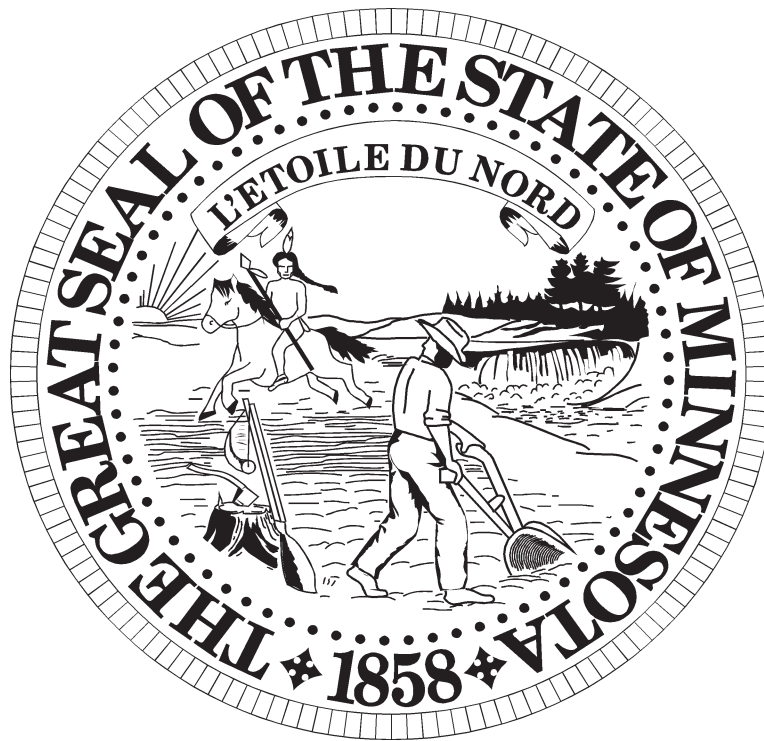


State of Minnesota

# State Register



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

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The *State Register* is the official publication of the State of Minnesota'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- Withdrawn Rules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
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- Revenue Notices
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- State Grants and Loans
- Contracts for Professional, Technical and Consulting Services
- Non-state Public Bids, Contracts and Grants

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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. TTY relay service phone number: (800) 627-3529.

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8400.0100 s. 2a, 4, 10a, 14b, 15, 16, 16a, 16b, 18a, 18b, 19a, 20a, 20b, 20d, 22a, 25, 26, 27; .0200; .0300 s. 1, 3; .0600 s. 1, 3; .0700; .0800; .0900 s. 3; .1000; .1100; .1200; .1250; .1300; .1400; .1405; .1460; .1500; .1600; .3030 s. 6, 6a, 10a, 19, 20, 20a, 24, 25, 26, 28, 32, 39c, 40, 44, 46; .3060; .3870 (repealed).....	1277

## Transportation Department (Mn/DOT)

8820.0100; .9920; .9926; .9936; .9941; .9946; .9951 (adopted exempt).....	697
8820.9941 (errata).....	1126

## Health Department (MDH)

### Pollution Control Agency (MPCA)

9400.1500 (adopted).....	327
9400.1500 s. 2, 4 (repealed).....	327

## Human Services Department

9505.0390; .0391; .0412 (proposed).....	1119
9533.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0080; .0090; .0100; .0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180 (proposed).....	973

# Proposed Rules

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

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

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

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

## Minnesota Pollution Control Agency (MPCA)

### Proposed Permanent Rules Relating to Wastewater and Storm Water Treatment Financial Assistance

#### NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Minnesota Rules Governing State Revolving Fund Financial Assistance for Municipal Projects Treating Wastewater or Storm Water found in Chapter 7077. This includes amending portions of parts 7077.0105 Definitions; 7077.0115 Project Priority List; 7077.0117 Points for Projects with Existing NPDES or SDS Permit; 7077.0118 Priority Points for Projects in Unsewered Areas; 7077.0119 Points for Stormwater Projects; 7077.0121 Ranking of Projects with Equal Total Number of Points; 7077.0272 Facilities Plan for Wastewater Treatment Systems; 7077.0277 Storm Water Project Plan; 7077.0279 Plans and Specifications for Storm Water Treatment Systems; 7077.0287 Completion of Construction and Initiation of Operation, Storm Water Treatment Systems; 7077.0288 Project Performance; and 7077.0290 Commissioner's Notification of Performance.

**Introduction.** The Minnesota Pollution Control Agency (Agency) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until July 29, 2013.

**Agency Contact Person.** You must submit comments or questions on the rules and written requests for a public hearing to the Agency contact person. The Agency contact person is:

Nathan Brooks Cooley  
Minnesota Pollution Control Agency  
520 Lafayette Road  
St. Paul, MN 55155  
**Phone:** (651) 757-2290  
**Fax:** (651) 297-8676  
**E-mail:** [nathan.cooley@state.mn.us](mailto:nathan.cooley@state.mn.us)  
**TTY** users may call the Agency toll free at 1-800-657-3864 for assistance.

**Subject of Rules and Statutory Authority.** The Agency is proposing to amend the rules it uses to score municipal wastewater and



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## Proposed Rules

stormwater projects for State Revolving Fund (SRF) financial assistance. *Minnesota Rules* chapter 7077 awards points for various municipal wastewater or stormwater projects.

Recognizing that stormwater treatment can substantially improve, protect and restore surface water quality, the Minnesota Legislature enacted *Minnesota Statutes* § 116.182, subd. 5, paragraph (b) to provide priority points to allow certain stormwater projects to compete with wastewater projects for financial assistance. These rules will replace the cited statutes which expired on June 30, 2012.

Following are the primary goals of this rulemaking: 1) to reinstate the expired priority points for stormwater projects that benefit state waters, 2) to add new priority point categories for improved management of stormwater, 3) to provide priority points recognizing projects that provide for the beneficial use of treated wastewater, and 4) to make general clarifications. “Beneficial use of wastewater” means using treated wastewater to reduce or replace the use of groundwater, surface water or potable water.

In the greater Twin Cities metropolitan area, where the Metropolitan Council Environmental Services (MCES) provides a vast wastewater collection and treatment system, there is little wastewater impact to surface water. Stormwater runoff is the primary source of surface water pollutants in this area. The proposed rules add points for stormwater projects that prevent future water impairments. Prevention is cost-beneficial compared to remedial projects.

The statutory authority to adopt these rules is found in *Minnesota Statutes* §§ 115.03, subd. 1; 116.182, subd. 5; and 446A.07, subd. 11. A copy of the proposed rules is published in the *State Register* and is available online per e-mailed instruction. A free copy of the rules is available at the Agency’s Web site or upon request from the Agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Monday, July 29, 2013, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the Agency contact person must receive it by the due date. The Agency encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the Agency hold a hearing on the rules. Your request must be in writing and the Agency contact person must receive it by 4:30 p.m. on Monday, July 29, 2013. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

**Alternative Format.** 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.

**Modifications.** The Agency may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the Agency, and the adopted rules may not be substantially different than these proposed rules, unless the Agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Agency encourages you to participate in the rulemaking process.

**Statement of Need and Reasonableness.** The Statement of Need and Reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the Agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the Agency contact person.

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

# Proposed Rules

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

Dated: 30 May 2013

John Linc Stine, Commissioner  
Minnesota Pollution Control Agency

## 7077.0105 DEFINITIONS.

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

Subp. 8a. [See repealer.]

Subp. 8b. **Beneficial use of wastewater.** “Beneficial use of wastewater” means the use of effluent from a wastewater treatment plant that reduces or replaces the use of groundwater, surface water, or potable water.

Subp. 8c. **Best management practices or BMP’s.** “Best management practices” or “BMP’s” has the meaning given under part 7090.0080, subpart 2.

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

Subp. 11b. **Environmental information worksheet.** “Environmental information worksheet” means a form prescribed by the commissioner describing a proposed clean water revolving fund project.

Subp. ~~4b~~ 11c. **Evaluator/designer.** “Evaluator/designer” means a person approved by the commissioner, in accordance with part 7077.0720, who investigates soils and site characteristics to determine suitability, limitations, soil type, and sizing requirements for individual sewage treatment systems and design treatment systems that conform to chapter 7080.

[For text of subps 12 to 15, see M.R.]

Subp. 15a. **Impaired waters.** “Impaired waters” means surface waters that the agency has placed on an impaired waters inventory list for not meeting applicable water quality standards under chapters 7050 and 7052. Impaired waters appear on the inventory list under various categories of impairment: pending completion of a TMDL; where a TMDL has been approved; or where a TMDL is currently not required. The United States Environmental Protection Agency approves the list of waters that require a TMDL in accordance with section 303(d) of the Clean Water Act; approves the TMDL’s; and approves the agency’s listing of waters for which a TMDL is currently not required.

[For text of subps 16 to 27, see M.R.]

Subp. 28. **Outstanding resource value water or ORVW.** “Outstanding resource value water” or “ORVW” means those waters a water defined in part 7050.0180, subpart 2, item A.

[For text of subps 29 to 43a, see M.R.]

Subp. 43b. **Trout waters.** “Trout waters” has the meaning given in part 7050.0420.

[For text of subps 44 to 48, see M.R.]

Subp. 49. **Water use classification.** “Water use classification” means the classifications listed under part ~~7050.0200~~ 7050.0140.

[For text of subp 50, see M.R.]

## 7077.0115 PROJECT PRIORITY LIST.

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

Subp. 3. **Request for placement on list.** To be placed on the project priority list, a municipality ~~may~~ must submit a written request

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# Proposed Rules

to the commissioner on forms prescribed by the commissioner for eligibility review under subpart 4; ~~and for assignment of priority points; and placement of a project on the project priority list.~~ A municipality that does not submit information necessary for eligibility review under subpart 4 shall be placed on the list with total points equal to one until the information is provided or until removed under subpart 6

Subp. 4. **Eligibility review.** The commissioner shall review each request and take the action specified in items A to D.

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

C. ~~To be placed on the project priority list,~~ storm water treatment system projects ~~shall be added to the project priority list if the commissioner finds that~~ must meet the following conditions:

(1) the project addresses water quality needs; ~~Ponds for water quality may have also include~~ associated flood control benefits;

(2) the project consists of permanent storm water treatment system structures; and

(3) the project is based on ~~acceptable~~ accepted engineering practices that result in water quality benefits. Determination as to acceptability will be based on reasonable assurance of providing water quality benefits.

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

[For text of subps 5 and 6, see M.R.]

## 7077.0117 POINTS FOR PROJECTS WITH EXISTING NPDES OR SDS PERMIT.

Subpart 1. **Flow capacity.** Five points shall be assigned to a project if the project involves a treatment facility addressed by the project that is operating at or above 85 percent of its NPDES or SDS permitted hydraulic flow or organic loading capacity, or a collection facility that is operating at or above 85 percent of its hydraulic design capacity, or both, and if the project would expand capacity or reduce loadings so that the facility will operate at less than 85 percent of its capacity.

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

B. For collection facilities, actual measured peak flows shall be compared to the documented hydraulic design peak instantaneous wet weather flow of the pipe section or other component, or written documentation of other physical conditions, such as bypassing events occurring at less than design peak instantaneous wet weather flow, shall be submitted, ~~which show~~ comparison or documentation shows that the facilities are operating at or above 85 percent of their hydraulic design capacity.

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

Subp. 9. **Discharges to impaired or outstanding resource value waters.**

A. Five points shall be assigned if the existing facility discharges into an outstanding resource value water, or into an impaired water ~~as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the Clean Water Act,~~ or into both types of waters.

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

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

Subp. 15. **Project implements corrective measures.** Five points shall be assigned to a project if it implements actions that contribute to the correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership ~~phase I diagnostic study under part 7076.0240,~~ where the corrective actions are set forth in an implementation plan approved under part 7076.0260 project pursuant to chapter 7076;

B. an impaired water assessment pursuant to section 303(d) of the federal Clean Water Act; or

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

Subp. 16. **Project helps meet total maximum daily load for receiving water.** Twenty points shall be assigned to the project if the project contributes to the achievement of a total maximum daily load (TMDL). To be considered as contributing to the achievement of a TMDL, the project must:

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

Subp. 17. **New or expanded discharge; points subtracted.** Five points shall be subtracted from the project's priority score if the project involves one or more of the following:

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A. a facility that will produce a new or expanded discharge to one or more of the following types of waters:

(1) outstanding resource value ~~waters~~ water;

(2) ~~an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act; or~~

[For text of subitem (3), see M.R.]

B. a facility that will produce a new or expanded discharge exceeding 200,000 gallons per day to one or more of the following waters:

(1) waters defined as Class 2A waters under part 7050.0222, subpart 2; or

(2) ~~a wetland~~ wetlands as defined in part 7050.0130, ~~item F~~ 7050.0186, subpart 1a.

For purposes of this subpart, if a reissued permit for a facility incorporates limits on pollutant loading which were frozen in a previous permit, a facility operating under the same limits in the reissued permit shall not be considered to have an expanded discharge.

Subp. 18. **Beneficial use of wastewater.** Thirty points shall be assigned if a project will result in an agency-approved beneficial use of wastewater that results in reducing or replacing the use of groundwater, surface water, or potable water, provided that the project component resulting in the beneficial use of wastewater accounts for at least 20 percent of the total eligible cost of the project. Projects receiving points under subpart 4 for land discharge shall not receive points under this subpart for additional land discharge.

## **7077.0118 PRIORITY POINTS FOR PROJECTS IN UNSEWERED AREAS.**

Subpart 1. **Discharges posing threat to public health or safety.** Points shall be assigned to a project by multiplying 45 times the ratio of the number of existing structures with individual sewage treatment systems or other systems that collect and discharge wastewater in the proposed project service area that have the potential to immediately and adversely affect or threaten public health or safety, including any ground surface or surface water discharge or sewage backup into a dwelling or other establishment resulting from the system, to the total number of existing structures with wastewater flows to individual sewage treatment systems or other systems in the proposed project service area as described in part 7080.1500, subpart 4, item A.

Subp. 2. **Discharges that fail to protect groundwater.** Points shall be assigned to a project by multiplying 15 times the ratio of the number of existing structures in the proposed project service area not counted in subpart 1 with individual sewage treatment systems or similar systems that have one or more sewage tanks which obviously leak below the designated operating depth or have less than the required vertical separation as described in part ~~7080.0060, subpart 3, item B~~ 7080.1500, subpart 4, items D and E, to the total number of existing structures with individual sewage treatment systems in the proposed project service area.

Subp. 3. **Noncompliance with setback requirements.** Points shall be assigned to a project by multiplying five times the ratio of the number of existing structures with individual sewage treatment systems in the proposed project service area that do not conform to a setback requirement set forth or cited by reference in part ~~7080.0170~~ 7080.2150, subpart ~~1~~ 2, item F, and that were not counted under subpart 1 or 2, to the total number of existing structures with individual sewage treatment systems in the proposed project service area.

Subp. 4. **Proximity of individual sewage treatment systems to impaired or outstanding resource value water.** Five points shall be assigned to a project if one or more existing individual sewage treatment systems in the proposed project service area are located within 500 feet of an outstanding resource value water, ~~or an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act,~~ or both.

Subp. 5. **Proximity of failing individual sewage treatment systems to outstanding resource value or impaired water.** Five points shall be assigned to a project where one or more of the following systems are located within 500 feet of an outstanding resource value water; ~~or an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act:~~

A. individual sewage treatment systems or similar systems that have one or more tanks which obviously leak below the designated operating depth or have less than the required vertical separation as described in part ~~7080.0060, subpart 3~~ 7080.1500, subpart 4, items D and E; or

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

[For text of subps 6 and 7, see M.R.]

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Subp. 8. **Project implements corrective measures.** Five points shall be assigned to a project if it implements actions that contribute to correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership ~~phase I diagnostic study under part 7076.0240, where the corrective actions are set forth in an implementation plan approved under part 7076.0260 project pursuant to chapter 7076;~~

B. an impaired water assessment pursuant to section 303(d) of the federal Clean Water Act; or

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

[For text of subp 9, see M.R.]

Subp. 10. **New or expanded discharge; points subtracted.** Five priority points shall be subtracted from the project's priority score if the project involves one or more of the following:

A. a facility which will produce a new or expanded discharge to one or more of the following types of waters water:

(1) outstanding resource value waters water;

(2) an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act; or

(3) a lake as defined in part 7077.0105, subpart 19a; or

B. a facility that will produce a new or expanded discharge exceeding 200,000 gallons per day to one or more of the following waters water:

(1) waters defined as Class 2A waters under part 7050.0222, subpart 2; or

(2) ~~a wetland wetlands~~ as defined in part 7050.0130, ~~item F~~ 7050.0186, subpart 1a.

Subp. 11. **Beneficial use of wastewater.** Thirty points shall be assigned if a project will result in an agency-approved beneficial use of wastewater that results in reducing or replacing the use of groundwater, surface water, or potable water, provided that the project component resulting in the beneficial use of wastewater accounts for at least 20 percent of the total eligible cost of the project. Projects receiving points under subpart 7 for land discharge shall not receive points under this subpart for additional land discharge.

## 7077.0119 POINTS FOR STORM WATER PROJECTS.

Subpart 1. **Discharges to impaired or outstanding resource value waters.**

A. Five ~~Four~~ points shall be assigned if:

(1) the storm water project provides treatment that reduces the quantity or improves the quality of storm water discharges and if the storm water project service area currently discharges into an impaired water as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act, or an outstanding resource value water, or both; and

(2) the project reduces the level of the pollutant for which the receiving water is impaired.

B. For the purposes of this part, discharge into a subwatershed that flows into an impaired water is considered a discharge into that impaired water.

Subp. 1a. Discharges to ORVW's or trout waters.

A. Five points shall be assigned if:

(1) the storm water project service area currently discharges into an ORVW or a trout water; and

(2) the storm water project provides treatment that improves the quality of storm water discharges.

B. For the purposes of this part, discharge into a subwatershed that flows into ORVW's or trout waters is considered a discharge into that water.

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



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Subp. 3. **Project implements corrective measures.** Five points shall be assigned to a storm water project if it implements actions that contribute to correction of a water quality problem identified in one or more of the following studies or an equivalent study:

A. a clean water partnership ~~phase I diagnostic study under part 7076.0240, where the corrective actions are set forth in an implementation plan approved under part 7076.0260 project pursuant to chapter 7076;~~

B. an impaired water assessment pursuant to section 303(d) of the federal Clean Water Act; or  
[For text of item C, see M.R.]

Subp. 4. [See repealer.]

Subp. 5. **New or expanded diversion of storm water; points subtracted.** Five priority points shall be subtracted from the project's priority score if the project involves ~~one or more of the following:~~

~~A:~~ a new or expanded diversion of storm water to one or more of the following types of waters water or to a subwatershed that flows into that water:

A.

(1) outstanding resource value waters water;

B.

(2) impaired ~~waters as identified by the agency and approved by the United States Environmental Protection Agency under section 303(d) of the federal Clean Water Act~~ water;

C.

(3) waters water defined as a Class 2A waters water under part 7050.0222, subpart 2; ~~or~~

D.

(4) a ~~wetland wetlands~~ as defined in part 7050.0130, ~~item F 7050.0186, subpart 1a;~~ or

~~B:~~ E. a lake as defined in part 7077.0105, subpart 19a.

Subp. 6. **Project helps meet total maximum daily load for receiving water.** Eighteen points shall be assigned if the municipality proposing the project holds a NPDES permit for a municipal separate storm sewer system and is implementing a storm water pollution prevention program according to Code of Federal Regulations, title 40, section 122.34, that addresses requirements resulting from a total maximum daily load waste load allocation.

Subp. 7. **Impervious surface ratio.** Up to ten points shall be assigned to a storm water project that addresses impervious surfaces through BMP's. The points are determined by the number resulting from multiplying 20 times the ratio of the project service area's impervious surface area to the total project service area to be served by the proposed BMP's and rounding up numbers with fractions to the next whole number.

Subp. 8. **Volume reduction.** Nine points shall be assigned if the proposed project will result in a storm water volume reduction from an existing discharge. The proposed project must incorporate volume reduction as a major component of the treatment system, or volume reduction must comprise a majority of the cost of the overall proposal. Qualifying best management practices include:

A. rain gardens;

B. bioretention basins;

C. enhanced swales designed to infiltrate;

D. tree boxes, if designed to capture a certain volume;

E. storm water capture and reuse;

F. porous pavement, if designed to infiltrate;

G. green roof technology; or

H. other similar practices that will result in a storm water volume reduction from an existing discharge.

**Subp. 9. New treatment systems.** Additional points shall be assigned if the proposed project includes new best management practices that provide treatment to an existing discharge, where the discharge is presently untreated. The number of points shall be awarded based on whether the applicant holds a municipal separate storm sewer system (MS4) NPDES permit that already requires a load reduction based on a total maximum daily load (TMDL):

A. when an applicant holds an MS4 NPDES permit and is assigned a waste load allocation based on a TMDL, the applicant shall be awarded one point; and

B. all other eligible applicants shall be awarded 18 points.

**Subp. 10. Multiple environmental benefits.** Six points shall be assigned if the proposed project will result in one or more of the multiple environmental benefits described in items A to F. Eligible projects must include a storm water treatment system component or best management practice, and another type of environmental benefit that results from the project. Flood control is already a priority goal of storm water management, so it does not constitute another type of environmental benefit. Qualifying multiple environmental benefits include:

A. storm water capture and reuse;

B. creation of wildlife habitat;

C. creation of a wildlife corridor or preservation of open or connected green space;

D. reduced use or need for water, energy, or consumption of other natural resources;

E. green roof technology that results in measurable reductions to storm water volume; or

F. other similar practices that provide multiple environmental benefits.

**Subp. 11. Structural improvements to existing storm water ponds.** Ten points shall be assigned to a project for structural improvements to an existing storm water pond that increase or improve storm water treatment. No points shall be assigned for projects that address only maintenance and do not propose structural improvements.

## **7077.0121 RANKING OF PROJECTS WITH EQUAL TOTAL NUMBER OF POINTS.**

Subpart 1. **Tie breaker based on environmental and human health threat.** When two or more projects on the project priority list have been assigned the same total number of priority points under parts 7077.0116 to ~~7077.0118~~ 7077.0119, the project that has the highest number of points assigned based upon environmental and human health threats shall be ranked higher. For purposes of this part, points assigned under parts 7077.0117, subparts 6 to 11; 7077.0118, subparts 1 to 5; and 7077.0119, ~~subpart~~ subparts 1, 1a, and 2, are based upon environmental and human health threats.

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

## **7077.0272 FACILITIES PLAN FOR WASTEWATER TREATMENT SYSTEMS.**

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

Subp. 2. **Facilities plan contents.** A facilities plan must address items A to E in the amount of detail that is appropriate to describe a project accurately.

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

D. An analysis of all feasible treatment alternatives that are capable of meeting the applicable effluent, water quality, and public health requirements for 20 years. Where the project service area is currently served by individual sewage treatment systems, the analysis of feasible treatment alternatives must be submitted on a form prescribed by the commissioner. The discussion of the considered alternatives must include:

[For text of subitems (1) to (4), see M.R.]

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

[For text of subps 2a to 5, see M.R.]

## 7077.0277 STORM WATER PROJECT PLAN.

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

Subp. 2. **Contents.** A storm water project plan must address items A to ~~E~~F in the amount of detail that is appropriate to describe the project accurately.

A. A complete description of the storm water collection system, storm water treatment system if existent, and the identified need in the project service area.

B. A complete description of the project service area including the number of acres served, the estimated flow, and a description of the watershed.

C. A brief narrative describing project alternatives that were considered and a description of how the proposed project was selected.

~~C~~D. A complete description of the project including location, best management practices to be implemented for the use of storm water treatment, estimated construction costs, ~~annual operation and maintenance~~; and equipment replacement costs.

~~D~~E. A description of the long-term maintenance plan including annual operation and maintenance costs and who will be responsible for performing maintenance activities. The maintenance plan must describe the intended life span of any proposed storm water treatment system.

~~E~~F. An estimate of the reduction in pollutants. When applicable, the estimate must include any pollutants causing or contributing to the impairments in receiving waters.

Subp. 3. **Storm water project plan supplement.** In order to obtain the commissioner's approval of a storm water project plan, the municipality must submit the following items ~~must be submitted~~ to the commissioner with the storm water project plan ~~under subpart 2:~~

A. a completed environmental information worksheet;

B. a complete list of addresses used for the commissioner will use for a 30-day public notice purposes and of a summary of the environmental information worksheet. The addresses used for public notice purposes must be listed on a form provided prescribed by the agency commissioner;

~~B~~C. a summary of the information presented and public comments received at a public hearing, required under subpart 4, and the action taken to address those comments;

~~C~~D. a formal resolution of the municipality's governing body adopting the storm water project plan;

~~D~~E. a list of ordinances and intermunicipal agreements necessary for the successful implementation and administration of the project; and

~~E~~: ~~a completed environmental worksheet; and~~

F. a certification from the appropriate county or watershed management organization assuring that the storm water project plan is consistent with the comprehensive local water plan.

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

## 7077.0279 PLANS AND SPECIFICATIONS FOR STORM WATER TREATMENT SYSTEMS.

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

Subp. 2. **Contents.** A complete set of plans and specifications must address the following items in the amount of detail that is appropriate to describe a project accurately:

A. plans and specifications signed by a professional engineer registered in Minnesota;

B. a summary of design parameters for the storm water treatment units;

C. a summary of the storm water treatment system flow conditions for average design flow and maximum design flow ~~on a form prescribed by the commissioner;~~

~~D. a hydraulic profile of the flow through the storm water treatment system~~ a storm water pollution prevention plan to meet construction storm water permit requirements during construction of the storm water treatment systems;

~~E. a plan for interim treatment to meet permit construction storm water permit requirements during construction of the storm water treatment systems;~~

~~F.~~ E. the latest detailed cost estimate, including operation and maintenance costs, based on the plans and specifications submitted; and

~~G.~~ F. administrative, bidding, and contract documents according to the applicable requirements under Minnesota Statutes, including a 100 percent performance bond from the contractors.

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

## **7077.0287 COMPLETION OF CONSTRUCTION AND INITIATION OF OPERATION; STORM WATER TREATMENT SYSTEMS.**

### **Subpart 1. Notification required.**

~~A.~~ Within ten days following submission of a notice of termination for the construction storm water permit obtained for the project or, when no permit is required, within ten days of the completion of construction, the municipality must notify the commissioner in writing of the initiation of operation date.

### **Subp. 2. Date of initiation of operation.**

~~B.~~ The date of initiation of operation is the date the notice of termination for the construction storm water permit for the project is submitted and is the first day of the one-year performance period. When no permit is required, the date of initiation of operation is the date the municipality submitted to the agency as the completion date of construction under subpart 1.

Subp. 3. Inspection required. The municipality must notify the commissioner in writing when the municipality is ready to initiate operation and request that an inspection be scheduled. The purpose of the inspection is to ensure that the construction conforms with the approved plans and specifications and any change orders, to identify construction deficiencies, and to set target dates for the completion of construction items.

Subp. 4. Operation and maintenance manual. Before completing construction, the municipality must submit to the commissioner an operation and maintenance manual for the storm water treatment systems implemented by the project.

## **7077.0288 PROJECT PERFORMANCE.**

Subpart 1. [Repealed, 15 SR 288]

Subp. 2. **Performance certification for wastewater treatment systems.** One year after the initiation of operation of a wastewater treatment project, the municipality shall submit to the commissioner the following items, as appropriate for ~~a the~~ project:

A. A certification on a form prescribed by the commissioner and signed by a professional engineer registered in the state of Minnesota stating that the project meets the following performance standards:

[For text of subitems (1) to (4), see M.R.]

(5) nonresidential wastewater discharges to the treatment system do not interfere with the operation of the project; or with disposal; or use of septage or municipal sludges; and do not degrade groundwater or surface water;

(6) septage treatment and disposal is accomplished in accordance with applicable state, federal, and local standards; and

# Proposed Rules

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(7) the project meets the requirements in the approved plans and specifications for the prevention of contamination of underground drinking water sources beyond the property boundary. The certification shall include one copy of "as-built" plans and specifications ~~on microfiche~~ in a format designated by the commissioner.

B. A revised operation and maintenance manual or revised maintenance plan based on actual operating experience obtained during the one-year ~~start-up performance~~ period, or a certificate of completion of a revised operation and maintenance manual on a form prescribed by the commissioner.

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

Subp. 2a. **Performance certification for storm water treatment systems.** One year after the initiation of operation of the storm water treatment project, the municipality shall submit to the commissioner the following items, as appropriate for the project:

A. a certification stating whether the project meets the following performance standards:

(1) the project has been completed according to the approved storm water project plan and the project is operating as intended;

(2) state revolving fund loan money has only been used for work directly associated with storm water treatment activities as described in the storm water project plan;

(3) all pipe outlets have been provided with permanent energy dissipation where the pipe's outlet velocity exceeds the permanent cover's erosive velocity; ~~and~~

(4) an operation and maintenance manual appropriate for the best management practices implemented during the project has been provided to the municipality by the project engineer; and

(5) one copy of "as-built" plans and specifications has been submitted to the commissioner in a format designated by the commissioner; and

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

Subp. 3. **Corrective action report.** If the commissioner or the municipality determines that the wastewater treatment project does not meet the project performance standards under subpart 2, item A, or that the storm water treatment project does not meet the project performance standards under subpart 2a, item A, the municipality shall:

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

B. following the completion of corrective action work, submit a performance certification as specified under subpart 2 or 2a, as applicable, according to the schedule in item A, subitem (3).

## **7077.0290 COMMISSIONER'S NOTIFICATION OF PERFORMANCE.**

The commissioner shall provide written notification about the satisfactory performance of a wastewater treatment project or a storm water treatment project to the authority upon receipt and approval by the commissioner of the items listed in part 7077.0288, subpart 2, item A, or 2a, item A, as applicable.

**REPEALER.** Minnesota Rules, parts 7077.0105, subpart 8a; and 7077.0119, subpart 4, are repealed.

**EFFECTIVE PERIOD.** The amendments to parts 7077.0105 to 7077.0290 are effective July 1, 2014.



# Adopted Rules

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

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

## Minnesota Board of Dentistry Adopted Permanent Rules Relating to License to Practice as a Limited General Dentist

The rules proposed and published at *State Register*, Volume 37, Number 22, pages 809-817, November 26, 2012 (37 SR 809), are adopted with the following modifications:

### 3100.1130 LICENSE TO PRACTICE DENTISTRY AS A LIMITED GENERAL DENTIST.

Subpart 1. **Initial requirements for limited licensure.** A person who is a graduate of a nonaccredited dental program ~~and desires to obtain will be granted~~ a limited license to practice general dentistry within Minnesota ~~shall comply upon successfully complying~~ with the requirements in items A to E.

A. The applicant must initially submit to a credential review by the board and pay the nonrefundable fee in *Minnesota Statutes*, section 150A.091, subdivision 9a. The applicant shall provide the following documentation ~~such as~~:

(2) an original or notarized copy of passing board-approved language testing within the previous two years if English is not the applicant's primary language;

E. An applicant must complete and submit a limited license application for review by an appropriate committee of the board. The application must include:

(4) an acceptable written agreement between the applicant and a board-approved Minnesota licensed supervising dentist. The written agreement shall include all information requested by the board. The written agreement shall also include any practice limitations, and an acknowledgment that the applicant agrees to practice clinical dentistry at least 1,100 hours annually, for a period of three consecutive years after clinical practice in Minnesota begins;

Subp. 3. **Terms of supervising dentist.** A supervising dentist must be licensed in Minnesota and provide general supervision to a limited license dentist. The supervising dentist is not required to be present in the office or on the premises when supervising the limited license dentist, but does require the supervising dentist to have knowledge and authorize the procedures being performed by the limited license dentist. For the three consecutive years or any portion thereof, the supervising dentist must be eligible to participate and comply with the requirements in items A to I.

H. The supervising dentist must submit to the board a written performance evaluation of the limited license dentist in regards to employment including practicing clinical dentistry at least 1,100 hours annually, patient care, allied dental personnel, professionalism, billing practices, and make a general recommendation ~~within 90 days preceding to seven business days after completing the three consecutive years or any portion thereof. The supervising dentist's evaluation must be submitted to the board no earlier than 90 days before completion of the limited license dentist's practice period and no later than seven business days following completion of the limited license dentist's practice period.~~

# Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Minnesota Department of Natural Resources (DNR) Commissioner's Order: Designation of "No Registration Weekend" for All-Terrain Vehicles, August 31 to September 1, 2013

**WHEREAS**, *Laws of Minnesota 2013*, chapter 114, article 3, section 9 amended *Minnesota Statutes 2012*, section 84.922 to require the Commissioner of Natural Resources to designate one "no registration weekend" each year.

**WHEREAS**, during the designated "no registration weekend" an all-terrain vehicle may be operated on state and grant-in-aid all-terrain vehicle trails without a registration or a nonresident state trail pass, notwithstanding the requirements of *Minnesota Statutes*, section 84.922, and *Minnesota Statutes*, section 84.9275.

**WHEREAS**, the designation must be by written order published in the *State Register*.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Laws of Minnesota 2013*, chapter 114, article 3, section 9, that August 31 and September 1, 2013 are designated a "no registration weekend" during which time an all-terrain vehicle may be operated on state and grant-in-aid all-terrain vehicle trails without a registration issued under *Minnesota Statutes*, section 84.922. Nonresidents may participate during the designated weekend without possessing a state trail pass issued under *Minnesota Statutes*, section 84.9275.

This order is effective upon publication in the *State Register*.

**Date signed:** 14 June 2013

**Approved by:** Tom Landwehr, Commissioner  
Minnesota Department of Natural Resources

## Minnesota Department of Natural Resources (DNR) Yellow Bank Hills Scientific and Natural Area Commissioner's Designation Order #233

**Dated:** June 24, 2013  
**Statutory Authority:** *Minnesota Statutes* 84.033, 86A.05, Subd. 5, and 97A.093  
**Supersedes SNA Order #41**

### BACKGROUND

**WHEREAS**, certain lands in Lac Qui Parle County, Minnesota, described as:

The East Half of the Northeast Quarter (E ½ NE ¼), Section Four (4), Township One Hundred Eighteen (118), Range Forty-six (46)

containing 78 acres, more or less, is under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain native plant communities, such as dry-sand-gravel prairie (southern); and habitat for rare plant and animal species, such as Missouri milk-vetch (*Astragalus missouriensis*), yellow prairie violet (*Viola nutallii*), cutleaf ironplant (*Xanthisma*

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# Commissioners' Orders

*spinulosum* var. *spinulosum*), soft goldenrod (*Solidago mollis*), regal fritillary (*Speyeria idalia*), and prairie vole (*Microtus ochrogaster*);

and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

## ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97A.093; that the above-described lands are designated as the Yellow Bank Hills Scientific and Natural Area.

**FURTHERMORE**, the Yellow Bank Hills Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of Minn. Rules 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the area shall be open to hunting, trapping and dogs under control for hunting purposes with such limitations as the Commissioner determines are necessary for protection of the values for which the site was designated.

This order takes effect upon publication in the State Register.

Dated: May 29, 2013

Tom Landwehr, Commissioner  
Department of Natural Resources

## Minnesota Department of Natural Resources (DNR) Prairie Coteau Scientific and Natural Area Commissioner's Designation Order #234

**Date:** June 24, 2013  
**Statutory authority:** *Minnesota Statutes* 84.033, 86A.05, Subd. 5, and 97A.093  
**Supersedes SNA Order #62**

### BACKGROUND

**WHEREAS**, certain lands in Pipestone County, Minnesota, described as:

The Northeast Quarter (NE ¼) of Section Thirty-two (32), Township One Hundred Eight (108), Range Forty-four (44), EXCEPT the railroad right-of-way AND EXCEPT that part of the Southeast Quarter of the Northeast Quarter (SE ¼ NE ¼) of Section Thirty-two (32), Township One Hundred Eight (108), Range Forty-four (44), lying southeasterly of the right-of-way of the Great Northern Railway Company; which lies northwesterly of a line running parallel with and distant 100 feet southeasterly of the following described line: Beginning at a point on the south line of said Section Thirty-two (32), distant 65.4 feet East of the South Quarter corner thereof; thence running northeasterly at an angle of 51° 56' with said south section line for 4600 feet and there terminating; containing 0.97 acres; and the Southeast Quarter (SE ¼) of Section Twenty-nine (29), Township One Hundred Eight (108) Range Forty-four (44), except those cultivated lands which are part of Buffalo Ridge WMA.

and

The Southeast Quarter (SE ¼) of Section Thirty-two (32), Township One Hundred Eight (108) North, Range Forty-four (44) West of the Fifth Principal Meridian, less railroad and highway rights of way, and except a tract of land conveyed to the State of Minnesota by deed recorded on December 14, 1970, in Book 200 of Deeds on page 48, and EXCEPT a tract of land conveyed to the State of Minnesota by deed recorded on November 22, 1985, in Book 261 of Deeds on Page 207.

# Commissioner's Orders

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and

All that portion of the Southeast Quarter (SE ¼) of Section Thirty-two (32), Township One Hundred Eight (108) North, Range Forty-four (44) West of the Fifth Principal Meridian, lying West of the Burlington Northern Railroad right of way.

containing 419.8 acres, more or less, is under the control and possession of the Department of Natural Resources;

and

**WHEREAS**, such lands contain native plant communities, such as dry hill prairie (southern); and habitat for rare plant and animal species, such as small white lady's slipper (*Cypripedium candidum*), prairie moonwort (*Botrychium campestre*), western white prairie clover (*Dalea candida* var. *oligophylla*), red three-awl (*Aristida purpurea* var. *longiseta*), Dakota skipper (*Hesperia dacotae*), Pawnee skipper (*Hesperia leonardus pawnee*), Iowa skipper (*Atrytone arogos iowa*), Powesheik skipper (*Oarisma poweshiek*), regal fritillary (*Speyeria idalia*), phlox moth (*Schinia indiana*), and northern grasshopper mouse (*Onychomys leucogaster*);

and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

## ORDER

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.033; 86A.05, subd. 5; and 97A.093; that the above-described lands are designated as the Prairie Coteau Scientific and Natural Area.

**FURTHERMORE**, the Prairie Coteau Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area, except that the area shall be open to hunting, trapping and dogs under control for hunting purposes with such limitations as the Commissioner determines are necessary for protection of the values for which the site was designated.

This order takes effect upon publication in the *State Register*.

Dated: 29 May 2013

Tom Landwehr, Commissioner  
Department of Natural Resources

# Official Notices

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

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

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## Minnesota Board of Chiropractic Examiners REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Independent Examiner Registration and Related Rules, *Minnesota Rules*, 2500.1160

**Subject of Rules.** The Minnesota Board of Chiropractic Examiners requests comments on its proposed amendment to rules governing Independent Examiner Registration and related rules.

**Persons Affected.** The amendment to the rules would likely affect licensees who are separately registered to perform independent examinations for the purpose of generating a report or opinion for reparation obligor pursuant to chapter 65B, and members of the public that have been involved in motor vehicle accidents.

**Statutory Authority.** *Minnesota Statutes*, section 148.08, authorizes the Board to adopt rules necessary to administer sections 148.01 to 148.108 to protect the health, safety, and welfare of the public, including rules governing the practice of chiropractic and defining any terms, whether or not used in sections 148.01 to 148.108, if the definitions are not inconsistent with the provisions of sections 148.01 to 148.108.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board 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 Board does not plan to appoint an advisory committee to comment on the possible rules.

**Rules Drafts.** The Board has not yet drafted the possible rule amendments and does not anticipate that a draft of the rule amendments will be available before the publication of the proposed rules.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

Micki King  
Minnesota Board of Chiropractic Examiners  
2829 University Avenue S.E., Suite 300  
Minneapolis, Minnesota 55414  
**Phone:** (651) 201-2849



# Official Notices

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**E-mail:** [micki.king@state.mn.us](mailto:micki.king@state.mn.us)

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

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

Dated: 18 June 2013

Larry A. Spicer, DC  
Minnesota Board of Chiropractic Examiners

## Minnesota Board of Chiropractic Examiners REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Reduced Continuing Education Requirements for Senior Licensees, *Minnesota Rules*, 2500.1200

**Subject of Rules.** The Minnesota Board of Chiropractic Examiners requests comments on its possible amendment to rules governing a reduced continuing education requirement for licensees who meet basic qualifications for the reduction.

**Persons Affected.** The amendment to the rules would likely affect licensees who have been in active practice for an extended period of time.

**Statutory Authority.** *Minnesota Statutes*, section 148.08, Supb 3, authorizes the Board to promulgate rules necessary to administer sections **148.01** to **148.108** to protect the health, safety, and welfare of the public, including rules governing the practice of chiropractic and defining any terms, whether or not used in sections **148.01** to **148.108**, if the definitions are not inconsistent with the provisions of sections **148.01** to **148.108**.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board 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 Board does not plan to appoint an advisory committee to comment on the possible rules.

**Rules Drafts.** The Board has not yet drafted the possible rule and amendments and does not anticipate that a draft of the rules amendment will be available before the publication of the proposed rules.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

Micki King  
Minnesota Board of Chiropractic Examiners  
2829 University Avenue SE, Suite 300  
Minneapolis, Minnesota 55414  
**Phone:** (651) 201-2849  
**E-mail:** [micki.king@state.mn.us](mailto:micki.king@state.mn.us)

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

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the

administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 18 June 2013

Larry A. Spicer, DC  
Minnesota Board of Chiropractic Examiners

## **Department of Commerce Office of Energy Assistance Programs Notice of Public Hearing and Comment Period for the FFY2014 Energy Assistance Program, Division of Energy Resources**

**THE PUBLIC IS INVITED TO COMMENT** on the proposed Minnesota State Plan for the Energy Assistance Program (EAP) for federal fiscal year 2014 at a public hearing or through written comment. The hearing will be held Tuesday, July 30, 2013, from 3:00 p.m. to 5:00 p.m. in the State Office Building, Conference Room 400 North, 100 Rev. Martin Luther King, Jr., Blvd., St. Paul. Written comment must be received at the address below by 5:00 p.m. on July 30, 2013.

The FFY2014 LIHEAP State Plan describes how federal Low Income Home Energy Assistance Program (LIHEAP) funds will be used to help low-income households reduce their energy burdens. Comments received at the public hearing and in writing during the comment period will be considered in the development of the state plan.

The draft FFY2014 LIEAP State Plan will be available by Monday, June 24, 2013, and located at the Minnesota Department of Commerce Energy Program website <http://mn.gov/commerce/energy/service-providers/For-EAP-Providers/EAP-State-Plan.jsp>.

Written comments may be sent to:

John M. Harvanko, Director  
Office of Energy Assistance Programs  
Minnesota Department of Commerce  
85 - 7th Place East, Suite 500  
St. Paul, MN 55101-2198  
**Phone:** (651) 284-3275  
**Fax:** (651) 297-7891  
**E-mail:** [john.harvanko@state.mn.us](mailto:john.harvanko@state.mn.us)

## **Minnesota Comprehensive Health Association (MCHA) Notice of Executive Committee Meeting 24 June 2013**

**NOTICE IS HEREBY GIVEN** that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Executive Committee will be held at 4:00 p.m. on Monday, June 24, 2013

The meeting will be initiated at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN; it should be noted that some or all attendees will participate telephonically.

If anyone wishes to attend or participate in this meeting please contact MCHA's Executive Office (952) 593-9609 for additional information.

# Official Notices

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## Minnesota Department of Health (MDH)

### Division of Compliance Monitoring

### Managed Care Systems Section

## Notice of Application for Essential Community Provider Status for Children's Health Care dba Children's Hospitals and Clinics of Minnesota

**NOTICE IS HEREBY GIVEN** that an application for designation as an Essential Community Provider (ECP) has been submitted to the Commissioner of Health by Children's Health Care dba Children's Hospitals and Clinics of Minnesota. The Minneapolis hospital campus is located at 2525 Chicago Avenue South, Minneapolis, MN 55404. The St. Paul hospital campus is located at 345 North Smith Avenue, St Paul, MN 55102. Children's community-based clinics and rehabilitation and surgical centers include: Metropolitan Pediatric Specialists (Edina, Burnsville, Shakopee, MN); Minnetonka Specialty Clinics and Ambulatory Surgery Center (Minnetonka, MN); Northeast Pediatric Clinic (Hugo, MN); Partners in Pediatrics (Brooklyn Park, St Louis Park, Maple Grove, Plymouth, Rogers, MN); Pediatric & Adolescent Care of Minnesota (West St Paul, MN) and Rehabilitation & Specialty Clinics (Roseville, Woodbury, Maple Grove, MN).

Also included under this ECP designation are the outpatient clinics that were listed in the *Minnesota State Register*, published March 11, 2013 and April 15, 2013. An ECP is a health care provider that serves high-risk, special needs, and underserved individuals. In order to be designated as an ECP, a provider must demonstrate that it meets the requirements of *Minnesota Statutes* Section 62Q.19 and *Minnesota Rules* Chapter 4688. The public is allowed 30 days from the date of the publication of this notice to submit written comments on the application. The commissioner will approve or deny the application once the comment period and compliance review is complete.

For more information contact:

Michael McGinnis  
Managed Care Systems Section  
Division of Compliance Monitoring  
Department of Health  
P.O. Box 64882  
St. Paul, MN 55164-0882  
**Phone:** (651) 201-5174

## Minnesota 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 2013 Minnesota Legislature enacted during the regular session.

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 increase of \$102 million in the MA program for state fiscal year 2014 (July 1, 2013 through June 30, 2014), and a net increase of \$292 million in the MA program for state fiscal year 2015 (July 1, 2014 through June 30, 2015). Much of the increase in Medical Assistance results from transitioning eligibility for certain populations from MinnesotaCare to Medical Assistance. Legislative changes to the MinnesotaCare program are anticipated to result in net decreases of \$41 million in fiscal

year 2014 and \$132 million in 2015.

The actual text of most of the 2012 legislative changes is contained in *Minnesota Laws 2013*, Regular Session, Chapters 63, 81, and 108. 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 2013 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>

**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 January 1, 2013, the Commissioner shall provide MA and MinnesotaCare recipient eligibility review dates to the recipient's managed care or county-based purchasing plan. *Minnesota Laws 2013*, Chapter 81, Section 3.

Effective upon enactment, the Commissioner's authority to enter into single-source managed care contracts is expanded beyond special needs basic care plans. The Commissioner may enter into such contracts for all health care programs in order to promote better coordination or integration of health care services, social services and other community-based services. *Minnesota Laws 2013*, Chapter 108, Article 1, Section 27.

Effective July 1, 2013, or upon federal approval, whichever is later, the Commissioner shall increase funding of the medical education and research fund described in section 62J.692 by an additional \$12.7 million. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 20.

Effective July 1, 2013, the following administrative expenses shall not be considered when determining HMO and county-based purchasing organization capitation rates under the MA program: charitable contributions made by the managed care plan or the county-based purchasing plan; any portion of an individual's compensation in excess of \$200,000 paid by the managed care plan or county-based purchasing plan; any penalties or fines assessed against the managed care plan or county-based purchasing plan; and any indirect marketing or advertising expenses of the managed care plan or county-based purchasing plan. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 21.

Effective June 15, 2014, the surcharge on HMO premium revenue described in section 256.9657 will be due and be based on the prior year's revenue. On June 15, 2014, all payments due in July through September 2014 based on revenue from calendar year 2012 are due along with lump sum payment due based on revenue from 2013. On June 15, 2015, and each year thereafter, the payment based on the previous year's revenue will be paid in one lump sum. *Minnesota Laws 2013*, Chapter 108, Article 6, Sections 2 and 3.

Effective January 1, 2014, in addition to currently required information, the Commissioner shall require contracted managed care and county-based purchasing plans to report additional financial and utilization data, as described in section 256B.69, subdivision 9(c), on a quarterly basis. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 22.

Effective January 1, 2015, the Commissioner may contract with "participating entities" as described in section 256L.01, subdivision 7, to provide managed care services under the MinnesotaCare program. *Minnesota Laws 2013*, Chapter 108, Article 1, Section 32.

Effective January 1, 2015, the Commissioner shall require all health plans providing coverage under the MinnesotaCare program to have a medical loss ratio of at least 85% as defined using the methodology described in section 1001 of the Affordable Care Act. *Minnesota Laws 2013*, Chapter 108, Article 1, Section 39.

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Effective January 1, 2015, the Commissioner shall consider proposals from “managed care-like entities” as defined by section 1331 of the Affordable Care Act and implementing regulations, to provide services under the MinnesotaCare program. *Minnesota Laws 2013*, Chapter 108, Article 1, Section 60.

Effective January 1, 2014, or upon federal approval, whichever is later, all basic care and physician and professional services provided under MinnesotaCare shall be paid using the same the same rates and methodologies as under MA, except as otherwise provided under section 256L.11. *Minnesota Laws 2013*, Chapter 108, Article 1, Section 58.

Effective upon enactment, the Commissioner shall establish a competitive bidding process for entering into contracts with managed care providers to provide health plans to MinnesotaCare enrollees starting January 1, 2015. *Minnesota Laws 2013*, Chapter 108, Article 1, Section 61.

Effective upon enactment, or federal approval, whichever is later, the Commissioner shall expand the Health Care Delivery System (HCDS) demonstration program. As part of the expansion, the Commissioner may procure the services of health care delivery systems to supplement or replace services provided by managed care organizations. *Minnesota Laws 2013*, Chapter 81, Section 11.

Effective upon enactment, or federal approval, whichever is later, the Commissioner shall establish a demonstration project to provide navigation, employment supports and benefits planning services for employed persons with a health or other disabling condition who have not yet been certified as disabled as described in section 256B.021, subdivision 4(e). The demonstration is intended to promote economic stability, increase independence, and reduce applications for disability benefits while providing a positive impact on the health and future of participants. *Minnesota Laws 2013*, Chapter 108, Article 2, Section 15.

Effective January 1, 2014, or upon federal approval, whichever is later, the \$10,000 annual benefit limit for certain adults is removed, as is the ten percent copayment. *Minnesota Laws 2013*, Chapter 108, Article 1, Sections 38 and 40.

Effective July 1, 2013, the Commissioner shall allow the pilot program in Hennepin County described in section 256B.0756 to waive copays. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 17.

Effective July 1, 2013, the Commissioner may enroll individuals into the pilot program in Hennepin County described in section 256B.0756 based on the individual’s zip code or if the individual would benefit from an integrated health care delivery network. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 18.

Effective July 1, 2013, the Commissioner shall exclude eligible participants in pilot projects described in section 254B.13 from mandatory enrollment in managed care products until services provided through the pilot projects are included in the health plan’s benefit set. *Minnesota Laws 2013*, Chapter 108, Article 4, Section 12.

Effective July 1, 2013, or upon federal approval, whichever is later, MA covers services provided by mental health certified family peer specialists when services are provided in accordance with certain requirements. *Minnesota Laws 2013*, Chapter 108, Article 4, Section 15.

Effective July 1, 2013, or upon federal approval, whichever is later, MA covers consultations to primary care practitioners by psychologists and advanced practice registered nurses certified in psychiatric mental health. *Minnesota Laws 2013*, Chapter 108, Article 4, Section 17.

Effective July 1, 2013, or upon federal approval, whichever is later, MA covers family psychoeducation services for children up to age 21 when provided in accordance with certain requirements. *Minnesota Laws 2013*, Chapter 108, Article 4, Section 19.

Effective July 1, 2013, or upon federal approval, whichever is later, MA covers mental health clinical care consultation services for children up to age 21 when provided in accordance with certain requirements. *Minnesota Laws 2013*, Chapter 108, Article 4, Section 20.

Effective July 1, 2013, or upon federal approval, whichever is later, children’s therapeutic services and supports provided under MA will include coverage for: mental health service plan development; clinical care consultation under section 256B.0625, subdivision 62; family psychoeducation under section 256B.0625, subdivision 61; and services provided by a family peer specialist under section 256B.0616. *Minnesota Laws 2013*, Chapter 108, Article 4, Section 23.

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Effective upon enactment, or federal approval, whichever is later, MA covers intensive mental health treatment services for children up to age 21 residing in foster care. Intensive mental health treatment services include, but are not limited to psychotherapy, crisis assistance, psychoeducation services, and clinical care consultations. The Commissioner shall develop a daily per-client encounter rate. *Minnesota Laws 2013*, Chapter 108, Article 4, Section 26.

Effective July 1, 2013, or upon federal approval, whichever is later, the Commissioner may restructure coverage policy and rates to improve access to adult rehabilitative mental health services under section 256B.0623 and related mental health support services under section 256B.021, subdivision 4, paragraph (f), clause (2). *Minnesota Laws 2013*, Chapter 108, Article 4, Section 28.

Effective January 1, 2014, or upon federal approval, whichever is later, all inpatient hospital services provided under MinnesotaCare shall be paid using the same rate as under MA. *Minnesota Laws 2013*, Chapter 108, Article 1, Section 59.

Effective July 1, 2013, or upon federal approval, whichever is later, in-reach care coordination services provided under MA are expanded to include coverage for services provided to children up to age 21 when provided through a hospital emergency room or inpatient psychiatric unit in accordance with certain requirements. *Minnesota Laws 2013*, Chapter 108, Article 4, Section 18.

Effective July 1, 2014, or upon federal approval, whichever is later, MA will pay the wholesale acquisition cost minus forty percent, plus a dispensing fee for drugs administered under the 340B drug pricing program. There will be a twenty percent discount for 340B drugs administered in an outpatient setting. MA will no longer pay for 340B drugs dispensed by 340B contract pharmacies. *Minnesota Laws 2013*, Chapter 108, Article 6, Sections 9 and 10.

Effective upon enactment, or federal approval, whichever is later, the Commissioner shall implement a point-of-sale preferred diabetic testing supplies program. Reimbursement for diabetic testing supplies not on the preferred diabetic testing supply list may be subject to prior authorization. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 13.

Effective July 1, 2013, the MA reimbursement rate for vaccine administration shall be the regional maximum rate published by the Department of Health and Human Services applicable to Minnesota. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 14.

Effective July 1, 2013, or upon federal approval, whichever is later, MA will pay for drugs administered in an outpatient setting at the lower of: usual and customary cost submitted by the provider; 106 percent of the average sales price as determined pursuant to section 1847a of the Social Security Act; the specialty pharmacy rate; or the maximum allowable cost set by the commissioner. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 10.

Effective July 1, 2014, or upon federal approval, whichever is later, MA covers doula services defined as childbirth education and support services, including emotional and physical support provided during pregnancy, labor, birth, and postpartum. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 11.

Effective July 1, 2013, MA covers electronic tablets as durable medical equipment if the device is used as used as an augmentative and alternative communication system as defined in 256B.0625, subdivision 31a, paragraph (a), and is locked in order to prevent use not related to communication. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 12.

Effective July 1, 2013, or upon federal approval, whichever is later, for durable medical equipment, prosthetics, orthotics, or supplies subject to Medicare's National Competitive Bidding Program, MA shall pay reimbursement rates based on the rate established under the program. This does not apply to mail order diabetic supplies, and does not apply to items provided to dually eligible recipients when Medicare is the primary payer. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 31.

Effective July 1, 2013, payment for screenings performed under the early and periodic screening, diagnosis, and treatment program shall not include reimbursement for vaccines that are available to providers at no cost. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 15.

Effective July 1, 2013, The Commissioner shall not prohibit payment, including supplemental payments, for mental health services or dental services provided to a patient by a clinic or health care professional solely because the mental health or dental services were provided on the same day as other covered health services furnished by the same provider. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 16.



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Effective July 1, 2013, the Commissioner shall make a supplemental payment to ambulance services affiliated with Hennepin County Medical Center and the city of St. Paul after establishing an upper payment limit based on the average commercial payment rate, or some other amount acceptable to the Centers for Medicare and Medicaid services, and receiving transfers from Hennepin County and the City of St. Paul necessary to make the supplemental payments. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 19.

Effective September 1, 2014, or upon federal approval, whichever is later, MA will increase reimbursement rates for physician and professional services, including physical therapy, occupational therapy, speech pathology, and mental health services by five percent from the rates in effect on August 31, 2014. This increase does not apply to federally qualified health centers, rural health centers, and Indian health services. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 25.

Effective July 1, 2013, or upon federal approval, whichever is later, MA will increase reimbursement rates for family planning services by 20 percent when they are provided by a community clinic as defined in section 145.9268, subdivision 1. The commissioner shall adjust capitation rates to managed care and county-based purchasing plans to reflect this increase, and shall require plans to pass on the full amount of the rate increase to eligible community clinics, in the form of higher payment rates for family planning services. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 29.

Effective September 1, 2014, or upon federal approval, whichever is later, MA will increase reimbursement rates for ambulatory surgery centers facility fees, medical supplies and durable medical equipment not subject to a volume purchase contract, prosthetics and orthotics, hospice services, renal dialysis services, laboratory services, public health nursing services, eyeglasses not subject to a volume purchase contract, and hearing aids not subject to a volume purchase contract by three percent. Payments for associated outpatient hospital facility fees shall also be increased by three percent. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 30.

Effective July 1, 2013, or upon federal approval, whichever is later, MA covers the following dental services for adults: house calls or extended care facility calls for on-site delivery of covered services; behavioral management when additional staff time is required to accommodate behavioral challenges and sedation is not used; oral or IV sedation, if the covered dental service cannot be performed safely without it or would otherwise require the service to be performed under general anesthesia in a hospital or surgical center; and prophylaxis, in accordance with an appropriate individualized treatment plan, but no more than four times per year. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 8.

Effective January 1, 2014, or upon federal approval, whichever is later, MA will increase reimbursement rates for dental services by five percent from the rates in effect on December 31, 2013. This increase does not apply to state-operated dental clinics, federally qualified health centers, rural health centers, and Indian health services. Effective January 1, 2014, the capitation payments made to managed care plans and county-based purchasing plans shall reflect this increase. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 26.

Effective July 1, 2013, or upon federal approval, whichever is later, critical access dental rates shall be increased from 30% to 35% above the rate that would otherwise be paid. *Minnesota Laws 2013*, Chapter 108, Article 6, Section 27.

Effective upon enactment, or federal approval, whichever is later, the Commissioner shall levy a fee on providers at the time of initial application, an application to establish a new practice location, an application for re-enrollment when the provider is not enrolled at the time of application of re-enrollment, or at revalidation when required by federal regulation to pay for additional screening activities described in Code of Federal Regulations, title 42, section 455, subpart E. The application fee is \$532 for calendar year 2013, and adjusted in subsequent years by the percentage change to the consumer price index for all urban consumers, United States city average, for the 12-month period ending with June of the previous year. *Minnesota Laws 2013*, Chapter 108, Article 5, Section 7.

Effective July 1, 2013, the Commissioner may impose sanctions against a provider for failing to correct errors in their health or financial records for which a previous fine or warning was issued by the Commissioner. Sanctions imposed by the Commissioner are no longer limited to suspension or withholding of payment or termination from participation in the program, but may now include fines. The Commissioner may levy a fine against a provider for failing to fully document services according to standards outlined in section 256B and Minnesota Rules, chapter 9505. The fine for incomplete documentation shall equal twenty percent of the amount paid on the claims in question, or up to \$5,000, whichever is less. *Minnesota Laws 2013*, Chapter 108, Article 5, Section 8 - 10.

Effective July 1, 2013, the Commissioner shall implement a new licensing fee structure for home and community based service providers licensed under chapter 245D. *Minnesota Laws 2013*, Chapter 108, Article 8, Section 15.

**II. MA Institutional Payment Rates**

Pursuant to the Governor's 2013 biennial budget, the Department proposed changes to payment rates for inpatient hospital services. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which 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 made the following change:

Effective July 1, 2013, or upon federal approval, whichever is later, MA shall increase reimbursement to hospitals in accordance with the increase in the fee for the early hearing detection and intervention program described in section 144.125, subdivision 1, paragraph (d). *Minnesota Laws 2013*, Chapter 108, Article 6, Section 4.

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

Pursuant to the Governor's 2013 biennial budget, the Department proposed changes to payment rates for intermediate care facilities for persons with developmental disabilities (ICFs/DD). The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which 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 systems as follows:

A rate reduction of 1.67% for ICFs/DD scheduled to begin July 1, 2013, is repealed. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 64.

Effective July 1, 2013, the Commissioner shall adjust the rate paid to an Intermediate Care Facility for individuals with Developmental Disabilities (ICF/DD) in Cottonwood County to \$282.62 per bed, per day. The Minnesota Department of Health will also decertify three beds at this facility. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 4 and 45.

Effective July 1, 2013, the Commissioner shall increase the Medical Assistance surcharge for ICF/DD beds to \$3,679 per bed. *Minnesota Laws 2013*, Chapter 108, Article 7, section 5.

For the rate periods beginning on or after June 1, 2013, the total operating payment rate for ICF/DDs is increased by \$7.81 per day. *Minnesota Laws 2013*, Chapter 108, Article 7, Sections 46.

Effective April 1, 2014, the Commissioner shall increase by one percent the operating payment rates and all variable rates in effect on March 31, 2014, for ICFs/DD reimbursed under section 256B.5012. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 47.

**Nursing Facilities**

Pursuant to the Governor's 2013 biennial budget, the Department proposed changes to payment rates for nursing-facilities. The Minnesota Legislature considered the Department's proposed changes, gathered information, and held public hearings at which 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 systems as follows:

Effective August 1, 2013, rate adjustments for nursing facilities that consolidate under section 144A.071, subdivision 4d., are effective on the latter of the first day of the month following completion of construction upgrades in the consolidation plan or the first day of the month following the complete closure of a facility designated for closure. *Minnesota Laws 2013*, Chapter 63, Section 3.

Effective August 1, 2013, the due date for the Annual Statistical and Cost Report is changed from January 15 to February 1 and the 15-day extension is eliminated. *Minnesota Laws 2013*, Chapter 63, Sections 12 and 13.

Effective October 1, 2013, nursing facilities will no longer receive rate adjustments for long-term care consultation costs because facilities will not be required to make payments to the counties to cover the cost of this service. *Minnesota Laws 2013*, Chapter 108, Article 2, Sections 35 and 36.

Effective July 1, 2013, the penalty rate for a nursing facility that fails to submit timely RUG assessments is changed to allow the Commissioner the authority to limit these penalties when the loss of revenues in any 92-day period is equal to or greater than one percent of a facility's total operating costs as most recently reported. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 1.

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Effective July 1, 2013, the minimum time a nursing facility must keep a bed in layaway is shortened from one year to six months; the minimum time that a facility must wait to put a bed in layaway after having removed a bed from layaway is shortened from one year to six months. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 2.

Effective June 1, 2012, a 110-bed nursing facility in McLeod County will receive a property rate increase for a building project previously completed, funded with money available for moratorium projects under section 144A.073, subdivision 11. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 23.

Effective July 1, 2012, a 61-bed nursing facility in Dakota County will receive a property rate increase for a building project previously completed. The facility will receive an additional property rate increase at the time of completion of a building project currently in progress. Both increases will be funded with money available for moratorium projects under section 144A.073, subdivision 11. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 23.

Effective July 1, 2013 or later, a 101-bed nursing facility in Hennepin County will receive a property rate increase upon completion of an elevator construction project, funded with money available for moratorium projects under section 144A.073, subdivision 11. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 23.

Effective October 1, 2013 through October 1, 2016, the automatic operating and property rate inflation adjustments for nursing facilities reimbursed under section 256B.434 will be suspended. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 24.

Effective September 1, 2013, nursing facilities reimbursed under section 256B.434 will receive a 3.75 percent adjustment to the operating rate, with 75 percent of the adjustment to be used for compensation-related costs subject to approval by the Commissioner. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 25.

Effective October 1, 2015, nursing facilities reimbursed under section 256B.434 will receive a 2.4 percent adjustment to the operating rate, with 75 percent of the adjustment to be used for compensation-related costs subject to approval by the Commissioner. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 26.

Effective July 1, 2013, the planned closure program is restored and nursing facilities are again allowed to submit applications for planned closure rate adjustments. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 27.

Effective September 1, 2013, nursing facilities may receive an operating payment rate increase of up to 3.2% for each RUGS class in effect on August 31, 2013, as a quality add-on. Nursing facilities have the opportunity to earn the quality add-on by demonstrating quality in three quality measures. *Minnesota Laws 2013*, Chapter 108, Article 7, Sections 35 and 36.

Effective October 1, 2015, nursing facilities may receive an operating payment rate increase of 0.8 percent as a quality add-on based on a quality improvement program to be developed. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 37.

Effective July 1, 2013, the Minnesota Department of Health will begin charging a fee to nursing facilities for the review of construction plans. The amount of the fee depends on the estimated construction costs and the fee will be an allowable construction project cost. *Minnesota Laws 2013*, Chapter 108, Article 12, Section 33.

For more information contact Laura Sayles at 651-431-5668

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

Effective October 1, 2013, and contingent upon approval of an implementation plan by Minnesota Management and Budget under *Minnesota Laws 2013*, Chapter 108, Article 15, Sections 3 and 4, the Commissioner shall no longer include costs related to Long Term Care Consultations in nursing facility external fixed payment rates. Nursing facilities will no longer be required to make payments to the counties to cover the cost of this service. The Commissioner will reimburse counties for Long Term Care Consultations, to be known as MnCHOICES Assessments, through a time study methodology. *Minnesota Laws 2013*, Chapter 108, Article 2, Sections 22, 35, 36.

Effective July 1, 2013, the Commissioner shall establish funding for home and community based services (HCBS) disability waivers, funding for mental health grants, and an exception to the corporate foster care moratorium for individuals transitioning to the community from the Anoka Metro Regional Treatment Center or the Minnesota Security Hospital and who have met their treatment goals and no

longer require the levels of treatment and supervision provided at these facilities. *Minnesota Laws 2013*, Chapter 108, Article 4, Sections 14, 21 and 27.

Effective May 24, 2013, the Commissioner shall require PCA agencies to demonstrate proof of surety bond coverage. Providers with Medicaid revenue of up to \$300,000 in the previous calendar year must purchase a performance bond of \$50,000. Agencies with more than \$300,000 in Medicaid revenue must purchase a performance bond of \$100,000. *Minnesota Laws 2013*, Chapter 108, Article 5, Section 11.

Effective July 1, 2013, the Commissioner has the authority to manage statewide corporate foster care capacity at the state level, as opposed to the current ability for lead agencies to manage their capacity. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 3.

Effective July 1, 2013, the Commissioner shall make available a new monthly case mix budget to certain people who are eligible for the Elderly Waiver and are ventilator dependent. The monthly case mix budget cap will be equal to \$19,027. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 6.

Effective July 1, 2013, the Commissioner shall modify the priorities for access to the HCBS disability waivers to give top priority to individuals leaving institutions. *Minnesota Laws 2013*, Chapter 108, Article 7, Sections 11 and 38.

Effective July 1, 2013, the Commissioner has the authority to shift HCBS waiver funding and allocations for people with disabilities between counties and tribes if funding is not being used. *Minnesota Laws 2013*, Chapter 108, Article 7, Sections 11 and 38.

Effective July 1, 2013, the Commissioner shall implement an initiative to reduce unnecessary hospital admissions by providing more comprehensive community supports to individuals who have been admitted to a hospital or have received treatment in an emergency room at least twice in the previous year for mental health or psychiatric reasons. *Minnesota Laws 2013*, Chapter 108, Article 7, Sections 12 and 41.

Effective March 1, 2014, or upon federal approval, MA covers intensive early intervention treatment for children with Autism Spectrum Disorder (ASD). Treatment will include services to improve communication skills, increase capacity for social interactions, and reduce maladaptive behaviors to improve long-term outcomes for children with ASD at a critical time in their development. The Commissioner must develop and implement the benefit in consultation with stakeholders, advisory groups, and the legislative ASD Task Force. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 14.

Effective April 1, 2014, or upon federal approval, whichever is later, MA covers Community First Services and Supports (CFSS), which replaces the current personal care attendant benefit. CFSS will provide assistance with daily living, health-related tasks and skills acquisition, and provide modifications and equipment that replaces human assistance. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 49.

Effective August 1, 2013, the Commissioner will no longer apply the congregate living rate reduction for people with low needs to individuals whose primary diagnosis is mental illness and who are living in a foster care setting where the license holder is also one of the following:

- A provider of Assertive Community Treatment (ACT) or Adult Rehabilitative Mental Health Services (ARMHS);
- A mental health center or mental health clinic; or,
- A provider of Intensive Residential Treatment Services (IRTS).

*Minnesota Laws 2013*, Chapter 108, Article 7, Section 51.

Effective July 1, 2013, or upon federal approval, whichever is later, the Commissioner shall begin the process to establish a safety net for the Brain Injury (BI), Community Alternative Care (CAC) and Community Alternatives for Disabled Individuals (CADI) HCBS waivers, which will grant certain counties access to a statewide pool of resources to meet an individual's changing needs. The process will include the submission of waiver amendments to the Centers for Medicare and Medicaid Services. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 61.

Effective July 1, 2013, the Commissioner shall develop and promote a new model of residential service, called the Shared Living Model. This model allows individuals with high needs to receive intensive support in his or her home or the home of a caregiver. The model includes planned respite for the caregiver, as well as extensive training specific to the needs of the individual. If necessary, the Commissioner shall submit any required waiver amendments to the Centers for Medicare and Medicaid Services. *Minnesota Laws 2013*, Chapter

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108, Article 7, Section 62.

Effective August 1, 2013, the Commissioner shall require PCA agencies to make a reasonable effort to fulfill a request by an individual for a PCA of their same gender. *Minnesota Laws 2013*, Chapter 63, Sections 8 and 9.

Effective January 1, 2014, the Commissioner shall require providers to comply with support standards regarding best practices when addressing challenging behavior, as well as prohibitions on certain practices, such as restraint and seclusion. A database will be maintained to track the use of emergency manual restraint. *Minnesota Laws 2013*, Chapter 108, Article 8, Sections 4-7.

Effective January 1, 2014, the Commissioner shall require providers of HCBS waiver programs to obtain a license to provide services to waiver program participants. *Minnesota Laws 2013*, Chapter 108, Articles 8 and 9.

Effective January 1, 2014, the Commissioner shall establish a new payment methodology for the disability HCBS waivers. Rates will be banded so an individual provider's rate will not increase or decrease by more than 0.5% during calendar years 2014 and 2015, and by no more than 1% in calendar years 2016 and 2017. *Minnesota Laws 2013*, Chapter 108, Article 13.

Effective April 1, 2014, services provided by the following community services providers will receive a 1.0% increase in grants, allocations, reimbursement rates, individual limits or service rate limits as applicable.

1) Home and community-based waived services for persons with developmental disabilities, including consumer-directed community supports, under *Minnesota Statutes*, section 256B.501;

2) home and community-based waived services for the elderly, including consumer-directed community supports, under *Minnesota Statutes*, section 256B.0915;

3) waived services under community alternatives for disabled individuals, including consumer-directed community supports, under *Minnesota Statutes*, section 256B.49;

4) community alternative care waived services, including consumer-directed community supports, under *Minnesota Statutes*, section 256B.49;

5) 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) day training and habilitation services for adults with developmental disabilities or related conditions under *Minnesota Statutes*, sections 252.40 to 252.46, including the additional cost of rate adjustments on day training and habilitation services, provided as a social service, formerly funded under *Minnesota Statutes 2010*, chapter 256M;

10) alternative care services under *Minnesota Statutes*, section 256B.0913;

11) living skills training programs for persons with intractable epilepsy who need assistance in the transition to independent living under *Laws 1988*, chapter 689;

12) 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;

13) consumer support grants under *Minnesota Statutes*, section 256.476;



14) family support grants under *Minnesota Statutes*, section 252.32;

15) aging grants under *Minnesota Statutes*, sections 256.975 to 256.977, 256B.0917, and 256B.0928;

16) housing access grants under *Minnesota Statutes*, section 256B.0658 and 256B.0917, subdivision 14;

17) self-advocacy grants under *Laws 2009*, chapter 101;

18) technology grants under *Laws 2009*, chapter 79; and

19) community support services for deaf and hard-of-hearing adults with mental illness who use or wish to use sign language as their primary means of communication under *Minnesota Statutes*, section 256.01, subdivision 2; and deaf and hard-of-hearing grants under *Minnesota Statutes*, sections 256C.233 and 256C.25; *Laws 1985*, chapter 9; and *Laws 1997*, First Special Session, chapter 5, section 20. *Minnesota Laws 2013*, Chapter 108, Article 7, Section 60.

Effective April 1, 2014, The Commissioner shall establish an HCBS Performance Improvement Project Program (PIPP) to give grant awards to providers who increase quality outcomes. An additional 1% rate increase tied to provider quality is effective July 1, 2015. *Minnesota Laws 2013*, Chapter 108, Article 7, Sections 28-34.

## **Minnesota Department of Human Services (DHS)**

### **Health Care Administration**

#### **Request for Comments on the Prepaid Medical Assistance Project Plus Section 1115 Medicaid Waiver Renewal Request**

DHS is announcing a 30-day comment period on the Prepaid Medical Assistance Project Plus (PMAP+) Section 1115 Medicaid waiver renewal request. Minnesota's Prepaid Medical Assistance Project Plus (PMAP+) Section 1115 Medicaid waiver provides federal matching funds for Medical Assistance and MinnesotaCare. This allows the state to provide federally-funded health coverage to people who would not otherwise have been eligible. The current waiver ends December 31, 2013.

In December of 2012, DHS submitted a letter to the federal government requesting a renewal of the PMAP+ waiver. DHS now intends to submit a second, more detailed request to extend the PMAP+ waiver. This request reflects changes enacted by the 2013 Minnesota Legislature. The PMAP+ waiver extension request includes an expansion of Medical Assistance and changes to MinnesotaCare to align the program with the requirements for a Basic Health Plan under the Affordable Care Act.

A copy of the waiver renewal request can be found at [http://www.dhs.state.mn.us/dhs16\\_171635](http://www.dhs.state.mn.us/dhs16_171635). To request a paper copy of the waiver request, please contact Quitina Cook at (651) 431-2191.

Written comments may be submitted to the following e-mail mailbox: [Section1115WaiverComments@state.mn.us](mailto:Section1115WaiverComments@state.mn.us) or by mail to the address below. DHS would like to provide copies of comments received in a format that is accessible for people with disabilities. Therefore, we request that comments be submitted in Microsoft Word format or incorporated within the e-mail text. If you would also like to provide a signed copy of the comment letter, you may submit a second copy in Adobe PDF format or mail it to the address below. Comments must be received by July 24, 2013.

Carol Backstrom  
Medicaid Director  
Minnesota Department of Human Services  
P.O. Box 64998  
St. Paul, Minnesota 55164

In addition to the opportunity to submit written comments during the 30-day public comment period, public hearings will be held to provide stakeholders and other interested persons the opportunity to comment on the waiver request. You may attend either hearing by phone or in person. If you would like to attend by phone, please send an e-mail request to [Section1115WaiverComments@state.mn.us](mailto:Section1115WaiverComments@state.mn.us) to



# Official Notices

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obtain the call-in information. If you would like to attend a hearing in person, the time and location for the two public hearings are provided below. If you plan to testify by phone or in person, please send an e-mail to [Section1115WaiverComments@state.mn.us](mailto:Section1115WaiverComments@state.mn.us) indicating that you will testify.

## Public Hearing #1

Date: Monday, July 8, 2012  
Time: 9:00 a.m. – 12:00 p.m.  
Location: DHS, Elmer L. Andersen Human Services Building, Room 2370, 540 Cedar St.,  
St. Paul, MN 55164

## Public Hearing #2

Date: Monday, July 15, 2012  
Time: 9:00 a.m. – 12:00 p.m.  
Location: Metropolitan Mosquito Control, Room 205, 2099 University Avenue, St. Paul, MN 55104

## Metropolitan Council

### Notice of Public Hearing on Adoption of Public Housing Agency Plan for the Section 8 Program

The Metropolitan Council's Community Development Committee will conduct a public hearing to receive public comment on the proposed 2014 Public Housing Agency (PHA) Plan.

The PHA Plan is a comprehensive guide to public housing agency policies, programs, operations and strategies for meeting local housing needs and goals. It is submitted with specific attachments and within specific timeframes and according to the format required by the US Department of Housing and Urban Development (HUD).

The Section 8 Administrative plan is an attachment to the PHA Plan.

The public hearing will be held:

4:30 p.m., Monday, August 19, 2013, CDC Meeting  
Metropolitan Council Chambers  
390 N. Robert St., St. Paul, MN 55101

The Housing Agency Plan is available for public review at the HRA administrative offices located at 390 Robert St., in St. Paul, and on the Metropolitan Council's website at [www.metrocouncil.org](http://www.metrocouncil.org). All interested persons are encouraged to attend the hearing and offer comments. People may register in advance to speak by calling Sue Putz at (651) 602-1584 or TTY at (651) 291-0904. Upon request, the Council will provide a reasonable accommodation to persons with disabilities.

In addition to speaking at the hearing, comments may be made in the following ways:

- Send comments to: Sue Putz, Metro HRA, 390 Robert St., St. Paul, MN 55101
- Fax comments to: Sue Putz at (651) 602-1313
- Send comments electronically to: [data.center@metc.state.mn.us](mailto:data.center@metc.state.mn.us)
- Record comments on the Council's Public Comment Line: (651) 602-1500
- TTY: (651) 291-0904
- Comments must be received by 4:00 p.m., Monday, August 19, 2013.

**Office of the Secretary of State****Administration Division****REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the  
Address Confidentiality Program of the Office of the Secretary of State,  
Minnesota Rules, Chapter 8290**

**Subject of Rules.** The Office of the Secretary of State requests comments on its possible amendment to rules governing the address confidentiality program of the Office, known as ‘Safe At Home’. The Office is considering rules and rule amendments that relate to the program generally, including but not limited to amendments to reflect statutory changes made in recent years as well as: the manner, format and procedures relating to applications to become a program participant; the requirements for, term of, renewal of or withdrawal of, certification as a program participant; the use of the designated address and the use or restrictions upon the use of the actual address of the participant; service of process upon program participants; the effect of reaching majority upon program participants who are minors; changes in program participant information on file at the address confidentiality program or failure to notify the program of changes in that information; school records of program participants; voting by program participants; and application assistant certification and requirements, as well as other address confidentiality program related rule provisions that may arise but only as time permits, as well as changes suggested by the recipients of this request for comments, or the general public.

**Persons Affected.** The amendment to the rules would likely affect program participants, government offices, private businesses, landlords, law enforcement and the general public.

**Statutory Authority.** *Minnesota Statutes*, sections 5B.03, subd. 3 and 5B.08, authorize the Office to adopt rules for the administration of the program generally and establishing a renewal procedure.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on September 3, 2013. The Office does not plan to appoint an advisory committee to comment on the possible rules. The Office of the Secretary of State also requests comments about the “cumulative effect of the rule with other federal and state regulations,” as required by *Minnesota Statutes*, section 14.131(8).

**Rules Drafts.** The Office has not yet drafted the possible rules and amendments and does not anticipate that a draft of the rules and amendments will be available before the publication of the proposed rules.

**Agency Contact Person.** Written comments, questions and requests for more information on these possible rules should be directed to: Bert Black, Legal Advisor at Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Boulevard, Saint Paul MN 55155, **fax:** (651) 296-9073, or **e-mail:** [Bert.Black@state.mn.us](mailto:Bert.Black@state.mn.us). **TTY** users may call the Office at 711.

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

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

Dated: June 24, 2013

Mark Ritchie  
Secretary of State

# Official Notices

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## Office of the Secretary of State

### Elections Division

#### **REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Voter Registration, Petitions, Absentee Ballots, Voting System Testing, Optical Scan Voting Systems, Recounts, Election Judge Training Program and Ballot Preparation, *Minnesota Rules*, Chapters 8200, 8205, 8210, 8220, 8230, 8235, 8240 and 8250**

**Subject of Rules.** The Office of the Secretary of State requests comments on its possible amendment to rules governing Voter Registration, Petitions, Absentee Ballots, Voting System Testing, Optical Scan Voting Systems, Recounts, Election Judge Training Program and Ballot Preparation. The Department is considering rules and rule amendments including but not limited to amendments to reflect statutory changes made in recent years as well as: affecting voter registration generally, including but not limited to the manner, format, content of and procedures relating to voter registration materials and records; petitions generally, including but not limited to the manner, format, content and procedures relating to petitions; absentee and mail balloting generally, including but not limited to the manner, format, content of and procedures for absentee and mail balloting materials and records; voting system testing generally, including but not limited to the scope and standards for voting system examination and testing, the examination and certification of voting systems, the preparation and testing of election programs, the security of voting systems and programs; optical scan voting systems generally, including but not limited to procedures for central count optical scan voting systems and precinct-count optical scan voting systems; election judge training programs generally, including but not limited to training requirements and standards, training methods and programs, courses and materials, records, plans, certifications, feedback and schedules; and ballot preparation generally, including but not limited to partisan and nonpartisan ballots and ballots for electronic voting systems as well as other elections-related rule provisions that may arise but only as time permits, as well as changes suggested by the recipients of this request for comments, or the general public.

**Persons Affected.** The amendment to the rules would likely affect voters, local election officials and election staff, political parties, elected officials and candidates, election equipment manufacturers and vendors, private and county attorneys and election advocacy groups.

**Statutory Authority.** *Minnesota Statutes*, sections 201.022, 201.061, 201.071, 201.091, 201. 221, 203B.04, 203B.08, 203B.09, 203B.125, 203B.14, 204B.071, 204B.25, 204B.45, 204C.361, 204D.08, 204D.11, 205.17, 205A.08, 206.57, 206.81, 206.82, 206.84, 206.882, 211C.03, 211C.04 and 211C.06, authorize the Office: to adopt rules for the administration of the statewide voter registrations system; to define documentation sufficient for election day registration; to define the form of the voter registration application and the voter certificate of eligibility; to provide for public information list or statewide information system requests; governing the general administration of voter registration and the format and use of polling place rosters; governing absentee ballot procedures for persons permanently unable to go to the polling place due to illness or disability; providing procedures for the accurate and timely return of absentee ballots ; establishing methods and procedures for issuing ballot cards and related absentee ballot forms; establishing the form, content and type size and style for the printing of blank applications for absentee ballots, absentee voter lists, return envelopes, certificates of eligibility to vote by absentee ballot, ballot envelopes and directions for casting an absentee ballot; providing for the reconciliation of voters and ballot cards; governing the manner in which petitions required for any election are circulated, signed, filed and inspected; establishing programs for the training of county auditors, local election officials and election judges; providing for the conduct of mail balloting, including instructions to voters, procedures for the challenge of voters, public observation of the counting of ballots, and procedures for the proper handling and safeguarding of ballots to ensure the integrity of the election; adopting uniform recount procedures; providing for the format and preparation of the state primary ballot and the state general election ballot as well as municipal and school district ballots; providing for the examination and use of electronic voting systems; providing for the experimental use of electronic voting systems; specifying test procedures for electronic voting systems and electronic ballot markers; providing for procedures to instruct election judges and voters in the use of electronic voting systems and electronic ballot markers, as well as standard ballot formats for electronic voting systems; governing the rotation of candidate names; and prescribing the manner and form of a recall petition as well as the evaluation of the number and eligibility of signers of a recall petition.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on September 3, 2013. The Office does not plan to appoint an advisory committee to comment on the possible rules. The Office of the Secretary of State also requests comments about the “cumulative effect of the rule with other federal and state regulations,” as required by *Minnesota Statutes*, section 14.131(8).

**Rules Drafts.** The Office has not yet drafted the possible rules and amendments and does not anticipate that a draft of the rules and amendments will be available before the publication of the proposed rules.

**Agency Contact Person.** Written comments, questions and requests for more information on these possible rules should be directed to: Bert Black, Legal Advisor at Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Boulevard, Saint Paul MN 55155, fax: 651-296-9073, or e-mail: *Bert.Black@state.mn.us*. **TTY** users may call the Department at 711.

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

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

Dated: June 24, 2013

Mark Ritchie  
Secretary of State

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

### NOTICE OF SUSPENSION

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) has ordered that the following vendors be suspended for a period of sixty (60) days, effective May 6, 2013 until July 5, 2013:

- 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
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

### NOTICE OF DEBARMENT

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) 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

**NOTICE IS HEREBY GIVEN** that the Department of Transportation (“MnDOT”) has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, MN

# Official Notices

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*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 to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration 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.

Readers are also advised to check the Office of Grants Management (OGM) at: <http://www.admin.state.mn.us/ogm.html>

## Additional Funding Sources

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

- **Word Search Capability**
- **Indices from Vol. 27 to most current issue**
- **E-mailed to you on Friday**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **"Contracts & Grants" Open for Bid**

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

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 \$10.20 per 1/10 of a page you cannot go wrong.

## Minnesota Department of Employment and Economic Development (DEED) Rehabilitation Services Notice of Availability of Funds for Extended Employment Programs

Information on Extended Employment Program funding for State Fiscal Year 2014 is available for current Extended Employment providers. The authority for the Extended Employment Program is described in *Minnesota Statutes* 268A.03 (A) and 268A.15 and in *Minnesota Rule* 3300.2005 to 3300.2055. The Extended Employment Program includes the CenterBased, Community, and Supported Employment sub-programs that provide ongoing employment support services to workers with severe disabilities. In State Fiscal Year 2014, \$12,196,000 in Extended Employment Program funding will be available.

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## State Grants & Loans

To be an Extended Employment Program provider, an organization must be certified by Rehabilitation Services of the Department of Employment & Economic Development in accordance with *Minnesota Rule* 3300.2010. Individual eligibility for persons who may be served in Extended Employment is defined in *Minnesota Rule* 3300.2015. Extended Employment Standards for program planning and service delivery are set forth in *Minnesota Rule* 3300.2025. The Extended Employment funding system is described in *Minnesota Rule* 3300.2035. Provisions for new and expanded programs are defined in *Minnesota Rule* 3300.2030. Funding for new and expanded programs is contingent upon the availability of funds. Any city, town, county, non-profit organization, or combination of these that operates or proposes to operate a public or non-profit Extended Employment program may apply for funding. Applications are required for both current Extended Employment providers and providers applying for new or expanded program funds.

These sections of the Minnesota Rules that describe the Extended Employment Program can be found on the Internet at:

<http://www.revisor.leg.state.mn.us/arule/3300/>

Persons or parties who wish to obtain information on Extended Employment Program funding in State Fiscal Year 2014 may contact: Wendy Keller: (651) 259-7376 or- email: [wendy.keller@state.mn.us](mailto:wendy.keller@state.mn.us) Or John Sherman: (651) 259-7349 e-mail: [john.sherman@state.mn.us](mailto:john.sherman@state.mn.us)

Vocational Rehabilitation Services  
Minnesota Department of Employment & Economic Development  
1<sup>st</sup> National Bank Building  
332 Minnesota Street, Ste E200  
St. Paul, MN 55101-1351

The deadline for the application is no later than Friday, June 25, 2013, by 4:30PM.

## Minnesota Department of Human Services (DHS) Children's Mental Health Division Addendum to Request for Proposals for the Cultural and Ethnic Minority Infrastructure Grant

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Human Services through its Children's Mental Health Division has published an Addendum to its Request for Proposal for the Cultural and Ethnic Minority Infrastructure Grant that was published in the May 28, 2013 State Register. In the Addendum, typographical errors contained in the RFP as posted on the DHS webpage, including the due date, have been corrected and the RFP has been reposted. The July 16, 2013 due date as originally posted in the State Register is confirmed and correct.

To request a full text of the RFP Addendum please contact:

Nelly Torori  
Department of Human Services  
Children's Mental Health Division  
P.O. Box 0985  
444 Lafayette Road North  
St. Paul, MN 551550985  
**Phone:** (651) 431-2337  
**Fax:** (651) 431-7559  
**E-mail:** [Nelly.torori@state.mn.us](mailto:Nelly.torori@state.mn.us)

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

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

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



# State Grants & Loans

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

## State Contracts

Besides the following listing of state contracts, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> , as well as the Office of Grants Management (OGM) at: <http://www.admin.state.mn.us/ogm.html> .

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

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

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

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

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

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

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

## Find and Follow Past Contracts and RFPs

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

- **Word Search Capability**
- **Indices from Vol 27 to the most current issue**
- **E-mailed to you, on Friday**
- **LINKS, LINKS, LINKS**
- **Easy Access to *State Register* Archives**
- **"Contracts & Grants" Open for Bid**

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

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 \$10.20 each 1/10 of a page, you cannot go wrong.

## Minnesota Department of Administration (Admin)

### Materials Management Division

### Request for Proposal (RFP) to Renew the Enterprise LEAN Master Contract Program

SWIFT Event ID # 2000001562

The State of Minnesota, through its Department of Administration's Materials Management Division, is seeking proposals from qualified contractors to participate in the renewal of its LEAN Master Contract Program. This program is designed to support the State's

Enterprise Lean program, a coordinated state government initiative for improving the organizational performance and results in Minnesota's state government agencies. Enterprise Lean has a simple goal of helping state government work better for its customers and employees using time-tested Lean tools and methodologies and embraces Six Sigma tools and total quality management philosophies. This RFP is being issued to seek trainers, facilitators, and consultants to provide services to support the goals of Enterprise Lean.

The Request for Proposal to Renew the Enterprise LEAN Master Contract Program will be available in the State's new finance and procurement system, SWIFT, beginning on June 24, 2013. You will need to register in SWIFT, using the SWIFT Supplier Portal, in order to view the RFP.

For more information on using the SWIFT Supplier Portal, registering as a vendor, and submitting responses, please go to:

*<http://www.mmb.state.mn.us/vendorresources>*

The deadline for submitting a proposal may be found in SWIFT by going to the Supplier Portal (*<http://supplier.swift.state.mn.us>*) and selecting Event ID # 2000001562.

All responses to the RFP must be submitted through the SWIFT Supplier portal.

This Request for Proposal does not obligate the State of Minnesota or the Department of Administration to complete the work contemplated in this notice. The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility of the responder.

## State Department of Administration (Admin) State Designer Selection Board Project No. 13-02 Notice of Availability of Request for Proposal (RFP) for Designer Selection for Renovation of the Owatonna Minnesota National Guard Armory, Owatonna, Minnesota

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

A full Request for Proposals is available on the Minnesota National Guard's **website:** *<http://www.MinnesotaNationalGuard.org/rfp>*.

The mandatory informational meeting will be held on Wednesday, June 26, 2013 at 10:30 a.m., Central Time at the Owatonna National Guard Armory, 2323 West Bridge Street, Owatonna, MN 55060. Any questions should be directed to Mr. Wade Scepurek at **e-mail:** *[wade.w.scepurek.nfg@mail.mil](mailto:wade.w.scepurek.nfg@mail.mil)* Project questions will be taken by this individual only. Questions regarding this RFP must be received by Friday, June 28, 2013 no later than 4:30 pm CT.

Proposals must be delivered to Kathy Grochowski, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, **phone:** (651) 201-2389 not later than **12:00 Noon on Monday, July 8, 2013**. Late responses will not be considered.

The Minnesota National Guard is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

# State Contracts

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## Minnesota State Academies

### Notice of Availability of Contract for Occupational Therapy Services

The Minnesota State Academies are requesting proposals for the purpose of providing **Occupational Therapy** services to students who attend the Minnesota State Academies.

Work is proposed to start after August 19<sup>th</sup>, 2013.

A Request for Proposals will be available through **July 22nd, 2013**. A written request (by mail, fax or e-mail) is required to receive the Request for Proposal.

The Request for Proposal can be obtained from:

Mike Hopwood  
The Minnesota State Academies  
615 Olof Hanson Drive  
Faribault, MN 55021  
**E-mail:** *mike.hopwood@msa.state.mn.us*  
**Phone:** (507) 384-6605  
**Fax:** (507) 332-5404

Proposals submitted in response to the Request for Proposals in this advertisement must be received no later than **July 26th, 2013**. **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.

## Minnesota State Academies

### Notice of Availability of Contract for Psychological Therapy Services

The Minnesota State Academies are requesting proposals for the purpose of providing **Psychological Therapy** services to students who attend the Minnesota State Academies.

Work is proposed to start after August 19<sup>th</sup>, 2103.

A Request for Proposals will be available through **July 22nd, 2013**. A written request (by mail, fax or e-mail) is required to receive the Request for Proposal.

The Request for Proposal can be obtained from:

Mike Hopwood  
The Minnesota State Academies  
615 Olof Hanson Drive  
Faribault, MN 55021  
**E-mail:** *mike.hopwood@msa.state.mn.us*  
**Phone:** (507) 384-6605  
**Fax:** (507) 332-5404

Proposals submitted in response to the Request for Proposals in this advertisement must be received no later than **July 26<sup>th</sup>, 2013**. **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.

## Minnesota State Academies

### Notice of Availability of Contract for Speech Therapy Services

The Minnesota State Academies are requesting proposals for the purpose of providing **Speech Therapy** services to students who attend the Minnesota State Academies.

Work is proposed to start after **August 19<sup>th</sup>, 2013**.

A Request for Proposals will be available through **July 22<sup>nd</sup>, 2013**. A written request (by mail, fax or e-mail) is required to receive the Request for Proposal.

The Request for Proposal can be obtained from:

Mike Hopwood  
The Minnesota State Academies  
615 Olof Hanson Drive  
Faribault, MN 55021  
**E-mail:** [mike.hopwood@msa.state.mn.us](mailto:mike.hopwood@msa.state.mn.us)  
**Phone:** (507) 384-6605  
**Fax:** (507) 332-5404

Proposals submitted in response to the Request for Proposals in this advertisement must be received no later than **July 26<sup>th</sup>, 2013**. **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.

## Minnesota State Colleges and Universities (MnSCU)

### Board of Trustees

### Notice of Availability of Request for Qualifications (RFQ) for Specialty Consultant Master Roster for the System Office

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of the system office, is soliciting proposals to establish a Specialty Consultants Master Roster for 1) Waterproofing, 2) Exterior Masonry, 3) Exterior Windows & Curtain Walls, 4) Roofing, and 5) Industrial Hygiene Services for Hazardous Materials Abatement and indoor air sampling. The consultants will perform studies, provide reports, design reviews, designs, observations, testing or construction administration services on MnSCU renovation and/or new construction projects on behalf of MnSCU to assure that the project(s) are designed and constructed in conformance with the MnSCU Facilities Design Standards and meet the specific project requirements.

A full Request for Qualifications (RFQ) is available on the Minnesota State Colleges Universities website, <http://www.finance.mnscu.edu/facilities/index.html>, click on "Announcements".

Proposals must be delivered to Jim Morgan, Minnesota State Colleges and Universities, 30 7<sup>th</sup> Street East, Suite 350, St. Paul, MN 55101, not later than **2:00 PM, Friday, July 19, 2013**. Late responses will NOT be considered.

Minnesota State Colleges and Universities is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its' best interest.

# State Contracts

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## Minnesota State Colleges and Universities (MnSCU) Dakota County Technical College Notice of Request for Proposals for Hand Tools and Equipment

**NOTICE IS HEREBY GIVEN** that Dakota County Technical College is reposting its request for proposals from our original request posted May 20, 2013. Dakota County Technical College will receive bids for Hand Tools and Equipment in the following four separate categories:

- Engine and Transmission
- Chassis Tools and Equipment
- Drivability Tools and Equipment
- Electrical Tools and Equipment

To receive a copy of the bid specifications, please contact Karen Schumann by **e-mail at:** *Karen.schumann@dctc.edu* Bidders are required to submit individual bids by categories listed above.

Dakota County Technical College is not bound by low price; bidders are evaluated by a combination of:

- Price
- Market Share/Industry Reputation
- Ongoing Customer Support
- Opportunity for future expansion via online catalog services

Bid submissions must be separated by each of the above categories and must be sealed with a notation on the outside of the envelope stating, "Equipment/Tool Proposal – DELIVERY IMMEDIATELY". Mail or deliver (faxes and emails will NOT be accepted) sealed proposals must be delivered no later than 12:00 pm, Friday, June 28, 2013.

Proposal Closing Date: Friday, June 28, 2013 12:00 pm CT

The college reserves the right to reject any or all bids, to waive any information or irregularities in the bidding and to make the award serving the best interest of the college. Dakota County Technical College is an affirmative action/equal opportunity employer and educator.

## Department of Commerce Notice of Availability of Contract for Administering the Minnesota Worker's Compensation Assigned Risk Plan

The Minnesota Department of Commerce is requesting proposals for the purpose of contracting with a vendor to administer Minnesota Worker's Compensation Assigned Risk Plan.

Work is proposed to start September 15, 2013.

A Request for Proposals will be available by email from this office through July 18, 2013. **A written request (by e-mail) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Lee Spelbrink  
E-mail: [lee.spelbrink@state.mn.us](mailto:lee.spelbrink@state.mn.us)  
Minnesota Department of Commerce  
85 - 7<sup>th</sup> Place East Suite 500  
St Paul, MN 55101

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:00 p.m., Central Time, July 25, 2013. **Late proposals will NOT be considered.** Proposals submitted by fax or e-mail 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 Labor and Industry (DLI) Workplace Safety Consultation Notice of Availability of Contract to Provide Logger Safety Training**

The Minnesota Department of Labor & Industry is requesting proposals for the purpose of contracting logger safety training pursuant to *Minnesota Statutes § 176.130*.

Work is proposed to start after January 1, 2014.

All responses to this request for proposals (termed as an "Event" within SWIFT) must be submitted through SWIFT using the Supplier portal (<http://supplier.swift.state.mn.us/>). Training and documentation on how to submit your response is available through the Supplier portal link above.

All proposals must be received not later than 4:30 pm, Central Daylight Time on July 31, 2013. **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 State Retirement System (MSRS) Request for Proposals for Administration of MSRS Board of Directors Elections**

The Minnesota State Retirement System (MSRS) is seeking proposals for the purpose of selecting a vendor to administer elections for 2014 for multiple Board of Director positions. This includes designing an electronic voting process; designing paper ballots; conducting, counting, validating and certifying the balloting; providing required reports for each election; and, optionally, providing a similar process for multiple elections in 2016.

**2014.** Two elections are conducted simultaneously. The first election is to be conducted to fill two positions from the MSRS General/Unclassified Plans. The second election is to be conducted to fill one position from the MSRS State Patrol Plan. Both elections for these plans occur in March 2014.

**2016.** Three elections are conducted simultaneously. The first election is to be conducted for two positions from the MSRS General/Unclassified Plans. The second election is to be conducted to fill one position from the MSRS Correctional Plan, and the third election is to fill one position from MSRS retirees. These three elections take place in March 2016.

Work is proposed to start in August 2013.

A Request for Proposal can be obtained from:

Sue Willinger  
MSRS Contract Administration



# State Contracts

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60 Empire Drive, Suite 300  
St. Paul, MN 55103  
**E-mail:** *Sue.willinger@msrs.us*

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 Office of the Secretary of State Request for Proposals for the Statewide Voter Registration System (SVRS) National Change of Address (NCOA) Data Processing**

The Minnesota Office of the Secretary of State (OSS) requests proposals to provide National Change of Address (NCOA) data processing from a United States Post Office (USPS) approved vendor. The OSS is required to update voter address data in the Statewide Voter Registration System (SVRS) according to changes received from the USPS through the NCOA process in order to maintain voter records of high quality. **In order to be considered for this contract, vendors must be on the United States Post Office approved list for National Change of Address data processing for either the 18 or 48 month data sets.**

The purpose of this solicitation is to receive responses and award a contract to a vendor to provide either 18 month or 48 month processing of address data provided by OSS based on NCOA data. Processing would occur on a monthly schedule except for those months where processing would interfere with the election cycle.

For more information contact:

Jenny Kurz  
Fiscal Services Supervisor  
Minnesota Office of the Secretary of State  
**E-mail:** *jenny.kurz@state.mn.us*

This is the only person authorized to answer questions regarding this request for interested vendors.

Proposals must be received no later than 3:00 p.m. on July 17, 2013.

## **Minnesota 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

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

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

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

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

## Non-State Public 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.

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.admin.state.mn.us/ogm.html>.

## More Contracts and Grants from Other Government Agencies

Besides the following listing, readers are advised to check: <http://www.mmd.admin.state.mn.us/solicitations.htm> as well as the Office of Grants Management (OGM) at: <http://www.admin.state.mn.us/ogm.html>.

Check up on all the “active” state grants in the “Contracts & Grants” section, available only to *State Register* subscribers. Subscribers can view these by opening the *State Register* and clicking on Bookmarks on the left. (Non subscribers are not able to do this.) 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).

## Metropolitan Airports Commission (MAC)

### Minneapolis-Saint Paul International Airport

### Notice of Call for Bids for 2013 Terminal 1-Lindbergh FIS Facility Expansion – Bid Package No. 2

<b>MAC Contract No.:</b>	<b>106-2-717</b>
<b>Bids Close At:</b>	<b>2:00 p.m., July 16, 2013</b>

**Notice to Contractors:** Sealed Bid Proposals for work indicated 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. The work consists of limited building demolition.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB on this project is 6%.

**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 Architectural Alliance, 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 Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on June 17, 2013, at MAC’s web address of <http://www.metroairports.org/business/solicitations> (construction bids).

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# Non-State Public Bids, Contracts & Grants

## Metropolitan Airports Commission (MAC)

### Minneapolis-Saint Paul International Airport

#### Notice of Call for Bids for Terminal 2-Humphrey Checked Baggage Inspection System (CBIS) - Bid Package No. 2: Baggage Handling Equipment

MAC Contract No.: 120-6-022  
Bids Close At: 2:00 p.m. July 16, 2013

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

**Disadvantaged Business Enterprises (DBE):** The goal of the MAC for the utilization of DBE on this project is 6%.

**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](http://www.franzrepro.com). Make checks payable to: Miller Dunwiddie Architecture, Inc. Deposit per set (refundable): \$300.00. 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 June 17, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

## Metropolitan Airports Commission (MAC)

### Minneapolis-Saint Paul International Airport

#### Notice of Call for Bids for 2013 Roof Improvements

MAC Contract No.: 106-2-688  
Bids Close At: 2:00 p.m., July 16, 2013

**Notice to Contractors:** Sealed Bid Proposals for work indicated above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This work includes removal and replacement of the existing roofing systems adhered to existing steel deck and existing concrete decks.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB 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 Architectural Alliance, 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 Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

# Non-State Public Bids, Contracts & Grants

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**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on June 24, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

## Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for Short Film and Performance Space

**MAC Contract No.:** 106-2-715  
**Bids Close At:** 2:00 p.m., July 16, 2013

**Notice to Contractors:** Sealed Bid Proposals for the work indicated above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota, 55450, until the date and hour indicated. This project involves the remodeling of two separate locations within the C-Concourse: the C-Gallery and Short Film & Performance Space.

**Targeted Group Businesses (TGB):** The goal of the MAC for the utilization of TGB 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 Architectural Alliance, 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 Boulevard, Suite 100; Brooklyn Center, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on June 24, 2013, at MAC's web address of <http://www.metroairports.org/business/solicitations> (construction bids).

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