coverage of persons with a drug therapy problem that is identified by a pharmacist and approved by the commissioner; and
- allows provision of the service in home settings without an order from the provider-directed care coordination team and expands the definition of home settings to include long-term care settings, group homes, and assisted living facilities.

This change is effective January 1, 2012, or upon federal approval, whichever is later, for enrollees in managed care plans. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 36.

Effective September 1, 2011, nonemergency transportation rates, including special transportation, taxi, and other commercial carriers paid by the Department are reduced by 4.5 percent. Managed care and county-based purchasing plan payments are reduced beginning January 1, 2012, to reflect this reduction. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 37.

Effective September 1, 2011, ambulance service rates paid by the Department are reduced by 4.5 percent. Managed care and county-based purchasing plan payments are reduced beginning January 1, 2012, to reflect this reduction. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 38.

Effective September 1, 2011, the commissioner is prohibited from considering a request for authorization of a service when the fee-for-service recipient has third-party coverage unless the provider has made a good faith effort to obtain payment or authorization from the third party. A provider is not required to bill Medicare before requesting authorization from the commissioner if the provider has reason to believe the service is not eligible for Medicare payment. Authorization is not required if a third party has made payment equal to or greater than 60 percent of the maximum payment allowed under MA. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 41.

Effective July 21, 2011, all vendors of durable medical equipment, prosthetics, orthotics, or medical supplies are required to be an enrolled Medicare provider as a condition of MA enrollment. The commissioner has authority to exempt a provider from the Medicare enrollment requirement. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 42.

Effective July 21, 2011, the Department's authority to seek monetary recoveries from and sanction vendors of medical care is modified to require the Department to withhold or reduce payments when there is a credible allegation of fraud unless the Department determines there is good cause not to suspend. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 52.

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Effective July 21, 2011, in order to collect past due obligations, the Department may adjust payment to a provider or vendor with the same tax identification number as a provider or vendor with past-due obligations *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 53.

Effective September 1, 2011, the Department's payment for augmentative and alternative communication systems is required to be made the at the lower of: (1) the submitted charge; or (2) the manufacturer's suggested retail price minus 20 percent for providers that are manufacturers, or the manufacturer's invoice charge plus 20 percent for providers that are not manufacturers. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 43.

Effective September 1, 2011, unless prohibited by the Department or federal law, a provider may seek payment from the recipient for services not eligible for payment under MA when the provider reviews and considers all available covered alternatives with the recipient and obtains a signed acknowledgement from the recipient of the potential for the recipient's liability prior to delivery of a service. A non-exclusive list of conditions under which payment cannot be requested from a recipient is added. This change is effective January 1, 2012 for enrollees in managed care plans. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 44.

Effective the later of January 1, 2011 or upon federal approval, coverage is provided for in-reach community-based care coordination that is performed by qualified members of a hospital emergency department staff and provided to fee-for-service recipients who have had three or more emergency department visits within the previous consecutive four months. The service includes navigating services to address mental health, chemical health, social, economic, and housing needs, and any other activity targeted at reducing emergency room and other non-medically necessary health care utilization. Reimbursement for the service will be made in 15 minute increments based upon social work reimbursement methodology. This change is effective January 1, 2012, or upon federal approval, whichever is later, for enrollees in managed care plans. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 45.

Effective August 1, 2011, the Department must develop a potential list of specified services and rates that may be provided by community paramedics and covered by Medical Assistance. The list must be completed and presented to the legislature by January 15, 2012. *Minnesota Laws 2011*, Regular Session, Chapter 12, Section 3.

Effective March 1, 2012, the Department must implement a modernized electronic system for providers to request prior authorization. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 40.

Effective for services provided on or after January 1, 2012, payment by the Department for Medicare crossover claims is limited to the MA payment rate with the exception of payments for certain specified mental health services and for dialysis services provided to end-stage renal disease patients. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 46.

Effective July 21, 2011, payments by the Department for EPSDT screenings are limited to the 75th percentile of charges and will no longer be updated each October 1st. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 47.

Effective September 1, 2011, services provided by advanced dental therapists and dental therapists are covered when provided within the provider's scope of practice. This change is effective January 1, 2012 for enrollees in managed care plans. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 48.

Effective September 1, 2011, MA adult recipients who are subject to cost-sharing have the following copayments: \$3 for eyeglasses; \$3.50 for nonemergency visits to a hospital-based emergency department, \$3 copayment for all nonpreventive visits; \$3 per brand-name drug prescription and \$1 per generic drug prescription, subject to a \$12 per month maximum for prescription drug copayments. No copayments apply to antipsychotic drugs when used for the treatment of mental illness. Due to timelines necessary to provide adequate notice, this section will be implemented October 1, 2011. This change is effective January 1, 2012 for enrollees in managed care plans. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Sections 49, 50.

Effective September 1, 2011, or upon federal approval, whichever is later, MA recipients who are subject to cost-sharing will have a \$20 copayment for nonemergency visits to a hospital-based emergency department. This change is effective January 1, 2012, or upon federal approval, whichever is later, for enrollees in managed care plans. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 49.

Effective for MA services provided on or after January 1, 2012, MA recipients who are subject to cost-sharing will have a family

deductible equal to the maximum permitted under federal law. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 49.

Effective for MinnesotaCare services provided on or after January 1, 2012, MinnesotaCare recipients who are subject to cost-sharing will have a family deductible equal to the maximum permitted under federal law. Due to requirements to obtain federal approval of changes in the state's section 1115 Medicaid waiver, this section will be implemented upon federal approval if later than January 1, 2012. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 72.

Effective July 21, 2011, the Department of Human Services may make payments to non-hospital based governmental health centers and use the federal matching funds for certified public expenditures. Due to timelines necessary to provide adequate notice, these rate reductions will be implemented September 1, 2011. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 59.

Effective July 21, 2011, the Department is authorized to make new supplemental MA payments to other billing professionals affiliated with Hennepin County Medical Center and to physicians and other billing professionals affiliated with Regions Hospital through Health Partners Medicaid Group. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 56.

Effective September 1, 2011, certified health care homes and counties must coordinate care and services for health care home enrollees with complex medical needs or a disability, who need and are eligible for services such as waived services, mental health services or social, public health, transportation and housing services. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 55.

Effective January 1, 2012, MA recipients with disabilities will be assigned to special needs basic health care plans, but may choose to opt out of managed care enrollment. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 64.

Effective for services provided on or after September 1, 2011, through June 30, 2013, payments for dental services are reduced by three percent. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 67.

Effective September 1, 2011, MA critical access dental designations for the University of Minnesota and Minnesota State Colleges and Universities are limited to dental clinics owned and operated by these institutions. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 68.

Effective for services provided on or after September 1, 2011, through June 30, 2013, the following reductions in payment rates apply:

- outpatient hospital facility fees are reduced by five percent; and
- ambulatory surgery centers facility fees, medical supplies and durable medical supplies, prosthetics and orthotics, renal dialysis services, laboratory services, public health nursing services, physical therapy services, occupational therapy services, speech therapy services, eyeglasses, hearing aids, anesthesia services, and hospice services are reduced by three percent.

Minnesota Laws 2011, First Special Session, Chapter 9, Article 6, Section 69.

Effective January 1, 2012 or upon federal approval, whichever is later, the commissioner of human services, in consultation with the commissioner of health, must contract with a Minnesota-based academic and research institution specializing in complementary and alternative medicine to implement a demonstration project to improve the care provided to MA enrollees with neck and back problems. The project must be conducted with FQHCs and FQHC look-alikes. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 70.

Effective September 1, 2011, the critical access dental add-on payment for MinnesotaCare is reduced from 50 percent to 30 percent. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 80.

Effective September 1, 2011, the Department will apply for federal matching funds as disproportionate share hospital (DSH) payments under the fee for service MinnesotaCare program. Hospitals may elect annually to not be a DSH hospital if they do not receive disproportionate population adjustment payments. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 60.

Effective for services provided on or after September 1, 2011, through June 30, 2013, the payment rates for physician and professional services are reduced by three percent. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 66.

Effective August 1, 2011, a parent's consent is required for a children's mental health system screening for a child in the juvenile justice

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system, unless a court rules that the screening is in the child's best interest. Due to timelines necessary to provide adequate notice, this provision will be implemented September 1, 2011. *Minnesota Laws 2011*, Regular Session, Chapter 86, Section 3.

Effective August 1, 2011, the list of moratorium exceptions on licensing facilities in Minn. Stat. 245A.03, subdivision 7, is expanded to include corporate foster care licenses needed to restructure state-operated services because of capacity limitations. *Minnesota Laws 2011*, Regular Session, Chapter 86, Section 4.

Effective August 1, 2011, the definition of a "health officer" in Minn. Stat. §253B.02, subdivision 9, is expanded to include mental health professionals providing mental health mobile crisis team services in order to reduce the need for intervention by law enforcement. Due to timelines necessary to provide adequate notice, this provision will be implemented September 1, 2011. *Minnesota Laws 2011*, Regular Session, Chapter 86, Section 5.

Effective August 1, 2011, the payment methodology from the Consolidated Chemical Dependency Treatment Fund for chemical dependency rehabilitative services is subject to a biennial review. The commissioner is authorized to place program standards in provider agreements and specify service requirements and enhancements. Due to timelines necessary to provide adequate notice, this provision will be implemented September 1, 2011. *Minnesota Laws 2011*, Regular Session, Chapter 86, Sections 6, 7, 8 and 9.

Effective January 1, 2012, a revised rate setting methodology will be implemented for Assertive Community Treatment services, Intensive Residential Treatment Services, and Crisis Residential Stabilization Services licensed as Intensive Residential Treatment Services. This methodology changes the methodology from a settle up payment approach to a prospective payment approach with clarification of allowable costs. The provision preserves the cost-based approach for direct services, which includes direct service staff costs, training for direct service staff and service-related transportation. Other program-related costs shall be paid through a flat rate percentage arrived at by averaging the costs of similar programs across the state. The provision also allows for a supplemental rate to pay for physical plant costs when room and board payments are insufficient and for a performance incentive of up to 5%. *Minnesota Laws 2011*, Regular Session, Chapter 86, Section 11.

Effective August 1, 2011, the statute governing mental health diagnostic assessments is brought into alignment with the rule governing such assessments. The number of day treatment services is increased from a minimum of one per week to two per week. An updated assessment and face-to-face interview is required if one has not been completed within three years and the amount of time that a diagnostic assessment can be regarded as current is expanded. The eligibility criteria now allow for the use of adult diagnostic assessment updates. Individual preferences and advanced psychiatric directives in the treatment planning process for individuals experiencing a mental health crisis are required. *Minnesota Laws 2011*, Regular Session, Chapter 86, Sections 1, 2, 12, 13, 16, 17 and 18.

Effective August 1, 2011, the existing requirement that mental health crisis teams coordinate their services through regularly scheduled meetings with other agencies and providers including: county emergency services, community hospitals, ambulance, transportation services, social services, law enforcement and mental health crisis services is enforced. Due to timelines necessary to provide adequate notice, this provision will be implemented September 1, 2011. *Minnesota Laws 2011*, Regular Session, Chapter 86, Section 15.

Effective November 1, 2011, the service model and requirements, rate setting methodology, and eligibility criteria are updated for intensive rehabilitative mental health services for youth ages 16 to 21 with a serious mental illness or co-occurring mental illness and substance abuse addiction (commonly known as Assertive Community Treatment for Youth or Youth ACT). *Minnesota Laws 2011*, Regular Session, Chapter 86, Section 20.

Effective August 1, 2011, a social service agency is required to conduct juvenile treatment screenings and prepare case plans within 15 days of a request for screening. Involvement of the child's parent, guardian, or permanent legal custodian in the treatment team is required. Due to timelines necessary to provide adequate notice, this provision will be implemented September 1, 2011. *Minnesota Laws 2011*, Regular Session, Chapter 86, Section 21.

Effective July 1, 2011, the commissioner may contract with and receive payment from the Indian Health Service for care and treatment of White Earth Band members who have been committed by a tribal court. Due to timelines necessary to provide adequate notice, this provision will be implemented September 1, 2011. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 8, Section 2.

Effective July 1, 2011, the county share of non-Medicaid Chemical Dependency Treatment costs is increased from 16.15% to 22.95%. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 8, Sections 3 and 5.

Effective October 1, 2011, MA covers rehabilitative services provided by an American Indian Tribe for children with severe emotional disturbance. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 8, Sections 6 and 7.

Effective July 21, 2011, the commissioner shall develop screening tools in order to identify whether an individual who is the subject of the assessment screens positive for co-occurring mental health or chemical dependency disorders. Screenings are required to begin no later than December 31, 2011. The commissioner is required to adopt rules, effective July 1, 2013, to implement treatment a certification process and system for providers. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 8, Section 9.

Effective September 1, 2011, the commissioner shall reduce payments to managed care plans and county-based purchasing plans as follows:

- (1) 2.0 percent for medical assistance elderly basic care. This shall not apply to Medicare cost-sharing, nursing facility, personal care assistance, and elderly waiver services;
- (2) 2.82 percent for medical assistance families and children;
- (3) 10.1 percent for medical assistance adults without children; and
- (4) 6.0 percent for MinnesotaCare families and children.

Minnesota Laws 2011, First Special Session, Chapter 9, Article 6, Section 65.

Effective January 1, 2012, the commissioner shall limit rates paid to managed care plans and county-based purchasing plans for calendar year 2012 to a percentage of the rates in effect on August 31, 2011, as follows:

- (1) 98 percent for medical assistance elderly basic care. This shall not apply to Medicare cost-sharing, nursing facility, personal care assistance, and elderly waiver services;
- (2) 97.18 percent for medical assistance families and children;
- (3) 89.9 percent for medical assistance adults without children; and
- (4) 94 percent for MinnesotaCare families and children.

Minnesota Laws 2011, First Special Session, Chapter 9, Article 6, Section 65.

Effective January 1, 2013, to December 31, 2013, the commissioner shall limit the maximum annual trend increases to rates paid to managed care plans and county-based purchasing plans as follows:

- (1) 7.5 percent for medical assistance elderly basic care. This shall not apply to Medicare cost-sharing, nursing facility, personal care assistance, and elderly waiver services;
- (2) 5.0 percent for medical assistance special needs basic care;
- (3) 2.0 percent for medical assistance families and children;
- (4) 3.0 percent for medical assistance adults without children;
- (5) 3.0 percent for MinnesotaCare families and children; and
- (6) 3.0 percent for MinnesotaCare adults without children.

Minnesota Laws 2011, First Special Session, Chapter 9, Article 6, Section 65.

Effective July 1, 2014, the commissioner shall limit the maximum annual trend increases to rates paid to managed care plans and county-based purchasing plans as follows for calendar years 2014 and 2015:

- (1) 7.5 percent for medical assistance elderly basic care. This shall not apply to Medicare cost-sharing, nursing facility, personal care assistance, and elderly waiver services;
- (2) 5.0 percent for medical assistance special needs basic care
- (3) 2.0 percent for medical assistance families and children;
- (4) 3.0 percent for medical assistance adults without children;
- (5) 3.0 percent for MinnesotaCare families and children; and
- (6) 4.0 percent for MinnesotaCare adults without children.

Minnesota Laws 2011, First Special Session, Chapter 9, Article 6, Section 65.

Effective January 1, 2012, managed care organizations have three new performance targets they must meet to earn back the amount withheld from their MinnesotaCare payments during the contract year: 1) reduce emergency department utilization by 10% a year from the previous calendar year until there has been a 25% reduction from the baseline 2) reduce the rate of inpatient hospitalization by 5% from the previous calendar year until the rate of inpatient admissions is reduced by 25% from the baseline 3) reduce the rate of inpatient readmissions within 30 days by 5% a year from the previous calendar year until the rate of readmissions is reduced by 25% from the baseline. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 81.

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Effective May 1, 2013, a portion of capitation payments due managed care plans and county-based purchasing plans in May 2013, and payments due special needs basic care plans in April 2013 are delayed until July 1, 2013. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 94.

Effective May 1, 2015, a portion of MinnesotaCare capitation payments due managed care plans and county-based purchasing plans in the second quarter of calendar year 2014, and payments due special needs basic care plans in April 2015 are delayed until July 1, 2015. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 94.

Effective July 21, 2011, the commissioner shall develop a proposal for a single administrative structure for nonemergency medical transportation services and submit a proposal to the legislature by January 15, 2012. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 3, Section 6.

Effective July 21, 2011, the commissioner is required to develop and submit by January 15, 2012, a plan to provide care coordination to MA and MinnesotaCare enrollees who are children with high-cost mental health conditions. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 89.

Effective July 21, 2011, the commissioner shall present recommendations by January 15, 2012, to the legislature to reduce hospitalization rates of children with high-cost medical conditions enrolled in state health care programs. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 92.

Effective July 21, 2011, an Autism Spectrum Disorder Task Force of 19 members is established to develop the state's strategic plan for presentation to the legislature by January 15, 2013. Appointments are effective September 1, 2011. The task force expires June 30, 2015. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, section 95.

Effective January 1, 2012, the commissioner shall establish a pilot program in the seven-county metro area for competitive price bidding for children and adults who are not elderly or disabled, in MA and MinnesotaCare. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 96.

Effective September 1, 2011, rates paid to Customized Living providers by managed care organizations for MA covered services cannot exceed the maximum service limit rates and component rates as published by the Department. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Sections 19 and 22, and Article 10, Section 3.

Effective for contract year 2011, the Department will calculate managed care contract year 2011 health performance and preventive care incentives as described in the Families and Children contracts but the amount earned (if any) will be reduced by one-half. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 10, Section 3.

Effective for contract year 2011, the Department will calculate the managed care contract year 2011 Comprehensive Elder Health Evaluation Clinical Incentive as described in the Seniors contracts but the amount earned (if any) will be reduced by one-half. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 10, Section 3.

Effective for gross revenues received after December 31, 2019, the MinnesotaCare provider tax is repealed. *Minnesota Laws 2011* First Special Session, Chapter 9, Article 6, Section 97.

Effective July 21, 2011, the commissioner shall, in consultation with the White Earth Band of Ojibwe, transfer legal responsibility to the tribe for the administration of human services. The transfer of responsibility shall first take effect for tribal members and their families residing on or off the reservation in Mahnomon County, and following that successful transition will take effect for members residing on or off the reservation in Clearwater and Becker Counties. The commissioner shall submit a report of the transfer process by January 15, 2012 to specified members of the legislative committees with jurisdiction over health and human services. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 9, Section 18.

Effective July 1, 2012, the commissioner shall establish the Healthy Minnesota Contribution Program for adult without children in MinnesotaCare with family income that equals or exceeds 200 percent of the federal poverty guidelines. The program will provide a contribution for the purchase of private market health coverage. The commissioner must seek federal approval for federal financial participation. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 6, Section 73.

For questions regarding MA and MinnesotaCare services and payment rates, contact Shannon Kojasoy at the Minnesota Department of Human Services, Health Care Administration, PO Box 64983, St. Paul, MN 55164-0983; phone (651) 431-2106.

II. MA Institutional Payment Rates

Intermediate Care Facilities for Persons with Developmental Disabilities (ICFs/DD)

Effective July 1, 2011, the legislature authorized a payment rate of \$138.23 for a fifteen-bed facility in Clearwater County. Due to timelines necessary to provide adequate notice, this rate will be implemented September 1, 2011. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 42.

Effective July 1, 2011, all ICFs/DD reimbursed under 256B.5012, except for a fifteen-bed facility located in Clearwater County, will receive a 0.095 percent rate reduction of the operating payment rates in effect on June 30, 2011. Due to timelines necessary to provide adequate notice, these rate reductions will be implemented September 1, 2011. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 43.

Effective July 1, 2011, all ICFs/DD reimbursed under 256B.5012 will receive a 1.5 percent operating payment rate reduction of the operating payment rates and all variable rates in effect on June 30, 2011. Due to timelines necessary to provide adequate notice, these rate reductions will be implemented September 1, 2011. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 44.

Effective July 1, 2013, all ICFs/DD reimbursed under 256B.5012 will receive a one-half percent operating payment rate increase of the operating payment rates and all variable rates in effect on June 30, 2013. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 45.

For questions regarding ICF/DD payment rates, contact Laura Sayles at the Minnesota Department of Human Services, Continuing Care Administration, PO Box 64974, St. Paul, MN 55164-0974; phone (651) 431-5668.

Nursing Facilities

Pursuant to the Governor's biennial budget, the Department proposed changes to the nursing facility rate-setting system. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which nursing facility residents' advocates, trade associations, providers, facility employee union representatives, and the general public was invited to attend. The legislature considered the public's input and enacted legislation changing the rate-setting system as follows:

Effective May 14, 2011, the state may approve requests to consolidate two or more nursing facilities in which one or more is closed and the remaining facility or facilities are upgraded. Rates are adjusted for the remaining facilities using a portion of the savings from the closures. Due to timelines necessary to provide adequate notice, this provision will be implemented September 1, 2011. *Minnesota Laws 2011*, Chapter 22, Article 1, Section 3

Effective May 14, 2011, legislation prescribes the cost-neutrality formula for nursing-facility bed relocation requests for rate-setting purposes. Due to timelines necessary to provide adequate notice, this provision will be implemented September 1, 2011. *Minnesota Laws 2011*, Regular Session, Chapter 22, Article 1, Section 4 and 7.

Effective September 1, 2011, bed-hold fees for nursing facility residents that are hospitalized or on therapeutic leave will be reduced from 60% of the total payment rate that applies to the individual on leave to 30%. The eligibility test used to determine if the facility may bill for a bed hold is increased from occupancy greater than 93% to occupancy greater than or equal to 96%. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 25.

Effective October 1, 2011, nursing facilities owned or licensed by local government entities are allowed to receive an operating payment rate increase up to the fully phased-in rebasing rate under 256B.441, subdivision 54 based on law established in the 2010 legislative session allowing a new intergovernmental transfer. Revisions were made to the law to permit revocation of participation, set an annual application deadline, and clarify payments. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Sections 24 and 35.

Effective October 1, 2011, the automatic property rate inflation adjustment for the portion of the nursing facility rate determined under 256B.434, subdivision 4 is suspended until the rate year beginning October 1, 2013. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 28.

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Effective July 16, 2011, nursing facilities will no longer be allowed to submit applications for planned bed closure rate adjustments. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 29.

Effective January 1, 2012, the 48-group resource utilization groups, RUG-IV model, as described in section 144.0724, will be used to determine case mix classifications for nursing facility residents for rate-setting purposes. Section 256B.438 establishes the method and criteria used to determine resident reimbursement classifications based upon the assessments of residents of nursing home and boarding care homes whose payment rates are established under Sections 256B.431, 256B.434, or 256B.441 or any other section. The legislation specifies the methodology for recalculating payment rates in a facility-specific revenue-neutral manner. This notice serves to meet the 120 day notification requirement in 2256B.438, subdivision 3d.

Upon implementation of the RUG-IV classification system for Minnesota nursing facility residents, the following case mix indices shall apply:

ES3	3.00
ES2	2.23
ES1	2.22
RAE	1.65
RAD	1.58
RAC	1.36
RAB	1.10
RAA	0.82
HE2	1.88
HE1	1.47
HD2	1.69
HD1	1.33
HC2	1.57
HC1	1.23
HB2	1.55
HB1	1.22
LE2	1.61
LE1	1.26
LD2	1.54
LD1	1.21
LC2	1.30
LC1	1.02
LB2	1.21
LB1	0.95
CE2	1.39
CE1	1.25
CD2	1.29
CD1	1.15
CC2	1.08
CC1	0.96
CB2	0.95
CB1	0.85
CA2	0.73
CA1	0.65
BB2	0.81
BB1	0.75
BA2	0.58
BA1	0.53
PE2	1.25
PE1	1.17
PD2	1.15

PD1	1.06
PC2	0.91
PC1	0.85
PB2	0.70
PB1	0.65
PA2	0.49
PA1	0.45
Minnesota Specific Classifications	
AAA (Penalty)	0.45
DDF (Default)	1.00

Minnesota Laws 2011, First Special Session, Chapter 9, Article 7, Sections 26, 30, 31, 32 and 33.

Effective October 1, 2011, nursing facilities located within one-quarter mile of a geographic peer group with a higher limit will be given the operating payment rate of the nearest nursing facility in that other geographic peer group if its DDF operating payment rate is higher. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 34.

Effective October 1, 2011, nursing facilities with operating payment rates below the 18th percentile of operating payment rates with RUG weight of 1.00 (DDF) for all nursing facilities in the state will receive rate increases. The increase for the DDF rate is the lesser of 2.45% or the difference between a facility's DDF and the DDF of the facility at the 18th percentile. The other RUG classes will be adjusted by the RUG weights for the portion of their previous rate that was case mix adjusted. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 36.

Effective October 1, 2013, further steps to phase-in nursing facility rebased operating payment rates under section 256B.441 will not be taken. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 37.

Individual nursing facility payment rates are available by contacting the Nursing Facility Rates and Policy Division, Minnesota Department of Human Services, PO Box 64973, St. Paul, MN 55164-0973; phone (651) 431-2280.

III. MA Home and Community-Based Waivers and Continuing Care Services Payment Rates

Beginning July 1, 2011, through June 30, 2013, the growth in the Developmental Disability waiver is limited to six diversion allocations per month of the fiscal year. Priorities for the allocation of funds must be for individuals who meet the priorities for accessing waiver services identified in *Minnesota Statutes* 256B.092, subdivision 12. The limits do not include conversions from intermediate care facilities for persons with developmental disabilities. Growth in the Community Alternatives for Disabled Individuals waiver is limited to 60 allocations per month of the fiscal year. Priorities for the allocation of funds must be for individuals who meet the priorities for accessing waiver services identified in *Minnesota Statutes* 256B.49, subdivision 11a. The limits include conversions and diversions, unless the commissioner has approved a plan to convert funding due to the closure or downsizing of a residential facility or nursing facility to serve directly affected individuals on the Community Alternatives for Disabled Individuals waiver. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 10, Section 3.

Beginning July 1, 2013, through June 30, 2015, the growth in the Developmental Disability waiver is limited to fifteen diversion allocations per month of the fiscal year. Priorities for the allocation of funds must be for individuals who meet the priorities for accessing waiver services identified in *Minnesota Statutes* 256B.092, subdivision 12. The limits do not include conversions from intermediate care facilities for persons with developmental disabilities. Growth in the Community Alternatives for Disabled Individuals waiver is limited to 85 allocations per month of the fiscal year. Priorities for the allocation of funds must be for individuals who meet the priorities for accessing waiver services identified in *Minnesota Statutes* 256B.49, subdivision 11a. The limits include conversions and diversions, unless the commissioner has approved a plan to convert funding due to the closure or downsizing of a residential facility or nursing facility to serve directly affected individuals on the Community Alternatives for Disabled Individuals waiver. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 10, Section 3.

Effective July 1, 2011, through June 30, 2013, services provided by the following community services providers will receive a 1.5 percent decrease in grants, allocations, reimbursement rates, individual limits or service rate limits as applicable. Due to timelines necessary to provide adequate notice, these rate reductions will be implemented September 1, 2011. Effective July 1, 2013, through June 30, 2015, services provided by the following community services providers will receive a 1.0 percent decrease in grants, allocations,

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reimbursement rates, individual limits or service rate limits as applicable. These rate changes apply to fiscal year 2011 base rates and are not cumulative from year to year.

- 1) Home and community-based waived services for persons with developmental disabilities, including consumer-directed community supports, under *Minnesota Statutes*, section 256B.501; except for corporate foster care;
- 2) home and community-based waived services for the elderly, including consumer-directed community supports, under *Minnesota Statutes*, section 256B.0915; except for corporate foster care and customized living services;
- 3) waived services under community alternatives for disabled individuals, including consumer-directed community supports, under *Minnesota Statutes*, section 256B.49; except for corporate foster care and customized living services;
- 4) community alternative care waived services, including consumer-directed community supports, under *Minnesota Statutes*, section 256B.49;
- 5) traumatic brain injury waived services, including consumer-directed community supports, under *Minnesota Statutes*, section 256B.49;
- 6) nursing services and home health services under *Minnesota Statutes*, section 256B.0625, subdivision 6a;
- 7) personal care services and qualified professional supervision of personal care services under *Minnesota Statutes*, section 256B.0625, subdivisions 6a and 19a;
- 8) private duty nursing services under *Minnesota Statutes*, section 256B.0625, subdivision 7;
- 9) alternative care services under *Minnesota Statutes*, section 256B.0913;
- 10) living skills training programs for persons with intractable epilepsy who need assistance in the transition to independent living under *Laws 1988*, chapter 689;
- 11) semi-independent living services (SILS) under *Minnesota Statutes*, section 252.275, including SILS funding under county social services grants formerly funded under *Minnesota Statutes*, chapter 256I;
- 12) consumer support grants under *Minnesota Statutes*, section 256.476;
- 13) family support grants under *Minnesota Statutes*, section 252.32;
- 14) aging grants under *Minnesota Statutes*, sections 256.975 to 256.977, 256B.0917 except for grants in subdivision 14, and 256B.0928;
- 15) disability linkage line grants under *Minnesota Statutes*, section 256.01, subdivision 24;
- 16) housing access grants under *Minnesota Statutes*, section 256B.0658;
- 17) self-advocacy grants under *Laws 2009*, chapter 101; and
- 18) technology grants under *Laws 2009*, chapter 79.

Minnesota Laws 2011, First Special Session, Chapter 9, Article 7, Section 51.

Effective July 1, 2011 through June 30, 2015, payment rates for day training and habilitation services under *Minnesota Statutes*, sections 252.40 to 252.46, including the additional cost of rate adjustments on day training and habilitation services, produced as a social service under *Minnesota Statutes*, section 256M.60 are reduced by one percent. Due to timelines necessary to provide adequate notice, these rate reductions will be implemented September 1, 2011. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 51.

Effective September 1, 2011, DHS will implement a 5% reduction to the Customized Living and 24-hour Customized Living service rate limits, authorized rates and component rates for recipients of Elderly Waiver services. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 10, Section 3.

Effective September 1, 2011, the Commissioner will implement a new Customized Living service rate limit for Elderly Waiver recipients with the lowest needs, classified as case mix L. The service rate limit will be effective on September 1, 2011 for individuals enrolling in the Elderly Waiver on or after that date. For current Elderly Waiver recipients the service rate will be effective at the reassessment occurring on or after September 1, 2011. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 19.

Beginning October 1, 2011, lead agencies must reduce rates in effect on January 1, 2011 by ten percent for individuals with lower needs living in foster care settings where the license holder does not share the residence with recipients on the CADI and DD waivers and customized living settings for CADI. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 10, Section 3.

Effective July 1, 2011, a home care rating is created for individuals with a dependency in one activity of daily living and/or level one behavior and eligibility for two units of PCA services per day. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Sections 8, 9 and 49.

Effective July 21, 2011, the automatic annual adjustment to EW monthly case mix caps related to nursing facility payment rates is

removed and replaced with annual adjustments consistent with any legislative adjustments to the home and community-based provider rates. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 10, Section 17 and 18.

Effective September 1, 2011, the criteria for 24-hour customized living related to activities of daily living requires that Elderly Waiver participants have dependencies in at least 3 activities of daily living in addition to the need for medication management and 50 hours of service per month. Other 24-hr customized living service eligibility criteria remain unchanged. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 20.

Effective, September 1, 2011, customized living or 24-hour customized living providers are prohibited from billing or otherwise charging an Elderly Waiver participant or the participant's family for additional units of any allowable component service beyond those available under the service rate limits, or for additional units of any allowable component service beyond those approved in the service plan by the lead agency. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Sections 19, 20.

Effective October 1, 2011, the reimbursement rate for personal care attendants who provide services to a relative is limited to 80% of the PCA rate. Relative is defined as parent or adoptive parent of an adult child, a sibling aged 16 years or older, an adult child, a grandparent, or a grandchild. Personal care assistance provider agencies are required to document the provision of care to relatives and may be fined up to \$500 for noncompliance. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Sections 10 and 11.

Effective October 1, 2011, consumers planning to move to a registered housing with services setting (commonly called "assisted living") must have a consultation completed before signing a lease or contract. All registered housing with services providers are required to provide information about this requirement and service to consumers. Consultations are provided to people of all ages. Verification of a consultation is required prior to signing a lease or service contract. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 14.

Effective July 21, 2011, the license capacity for adult foster care homes that are not the primary residence of the license holder is reduced when a recipient of services under the Community Alternatives for Disabled Individuals waiver or the Brain Injury waiver chooses to move from the licensed adult foster care home to a community-living setting. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 1.

Effective July 21, 2011, a State Quality Assurance, Quality Improvement, and licensing System is enacted for Minnesotans receiving disability services. The commissioner must appoint a State Quality Council, delegate certain licensing functions to a host county in region 10, conduct licensing inspections based on outcomes at facilities, programs and services eligible under this section, ensure that federal home and community-based waiver requirements are met. The commissioner must seek a federal waiver by July 1, 2012 to allow ICFs/DD to participate in this system. The jurisdictions of regional quality council shall be defined by July 1 2012. The Quality Assurance Commission must continue to implement the alternative licensing system during the 2012-2013 biennium. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 23.

Effective July 21, 2011, the term community-living setting means a single family home or apartment that is owned or rented by the service recipient or the recipient's family, and over which the individual or family maintains control. In community-living settings, individuals:

- (1) are not required to receive services;
- (2) are not required to have a disability or specific diagnosis to live in the community-living setting;
- (3) may hire service providers of their choice; and
- (4) may choose whether to share their household and with whom.

The home or apartment must:

- (1) include living, sleeping, bathing, and cooking areas;
- (2) have lockable access and egress; and
- (3) be free to receive visitors and leave the settings at times and for durations of their own choosing.

The lease must not reserve the right to assign units or change unit assignments; and access to the greater community must be easily facilitated based on the individual's needs and preferences. Housing access grants are available to assist individuals who relocate from an adult foster care home with completion of rental applications or lease agreements, development of household budget, assistance with publicly financed housing options, and assistance with funding affordable household furnishing and related household matters. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 41.

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Effective September 21, 2011, the commissioner shall develop a plan to reform medical assistance designed to improve outcomes for seniors, people with disabilities, people with complex medical needs and all other enrollee. The commissioner must request federal approval and funding for initiatives that (1) demonstrate alternative health care delivery; (2) promote personal responsibility and reward health outcomes; (3) encourage utilization of high quality, cost-effective care; (4) limit assets for certain adults without children; (5) empower and encourage work, housing and independence; (6) redesign home and community-based services; (7) coordinate and streamline services for people with complex needs (8) implement nursing home level of care criteria (9) improve integration of Medicare and Medicaid; (10) provide intensive residential treatment services; (11) seek federal Medicaid matching funds for Anoka Metro Regional Treatment Center; (12) seek waivers to allow Medicaid eligibility for children under 21 receiving care in residential facilities. All projects must be budget neutral or result in savings to the state budget. The commissioner shall report to the legislature by January 15, 2012 regarding the progress of the waiver. *Minnesota Laws 2011*, First Special Session, Chapter 9, Article 7, Section 53.

For questions regarding Medical Assistance continuing care and home and community-based waivers and payment rates, contact Laura Sayles at the Minnesota Department of Human Services, Continuing Care Administration, PO Box 64974, St. Paul, MN 55164-0974; phone (651) 431-5668.

Minnesota Pollution Control Agency (MPCA)

Environmental Analysis & Outcomes Division

REQUEST FOR COMMENTS on Planned Permanent Air Quality Rule Amendments Governing Definitions and Abbreviations; Permits and Offsets; Standards for Stationary Sources; Monitoring and Testing Requirements and Emission Inventory Requirements to be Codified in Minnesota Rules Chapters 7005, 7007, 7011, 7017 and 7019 to Comply with New Federal Air Permit Thresholds for Greenhouse Gases and Minor Housekeeping Amendments to Clarify Rule Language and Meaning, Improve Consistency, and to Incorporate One Federal New Source Performance Standard (NSPS) into State Rules

Subject of Rule: The Minnesota Pollution Control Agency (MPCA) requests comments on its proposal to make permanent amendments to air quality rules to comply with new federal air permit thresholds for greenhouse gases (GHGs) affecting the MPCA's air quality rules, along with the minor housekeeping amendments described above, to be codified in *Minnesota Rules*, chapters 7005, 7007, 7011, 7017 and 7019.

Background: On May 13, 2010, the United States Environmental Protection Agency (USEPA) issued a final rule to establish permit threshold for GHG emissions. This rule affects two permit programs: 1) the Prevention of Significant Deterioration (PSD) program for construction permits; and 2) the Part 70 (operating) permit program, also called the Title V program.

The new emissions threshold for GHGs is a potential to emit (PTE) of 100,000 tons per year (tpy) of carbon dioxide equivalent (CO₂-e). The USEPA calls this the Tailoring Rule, as the permit thresholds would be tailored to exempt facilities with lower emissions. As of July 1, 2011, the GHG permit threshold applies to both new construction projects and existing sources. A modification of 75,000 CO₂-e or more makes a change subject to a PSD review. For example, a facility would do a Best Available Control Technology determination and air emission modeling.

The rule defines GHGs as an aggregate group of six gases. These are: Carbon dioxide (CO₂), nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride.

Temporary Rule: The MPCA adopted temporary rules to address GHG permitting on January 24, 2011 under Minnesota's Good Cause Exemption, *Minnesota Statutes*, section 14.388, subdivision 1, clause (2). The statute allows an expedited process if agencies need to comply with a requirement in federal law. The exempt rulemaking process occurred in 2010 to meet the effective date of the federal permit rule of January 2, 2011.

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Rules passed under the exempt process of *Minnesota Statutes*, section 14.388, subdivision 1, clause (2) are only good for 2 years. Therefore, the MPCA is beginning a traditional rulemaking process to replace the temporary rules with permanent rules.

Persons Affected: Minnesota is a delegated state for the PSD program. This means that the new federal PSD permit requirement is effective here immediately. No rule changes are needed to begin incorporating GHGs into PSD permits.

However, Minnesota's Part 70 permit rule refers to the Clean Air Act for applicability. The existing rule language needs to be revised permanently to conform to the new threshold in the federal rule. Additionally requirements for registration permits, capped permits and insignificant activities may need to be modified to ensure that facilities are permitted appropriately under the new federal law.

Statutory Authority: The MPCA's authority to adopt and implement the new rules is found in Minnesota Statutes, section 116.07, subdivision 4 which can be found at: <https://www.revisor.leg.state.mn.us/statutes/?id=116.07>: This provision authorizes the MPCA to adopt rules "for the prevention, abatement, or control of air pollution."

Public Comment: Affected and interested persons or groups may submit comments or information on the MPCA's proposal to adopt these permanent rules in writing or orally until 4:30 p.m. on September 28, 2011. The MPCA does not contemplate appointing an advisory committee to comment on these rules.

Public Informational Meeting: The MPCA will host a public informational meeting pertaining to this rulemaking on September 29, 2011 at the MPCA, 520 Lafayette Road N. St. Paul, in the boardroom central from 1:00 to 4:00 pm. If you plan to attend the public informational meeting you will need to first sign in and show a photo ID to security located at the north side of the MPCA building which is the main entrance to the agency. The MPCA does provide limited free parking for visitors. If visitor parking is full you may need to park off site. If you park in MPCA visitor parking you will also need to register your vehicle with security so it will not be towed. MPCA parking maps are available at: [http://www.pca.state.mn.us/index.php/view-document.html?gid=129-346.5KB - Parking: 17](http://www.pca.state.mn.us/index.php/view-document.html?gid=129-346.5KB-Parking:17).

Rule Drafts: The MPCA is in the process of preparing draft permanent rules. The temporary rule is available on the MPCA's air rulemaking web site at: <http://www.pca.state.mn.us/yhiz49d>.

Agency Contact Person: Written comments on the MPCA's proposal to adopt permanent rules on GHG permitting and housekeeping changes, questions, requests to receive a draft of the permanent rules when they are available, and requests for more information on the rule amendments should be directed to: Barbara Conti at the MPCA, 520 Lafayette Road North, Saint Paul, Minnesota, 55155-4194, **phone:** (651) 757-2288, **fax:** (651) 296-8676, and may also be directed by **e-mail:** barbara.conti@state.mn.us. **TTY** users may call the MPCA at **TTY** (651) 292-5332 or 1-800-657-3864.

Rulemaking Mailing List: You may request to be included in future mailings and updates specifically for this rulemaking. You may also request to be added to the MPCA's general rulemaking mailing list to receive notices of all rule efforts the MPCA is working on. Either request should be directed to: Shane Hanly at the MPCA, **phone:** (651) 757-2066, **fax:** (651) 297-8676, and may also be directed by **e-mail:** shane.hanly@state.mn.us. **TTY** users may call the MPCA at **TTY** (651) 292-5332 or 1-800-657-3864.

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 may not necessarily be included in the formal rulemaking record when a proceeding to adopt rules is started. The MPCA is required to submit to the administrative law judge reviewing the rules only those written comments received in response to the rules after they are formally proposed for adoption in the *State Register*.

Paul Aasen, Commissioner
Minnesota Pollution Control Agency

Official Notices

Minnesota Pollution Control Agency (MPCA)

Regional Division

Public Notice of Availability of the Draft Ann & Emma Lakes Nutrient TMDL Study Report and Request for Comment

Public Comment Period Begins:

August 29, 2011

Public Comment Period Ends:

September 28, 2011

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the draft Report for the Ann & Emma Lakes Nutrient Total Maximum Daily Load (TMDL). The draft TMDL Report for Ann & Emma Lakes is available for review at:

<http://www.pca.state.mn.us/water/tmdl/tmdl-draft.html>.

Following the comments, the MPCA will revise the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval. Comments must be received by the MPCA contact person by the public comment period end date shown above.

Required by the federal Clean Water Act, a TMDL is a scientific study that calculates the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards for that pollutant. It is a process that identifies all the sources of the pollutant causing an impairment and allocates necessary reductions among them. This multi-year effort results in a pollution reduction plan and engages stakeholders and the general public. An approved TMDL is followed by implementation activities for achieving the necessary reductions.

Ann and Emma Lakes are located about two miles south of the City of Howard Lake in Wright County, and are part of the North Fork Crow River watershed in the Upper Mississippi River Basin.

Ann Lake was placed on Minnesota's list of impaired waters in 2002, because of excess nutrient levels, particularly phosphorus. Though not officially listed as impaired, Emma Lake was combined with the Ann Lake study since most of Emma Lake's receiving water flows through a short channel between the two lakes. This TMDL study began in June of 2008 and was scheduled to be completed in June 2011.

While phosphorus is an essential nutrient for algae and plants, it is considered a pollutant when it stimulates excessive growth of algae or aquatic plants. This TMDL study indicated that phosphorus loads will need to be reduced by 81% in Ann Lake and 60% in Emma Lake for the lakes to meet water quality standards during the summer growing season.

Agency Contact Person: Written or oral comments, petitions, questions, or requests to receive a draft of the TMDL Reports, and requests for more information should be directed to:

Maggie Leach
Minnesota Pollution Control Agency
7678 College Road, Suite 105
Baxter, MN 56425
Phone: (218) 316-3895
Minnesota Toll Free: 1-800-657-3864
Fax: (218) 828-2594
E-mail: margaret.leach@state.mn.us
TTY users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

Preliminary determination on the draft TMDL Report: The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report and fact sheet are available for review at the MPCA office at the address listed above, and at the MPCA Web site: <http://www.pca.state.mn.us/water/tmdl>

Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

Written Comments: You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination. Written comments must include the following:

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

2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft TMDL that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

Petition for Public Informational Meeting: You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

Petition for Contested Case Hearing: You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules 7000.1900*, the MPCA will grant a petition to hold a contested case hearing if it finds that:

1. There is a material issue of fact in dispute concerning the application or draft TMDL Report;
2. The MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and
3. There is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

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

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules 7000.1900*, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

MPCA Decision: You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board (Board) consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if:

1. The Commissioner grants the petition requesting the matter be presented to the Board;
2. One or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or
3. A timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules 7000.0650*.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL Report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft TMDL Report.

Dated: August 2011

Official Notices

Minnesota Department of Transportation (Mn/DOT) NOTICE TO BIDDERS OF SUSPENSIONS/DEBARMENTS

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective August 22, 2011 until October 21, 2011:

- ♦ Marlon Louis Danner and his affiliates, South St. Paul, MN
- ♦ Danner, Inc. and its affiliates, South St. Paul, MN
- ♦ Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- ♦ Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- ♦ Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN

Minnesota Statute 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.

Minnesota Administrative Rule part 1230.1150, subpart 6 requires the Materials Management Division to maintain a master list of all suspensions and debarments. The master list must retain all information concerning suspensions and debarments as a public record for at least three (3) years following the end of a suspension or debarment. This list can be found at:

<http://www.mmd.admin.state.mn.us/debarredreport.asp>

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
- 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.

Special 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.

Here's what you receive via e-mail:

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

It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Loretta J. Diaz, our subscriptions manager, at **phone:** (651) 297-8777, or **fax:** (651) 297-8260, or **e-mail:** loretta.diaz@state.mn.us

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Department of Employment and Economic Development (DEED) Business and Community Development Division

Notice of Grant Opportunity - Request for Proposals for Entrepreneur Assistance and Direct Small Business Consulting and Development Services In South Central Minnesota

NOTICE IS HEREBY GIVEN that the Department of Employment and Economic Development is seeking proposals from institutions of higher education and eligible non-profit eligible organizations to deliver expanded opportunities for entrepreneurship facilitation, small business consulting and development services in South Central Minnesota in state fiscal year 2012 under a legislative appropriation authorized under 2011 Minnesota 1st Special Session Laws, Senate File 2, Chapter 4, Article 1, Section 3, Subd. 2h. These services must include, but are not limited to, pre-venture assistance for individuals considering starting a business and small business consulting services.

The service area for this award is South Central Minnesota, defined as and including the following counties: Blue Earth, Brown, Faribault, Le Sueur, Martin, Nicollet, Sibley, Watonwan and Waseca Counties.

The department anticipates making a one-time grant award of \$189,000 in state fiscal year 2012 with work to commence as soon as possible after July 1, 2011 and continuing through June 30, 2012. Funds that are not expended by June 30, 2012 will carry over into the next fiscal year.

This request does not obligate the department to make any grant or to make a grant for the full estimated dollar amount of \$189,000. The department may withdraw this opportunity at any time if such action is in the interest of the state. The department is authorized to make this award under Minn. Stat. 116J.035.

Proposals will be due by September 12, 2011 to enable the grantee to begin work on or about September 26, 2011.

A full copy of the Request for Proposal may be obtained free of charge by contacting:

Mark Lofthus, Director
Business and Community Development Division
Minnesota Department of Employment and Economic Development
1st National Bank Building
332 Minnesota Street, Suite E200
Saint Paul, MN 55101-1351
Phone: (651) 259-7440
E-mail: Mark.Lofthus@state.mn.us

Minnesota Department of Health (MDH) Environmental Health Division Request for Proposals (RFP) for Swab Team Services Grant

Introduction

The Minnesota Department of Health (MDH) healthy homes and lead poisoning prevention program encourages primary prevention, provides guidance and support to individuals exposed to lead, and fulfills the three core public health functions of assessment, assurance, and policy/planning. These activities are directed at children under the age of six years (72 months) and pregnant women. These populations are the most vulnerable to lead and are considered to have “elevated” lead levels if their blood test results are greater than 10 ug/dL. This grant is authorized under *Minnesota Statutes*, section 144.9512.

MDH’s Swab Team Services Grant provides funding to:

- increase the screening of children under six years and pregnant women to determine elevated blood lead levels (EBLL) in populations at high risk, for lead exposure,

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- plan, implement, and execute successful lead screening events in communities with high lead exposure,
- provide education and outreach services when an EBLL is identified, and
- provide swab team services to protect populations from identified lead hazards in their residences.

The total amount of the grant funding is \$479,000 with an option to continue the grants for an additional \$479,000 for a second year. The grant funds are dependent upon the availability of state lead funds approved by the legislature to MDH. Any awarding of final grant agreements as a result of this RFP process is subject to final approval by the Commissioner of Health.

Eligible applicants will be nonprofit organizations. Priority will be given to nonprofit organizations that provide AmeriCorps funding or positions, or leverage matching funds, as part of the delivery of the services. A copy of the grant agreement template identified as Appendix A can be found on the website <http://www.health.state.mn.us/divs/eh/lead/topics/index.html>.

MDH will be available to provide consultation and guidance during the application process. For assistance, please contact Dan Symonik, Healthy Homes and Lead Poisoning Prevention Program, at (651) 201-4928 or daniel.symonik@state.mn.us. Please note that MDH staff will not be able to help with the actual writing of the application or critique drafts.

Scope of Work

- Provide on-the-job training to swab team workers.
- Provide swab team services on residential properties approved by MDH.
- Perform interim controls on building components that are identified by a licensed lead risk assessor as having deteriorated lead-based paint on it.
- Provide lead dust cleanup equipment and lead educational materials to residents.
- Provide instruction to residents and property owners on appropriate lead control techniques.
- Conduct blood lead testing events for screening children under the age of six years and pregnant women.
- Submit quarterly invoices for services performed. MDH will provide an invoice template to the successful applicant(s) for submitting quarterly expenditures.

If working under a joint grant agreement, there will be one fiscal agent to submit the quarterly invoice. The invoice needs to account for all expenses and identify each expense for each operating agency that is party to the joint agreement.

- Submit quarterly progress reports that indicate what work activities were completed on the above activities, including accountability for the associated costs.

If working under a joint grant agreement, there will be one quarterly progress report. The report must represent all activities done under the grant for that quarter and identify what activities were performed by each operating agency that is party to the joint agreement. Activities described in the progress report should be clearly linked to specific expenditures on the invoice.

The start dates are contingent on all signatures to the agreement being obtained, with the second year starting on July 1, 2012.

Grant Monitoring

Grant monitoring will consist of both programmatic review and fiscal review. MDH will conduct at least one programmatic review per grant period on grantees that receive \$50,000 to \$250,000, and one programmatic review per year on grantees that receive over \$250,000.

Review of financial records and activities will be performed once per grant period for all grants over \$50,000.

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Application Review and Award Process

This is a competitive grant application. Grants may be awarded to one or more applicants, and two or more applicants may apply jointly. See Appendix B for additional information relating to a joint application.

Only complete applications received or post marked on or before the deadline will be reviewed. Applications will be reviewed and scored according to the *Grant Application Score Sheet*. Reviewers will determine which applications best meet the criteria as outlined within the Project Narrative and Work Plan (Plan). Reviewers will also evaluate the 1) Budget Summary 2) Accounting System and 3) Financial Capability Questionnaire (Questionnaire). All applicants must use the Plan, Budget Summary and Questionnaire for completing their grant application.

Scoring

The scoring of the Plan's criteria will be as follows:

- A. Background Information on Organization – 30 points
- B. General Information – 20 points
- C. Experience in Training Swab Team Services – 10 points
- D. Experience in Providing Swab Team Services – 40 points

Reviewers will include staff from MDH's Asbestos/Lead Compliance Unit and Environmental Impact Analysis Unit. Reviewers will be required to identify any conflicts of interest and will not review an application if they have a direct relationship with the applicant.

Applicants for previous grants should be aware that each application must stand on its own merits. Information that was submitted in previous applications and MDH staff's personal knowledge of the applicant will not be considered in scoring. Exception: An applicant who previously received any MDH grant and failed to fulfill the terms of that grant may not be considered for funding.

Responses to this RFP are considered to be nonpublic until they are opened. Once the grant application is opened, the name and address of the grantee and the amount requested is considered to be public data. The rest of the grant application information is considered nonpublic until the end of the grant review process. After the grant agreements are fully executed, the remaining information in the grant application becomes public, except for information defined as trade secret data as defined in Minnesota Statutes, section 13.37.

Trade Secret Information is defined as "Government data, including a formula, pattern, compilation, program, device, method, technique or process:

- 1) that was supplied by the affected individual or organization,
- 2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and
- 3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use." *Minnesota Statutes, section 13.37, subdivision 1(b).*

Documents that are submitted to MDH that contain trade secret information must:

- 1) be put into a separate envelope and clearly marked with the word "trade secret,"
- 2) each document that contains the trade secret information must be clearly marked with the words "trade secret," and
- 3) each document must include a written explanation of how the information meets each of the three requirements above for trade secret information.

Successful applicants will initially be notified verbally and then with a formal letter. Non-successful applicants will be notified with a formal letter.

Grantees will be required to prepare and submit progress reports and cost reimbursement requests (invoices) to MDH each quarter of the grant year. Reports and invoices must be submitted using MDH reporting and invoice formats. MDH cannot reimburse a grantee for

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any expenses incurred before a grant contract is fully executed. These formats will be provided electronically upon full execution of the grant agreement.

Completed grant applications **MUST** arrive at MDH on or before **4:00 p.m., Wednesday, September 21, 2011**, or have a legible postmark from the United States Postal Service, or a legible pick-up or drop-off time from a private carrier with a date and time that precedes **4:00 p.m., Wednesday, September 21, 2011**.

If dropping off your application, it must be delivered to the MDH loading dock at Orville Freeman Building. The loading dock is clearly marked and located on the west side of the building.

Postmarks from private in-office metering machines are not acceptable. Applications are not accepted by e-mail or facsimile (fax). Submit five copies. Grant applications and questions must only be addressed to:

Dan Symonik
Minnesota Department of Health
Environmental Health Division
625 Robert Street North
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Phone: (651) 201-4928
Fax: (651) 201-4606
E-mail: *Daniel.symonik@state.mn.us*

PLEASE NOTE: All submissions are final. Full and complete applications not received by the deadline stated above will NOT be considered.

Eligible Costs

Costs associated with providing the services as stated above are as follows.

- A. Labor costs which include salary and fringe benefits.
- B. Supply and equipment costs; including general supplies for training purposes, audio/visual equipment, and equipment for hands-on training.
- C. Cleaning supplies for residents to clean lead-contaminated dust in their residences.
- D. Blood lead screening event and testing costs; including blood sample collection supplies and analytical laboratory costs.
- E. Training facility costs, including rent or lease agreements.
- F. Administrative costs of the grantee to conduct the administrative activities of the grant. Applicants may have up to 7.5 percent of the total annual appropriation for administrative purposes.

Grant Application Contents

Applicants can go to the website: <http://www.health.state.mn.us/divs/eh/lead/topics/index.html> to download the 1) Project Narrative and Work Plan, the 2) Budget Summary, and the 3) Accounting System and Financial Capability Questionnaire. All three documents **MUST** be completed and submitted to MDH in order to be considered for funding.

Applications must be at a 12 font and 1 inch margins.

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Minnesota Pollution Control Agency (MPCA)

Notice of Request for Proposal (RFP): Green Chemistry and Design Composites Project

The Minnesota Pollution Control Agency (MPCA) is accepting applications from Minnesota providers of pollution prevention (P2) technical assistance for a project to provide technical assistance to the Fiber Reinforced Plastics (FRP) composites manufacturing sector in the use of alternative resins. This grant is designed to allow FRP manufacturing firms to pilot the metered use of styrene free resin for controlled end use application.

MPCA has approximately \$35,280 for grant award to the P2 provider selected as best meeting the evaluation criteria stated in the RFP. Of the amount available for award, approximately \$10,500 is to be used for the purchase of no or low-VOC acrylic resins. Any amount of funds up to \$35,280 can be requested. Matching funds are not required. This grant consists of Federal funds and can only support activity between October 1, 2011 and September 30, 2012.

The RFP and application materials can be obtained by sending a request to *Contracts.PCA@state.mn.us*. Applications are due on Wednesday, September 21, 2011, at 2:00 p.m. Central Daylight Time (CDT).

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

Requests for Bids, Contracts & Proposals

The state spends \$2-3 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.

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Department of Administration (Admin) Real Estate & Construction Services Notice of Request for Qualifications (RFQ) for a Construction Manager at Risk for the Upgrade of Shantz Hall, St. Peter, MN RECS Project #: 55419SRX

NOTICE IS HEREBY GIVEN that the Department of Administration, Real Estate and Construction Services (“State”) has issued a request for qualifications to evaluate and select a Construction Manager at Risk for the for the Preconstruction and Construction Services for the Upgrade of Shantz Hall (aka Shantz Hall Building Preservation) project located at the St. Peter Regional Treatment Center in St. Peter, MN in accordance with *Minnesota Statute* 16C.34.

This project is a phased plan to preserve, renovate and upgrade Shantz Hall on the St. Peter Regional Treatment Center Campus in St. Peter, MN, to provide secure beds and program space for the Minnesota Sex Offender Program (MSOP). The project scope will include: the replacement of existing constant volume multi-zone air handling, heating, ventilating and air conditioning equipment and it’s retrofitted undersized cooling capacity, update and expand the existing fire protection (sprinkler) system to include the entire building. Update the fire alarm system and interface it with the campus system, replace the existing galvanized plumbing systems which are failing, upgrade the electrical distribution panels, install new energy efficient lighting, install new energy efficient windows and remodel some areas to enhance the operational program. Other considerations may include interior finishes, door replacement and modifications to the exterior security fencing to accommodate construction and for operational considerations. The emphasis is to sequence the entire construction phase to accommodate the replacement of the HVAC, plumbing, electrical systems, and provide the necessary living unit remodeling, while keeping the facility fully operational and secure.

The Responses for this RFQ are due on **October 4, 2011 at 1:00 PM Central Time**.

Detailed tasks and scope of services required for the project are defined and included in the Request for Qualifications (RFQ) which can be found at QuestCDN.com under the Category “*Public Buildings*” with the Project Name “*CM@Risk Shantz Hall RFQ*” and may be downloaded for a fee of \$10.00. To be considered for selection and a Contract, responses must be submitted by the date and time indicated in the RFQ.

The State reserves the right to cancel this solicitation if it is considered to be in its best interest. The RFQ is not a guarantee of work and it does not obligate the State to award any contracts. The State reserves the right to discontinue the use or cancel all or any part of the RFQ if it is determined to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

State Contracts

Department of Administration (Admin)

Notice of Availability of Request for Proposal (RFP) for Designer Selection for Predesign and Design of Preservation, Restoration and Repairs to the Minnesota Governor's Residence (State Designer Selection Board Project No. 11-09)

The Department of Administration, Real Estate and Construction Services ("State"), through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposal is available on the Department of Administration, Real Estate and Construction Services website:
www.admin.state.mn.us/recs.

Click on "Construction Services" and then "Solicitations and Announcements". A pre-proposal meeting is scheduled for 1:30 p.m. C.T., September 13, 2011 at the Minnesota Governor's Residence. Consultants who wish to attend the pre-proposal meeting must pre-register to the appropriate persons, as noted in the Request for Proposal, by 4:00 p.m., September 6, 2011 (see RFP for registration details). Project questions shall be referred to the appropriate person(s) as listed in the Request for Proposal.

Proposals must be delivered to Sherry Van Horn, Executive Secretary, State Designer Selection Board, 309 Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, **phone:** (651) 201-2376, not later than 12:00 noon C.T., Monday, September 19, 2011. Late responses will not be considered.

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

Minnesota State Colleges and Universities (MnSCU)

Saint Paul College

Sealed Bids Sought for Printing of Saint Paul College Magazine-Spring Semester 2012

Sealed bids for printing of the Saint Paul College Magazine - Spring Semester 2012 must be received by 2:00pm, Wednesday, September 14, 2011 and a public bid opening will be conducted at that time.

Deliver bids to:
Saint Paul College
Business Office, room 1240
235 Marshall Ave
Saint Paul MN 55102

Print specifications are available by contacting Nataliya Kabakova at nataliya.kabakova@saintpaul.edu or 651-846-1350

Minnesota State Colleges and Universities (MnSCU)

South Central College

Notice of Request for 4-wheel Drive, Hybrid Pickup

New vehicle for your MSHA department looking for: Full size, 4 wheel drive, hybrid pickup, prefer white in color, no sunroof.

Opening of bids September 6, at 10 am

Minnesota State Colleges and Universities (MnSCU)**St. Cloud State University****Advertisement for Bid for Executive Search Firm for Director of Athletics**

Sealed proposals for items hereinafter described will be received by St. Cloud State University at the Business Office, St. Cloud State University, St. Cloud Minnesota until **3:00 P.M. on September 13, 2011** and will then be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

Bids are requested for **Professional/Technical Services Executive Search Firm – Director of Athletics** as per plans and specifications available at:

www.stcloudstate.edu/businessservices/. (under “News & Announcements”)

All follow up materials will be found at this site prior to the bid opening. For further information contact:

Lisa Sparks
Director of Purchasing
St. Cloud State University
720 - 4th Ave. S.
St. Cloud, MN 56301-4498
Phone: (320) 308-4788

Minnesota State Colleges and Universities (MnSCU)**St. Cloud Technical and Community College****Call for Bids for 2011/12 House Project Building Materials Westwood Parkway**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the St. Cloud Technical and Community College, 1540 Northway Drive, St. Cloud, Minnesota, until 2:00 P.M. Central Daylight Time, Tuesday, September 13, 2011, for the purchase of **2011/12 HOUSE PROJECT BUILDING MATERIALS at Westwood Parkway, 830 Savanna Avenue** according to specifications on file in the Business Office, Room 1-401, St. Cloud Technical and Community College, 1540 Northway Drive, St. Cloud, Minnesota. St. Cloud Technical and Community College reserves the right to reject any or all bids, or portions thereof, or to waive any irregularities or informalities, in bid received.

Bids containing any alteration or erasure will be rejected unless initialed as required by law. Bids made in pencil will be rejected. Bids must be signed and dated.

It is understood that this is NOT a Purchase Order but a request for bid.

Specifications may be obtained from the St. Cloud Technical and Community College Business Office, Room 1-401, Susan Meyer, 1540 Northway Drive, St. Cloud, MN (320-308-5973).

The complete Request for Bid will be available on Monday, August 29, 2011 on the website <http://www.sctcc.edu/rfp>.

Department of Human Services (DHS)**Notice of Availability of Contract for Qualified Contractors to Provide Training in Contemporary Research in the Area of Sexual Offender Assessment, Supervision and Treatment for Clinical Staff**

The Minnesota Department of Human Services, Minnesota Sex Offender Program (MSOP) is requesting proposals for the purpose of assisting in the professional development of clinical staff.

State Contracts

Possible areas for training include; therapeutic communities, group facilitation skills, psychotherapy skills, diagnostic criteria, counter-transference, professional ethics, psychopathy, criminal thinking, Risk Needs Responsivity, risk determination, good lives model, program design, self-regulation model etc., improve staff competency, professionalism, program credibility, efficiency of service delivery, and achieve the goals addressed in the recommendations in the Office of Legislative Auditor's report 2011.

Work is proposed to start after October 1, 2011

The Request for Proposal will be available by mail or email from this office through 4:00 p.m., Central Time, 9/14/2011. **A written request (by direct mail, e-mail or fax) is required to receive the Request for Proposal.** After 4:00 p.m., Central Time, 9/14 /2011, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Department of Human Services – Minnesota Sex Offender Program
ATTN: Amy Zehoski
444 Lafayette Road North
St. Paul, MN 55155-0992
Phone: (651) 431-5631
Fax: (651) 431-7404
E-mail: amy.j.zehoski@state.mn.us

Proposals submitted in response to the Request for Proposal in this advertisement must be received at the address above no later than 4:00 p.m., Central Time, 9/20/2011. **Late proposals will not be considered.** Fax or e-mailed proposals **will not be** considered.

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

Minnesota Department of Human Services (DHS) Aging and Adult Services Division, Continuing Care Administration Notice of Request for Proposals to Develop an Additional Chapter for the Minnesota State Profile Tool that Describes and Assesses Minnesota's Quality Management System Across the Home and Community Based Services (HCBS) System

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services is requesting proposals to Responders to develop an additional chapter for the *Minnesota State Profile Tool (SPT)* that describes and assesses the state's quality management system across the home and community based services (HCBS) system (i.e., SPT Quality Chapter). This additional SPT Chapter is a continuation of previous work related to rebalancing the State long-term care system and maximizing quality. The successful responder will work in collaboration with DHS staff and consult with the state HCBS Partner Panel (formerly the Expert Panel), using the CMS HCBS Quality Framework as a guide (see Appendix J) and taking into account the 1915(c) HCBS Waiver Assurances (see Appendix K), to:

- 1) Review and develop an accurate description of Minnesota's existing quality management plan/system across the HCBS system;
- 2) Provide a business plan that assesses the capacities and gaps of the existing quality management system and includes prioritized recommendations to improve upon existing capacity, reduce or eliminate gaps and duplication (if any), increase overall efficiency, and establish a comprehensive quality management system/plan. The proposed business plan must prioritize recommendations and include options that can be implemented given current (and projected) budget and staffing restraints of state government, those necessary (i.e., mandated by CMS), that would require additional resources, or might be otherwise desirable; and
- 3) Outline an implementation plan (e.g., design, cost, etc.) for the provided business plan that enacts the quality management

functions of discovery, remediation, and improvement, which would include continuation of the work of the HCBS Partner panel specific to quality outcomes for purposes of provider evaluation and consumers choice-making related to quality care.

Work is anticipated to start September 30, 2011 and end June 30, 2012. The State has estimated that the cost of this contract should not exceed \$100,000. For more information, or to obtain a copy of the Request for Proposal, contact:

Mary Olsen Baker
Department of Human Services
Aging and Adult Services Division
P.O. Box 64976
444 Lafayette Road North
St. Paul, MN 551550976
Phone: (651) 431-2568
Fax: (651) 431-7417
E-mail: *mary.olsen.baker@state.mn.us*

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

Proposals submitted in response to this Request for Proposals must be received at the address above no later than **4:00 p.m., Central Daylight Time, September 19, 2011. Late proposals will not be considered.** Faxed or e-mailed proposals **will not** be considered.

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

http://www.dhs.state.mn.us/dhs16_163405.pdf

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 Public Safety (DPS) Division of Emergency Communication Networks Public Safety Interoperable Communication Program Request for Proposals (RFP) for Central Minnesota/Metro Public Safety Communications Interoperability Regional Coordination

Professional/technical services are needed to provide the Minnesota Department of Public Safety, Division of Emergency Communication Networks (ECN), Public Safety Interoperable Communications Program with direct assistance to regional and local public safety communications entities upon current issues of public safety communication. The direct assistance includes educating public safety and elected officials, coordinating the development of regional communication planning groups, coordinating the assessment of public communications systems and developing regional communication infrastructure and tactical interoperability communication plans. The RFP anticipates a regionally based individual with considerable public safety and wireless communication system experience to provide these services in the geographic region represented by the Central Minnesota Regional Radio Board and the Metropolitan Emergency Services Board.

The output from this contract will be monthly written reports to ECN, documenting meetings with local and regional public safety officials related to the activities listed above, the development of regional tactical interoperability plans and the development of regionally based public safety communication exercises. The contract will involve the contractor working with various local and regional public safety officials and assisting those officials in developing communication system plans and tactical interoperability plans.

Anticipated contract start date is October 3, 2011 with an initial ending date of June 30, 2012. If funding for this project is extended and if additional work is needed by ECN after June 30, 2012, ECN will retain the option to extend the contract with the contractor's consent, for 1 additional 1 year period. The value of the contract for subsequent extension periods may be adjusted, if justified and

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approved by the state.

Details are contained in the complete RFP, which may be obtained from Joyce Simon by e-mailing: joyce.simon@state.mn.us. All questions concerning this RFP should be emailed to Joyce Simon and should be received by her no later than 2:00 p.m. Central Standard Time on September 9, 2011. Answers to questions will be emailed to all entities requesting a complete RFP, by end of business day on September 14, 2011. Proposals must be submitted and received by Joyce Simon, no later than 2:00 p.m. Central Standard Time on September 19, 2011.

Department of Public Safety (DPS) Division of Emergency Communication Networks Request for Proposals (RFP) for Public Safety Interoperable Communication Training Development

Professional/technical services are needed to provide the Minnesota Department of Public Safety, Division of Emergency Communication Network with training development services to develop "Train the Trainer" training and training resources packages to train and equip local instructors to provide basic public safety interoperable communication training to operational public safety personnel. The services anticipated in this project include the development of instructor guides, supplemental training materials, outlines of practical exercises and participant guides basic users of Minnesota statewide public safety radio and communication system and other public safety interoperable communication resources.

The output from this contract(s) will be the delivery of an initial course design outline for each course and the development of Train the Trainer packages and resources for each course.

Anticipated contract(s) start date is October 3, 2011 with an initial ending date of April 30, 2012. If funding for this project is extended and if additional work is needed by the Division of Emergency Communication Networks after April 30, 2012, the Division of Emergency Communication Networks will retain the option to extend the contract, with the contractor's consent, for up to 2 additional 1 year periods. The value of the contract(s) for subsequent extension periods may be adjusted, if justified and approved by the state.

Details are contained in the complete RFP, which may be obtained by e-mailing: joyce.simon@state.mn.us. All questions concerning this RFP should be emailed to Joyce Simon and should be received by Joyce no later than 2:00 p.m. Central Standard Time on September 9, 2011. Answers to questions will be emailed to all entities requesting a complete RFP by end of business day September 14, 2011. Final date for submitting proposals is 2:00 p.m. Central Standard Time on September 19, 2011.

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of General Organizational Related Activities

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

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

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

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

Contact: Melissa McGinnis, Contract Administrator

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

Telephone: (651) 366-4644

Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (“Consultant Pre-Qualification Program”)

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

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

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

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

Send completed application material to:

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

State Contracts

Department of Transportation (Mn/DOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities and Taxpayers' Transportation Accountability Act Notices

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

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

Minnesota Zoological Garden

Notice of Availability of Contract for Coral Reef Visitor-Side Renovation

The Minnesota Zoo is requesting proposals for design and build services for interpretive and guest experience portions of the Tropics Coral Reef renovation.

Work is proposed to start after September 15, 2011.

A Request for Proposals will be available by mail through September 7, 2011. **A written request (by direct mail or email) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Steve Boyd-Smith, Interpretive Planner
Minnesota Zoo
13000 Zoo Blvd.
Apple Valley, MN 55124
E-mail: steve.boyd-smith@state.mn.us

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than September 9, 2011. **Late proposals will NOT be considered.**

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

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

Notice of Request for Proposal (RFP) for Minnesota Family Investment Program (MFIP) Employment Services for Dakota County

NOTICE IS HEREBY GIVEN that Dakota County is seeking qualified Contractors to provide MFIP participants with assistance in overcoming barriers to employment.

• To access the complete RFP online, or to acquire additional information about Dakota County visit our website at: www.dakotacounty.us, click on Doing Business and select Bids & Proposals on the menu.

Contact: Jill Pittelkow, Program Supervisor
Dakota County Workforce Services
1 Mendota Road West, Suite 100
West St. Paul, MN 55118-4773
Phone: (651) 554-5670
Fax: (651) 554-6565
E-mail: jill.pittelkow@co.dakota.mn.us

Responder's Meeting is scheduled from 10:00 - 11:00 a.m. CDT on Tuesday, September 13, 2011 **at the Dakota County Northern Service Center in West St. Paul. See proposal for details.**

Deadline for proposals is 4:00 p.m. CDT on Tuesday, September 20, 2011. No late proposal will be considered.

Non-State Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Minneapolis-Saint Paul International Airport

NOTICE OF CALL FOR BIDS for MAC–Terminal 2-Humphrey Security Checkpoint

MAC Contract No.: 106-3-462

Bids Close At: 2:00 p.m. September 20, 2011

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 above.

This project includes Civil (Sitework) Construction, General Building Construction, Mechanical Construction, and Electrical Construction work.

Targeted Group Businesses (TGBs): The goal of the MAC for the utilization of TGBs on this project is 4%.

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 Miller Dunwiddie Architecture, Inc.; at the Minneapolis and Saint Paul Builders Exchanges; McGraw Hill Construction Dodge; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Franz Reprographics; 2781 Freeway Blvd.; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409; **website:** www.franzrepro.com. Make checks payable to Miller Dunwiddie Architecture, Inc. Deposit per set (refundable): \$400.00. 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 for this project will be available on August 22, 2011, at MAC’s web address of <http://www.metroairports.org/business/solicitations> (construction bids).

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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Phone: (651) 297-3000; Fax: (651) 215-5733

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WE ARE "MAP CENTRAL"

--- WE HAVE THOUSANDS OF MAPS ---

NEW: Mn/DOT has reissued their County Maps -
in FULL COLOR - We have them at \$1.00 per map

Woodworking for Wildlife - updated, Stock No. 275, \$19.95

Minnesota author Carrol Henderson's popular book, *Woodworking for Wildlife*. Along with designs for 28 different nest box projects, this newly-expanded edition includes 300 color photographs and information on deterring nest predators, placing and maintaining boxes, and setting up remote cameras in nest boxes. The 164-page book, which has a soft cover that opens flat for easy use, features new designs for great crested flycatchers, mergansers, dippers, bumblebees and toads. *Woodworking for Wildlife* was printed in Minnesota on recycled paper manufactured in Cloquet and certified by the Forest Stewardship Council.

Also Available:

<i>Connected to our Roots</i>	Stock Number: 13924	\$10.95
<i>The Governor's Mouse</i>	Stock Number: 13926	\$20.00
<i>Education Directory</i>	Stock Number: 73	\$26.95
<i>Freshwater Mussels of MN</i>	Stock Number: 344	\$9.95
<i>Minnesota State Coloring Book</i>	Stock Number: 13810	\$1.95
<i>Reconnecting Rivers</i>	Stock Number: 13866	\$25.95
<i>National Electrical Code 2011</i>	Stock Number: 13928	\$85.00



Several convenient ways to order:

- ♦ **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

Send my order to:

Company _____

Name _____

Street Address _____ (Not deliverable to P.O. boxes)

City () State Zip

Daytime phone (In case we have a question about your order)

Credit card number: _____

Expiration date: _____ Signature: _____

Shipping Charges

<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
\$100.01-\$1,000	\$ 17.00*
*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.	
More than \$1,000	Call

Product Subtotal _____

Shipping _____

Subtotal _____

Sales tax _____

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

TOTAL _____

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