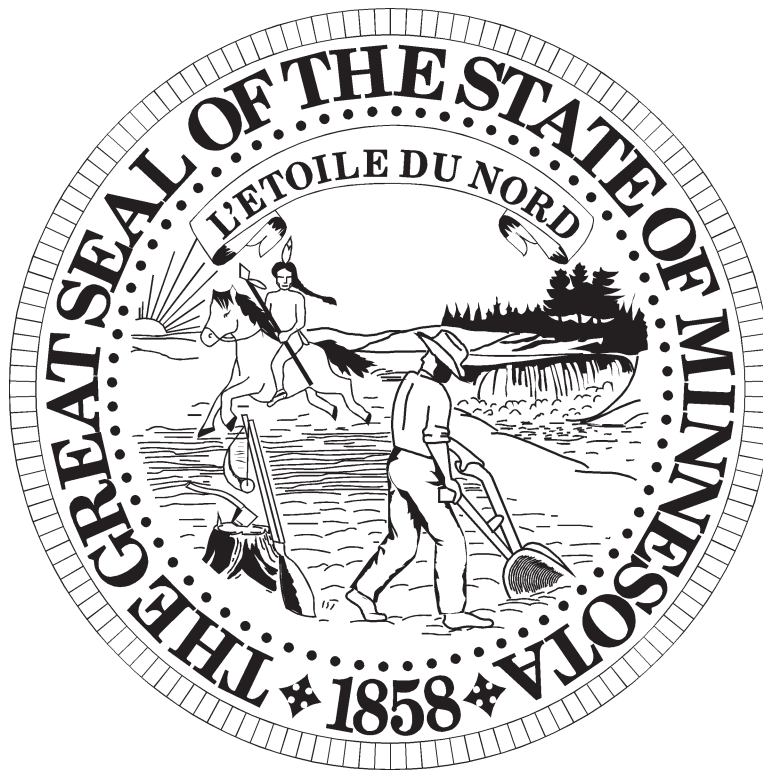


Minnesota State Register

(Published every Monday (Tuesday when Monday is a holiday.)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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

**Monday 19 May 2014
Volume 38, Number 47
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Minnesota State Register

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

The *Minnesota 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. It contains:

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- Withdrawn Rules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

Printing Schedule and Submission Deadlines

Vol. 38 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: all Short Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for LONG, Complicated Rules (contact the editor to negotiate a deadline)
# 48	TUESDAY 27 MAY	Noon Tuesday 20 May	Noon Thursday 15 May
# 49	Monday 2 June	Noon Tuesday 27 May	Noon Thursday 22 May
# 50	Monday 9 June	Noon Tuesday 3 June	Noon Thursday 29 May
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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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Proposed Rules

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

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

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

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

Minnesota Department of Agriculture (MDA)

Division of Pesticide and Fertilizer Management

Proposed Permanent Rules Relating to Anhydrous Ammonia Inspector Certification

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Permanent Rules Governing Anhydrous Ammonia Inspector Certification, *Minnesota Rules*, 1514; Revisor's ID Number 4215

Introduction. The Department of Agriculture 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 June 23, 2014.

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 Department of Agriculture agency contact person is: Luis Rivera at Minnesota Department of Agriculture, 625 Robert Street North, **phone:** (651) 201-6435, and **e-mail:** luis.rivera@state.mn.us. TTY users can call the Minnesota Relay Service at 711 or 1-800-627-3529.

Proposed Rules

Subject of Rules and Statutory Authority. The proposed rules address the certification of private inspectors that will be responsible for inspecting and certifying anhydrous ammonia facilities as in compliance with all applicable Minnesota Statutes and Rules. The statutory authority to adopt these rules is *Minnesota Statutes*, section 18C.111, Subd. 4. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on June 23, 2014, to submit written comments 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 Department 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. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department 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 June 23, 2014. 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 Department 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 Department 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 Department encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. 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 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 Department 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: May 7, 2014

Jim Boerboom, Deputy Commissioner
Minnesota Department of Agriculture

1514.0100 DEFINITIONS.

Subpart 1. Scope. The terms used in this chapter have the meanings given them in this part.

Subp. 2. Agency inspector. “Agency inspector” means an employee of the Department of Agriculture, who is authorized to conduct

Proposed Rules

inspections of anhydrous ammonia facilities, storage, and equipment.

Subp. 3. **Anhydrous ammonia facility.** “Anhydrous ammonia facility” means a facility that stores, sells, or handles anhydrous ammonia for agricultural purposes.

Subp. 4. **Certificate of compliance.** “Certificate of compliance” means a certificate issued by a certified anhydrous ammonia inspector to an anhydrous ammonia facility when the inspector has documented, in writing, full compliance with chapter 1513 and *Minnesota Statutes*, chapters 18C and 18D.

Subp. 5. **Certified anhydrous ammonia inspector.** “Certified anhydrous ammonia inspector” means an individual who has received certification under this chapter.

Subp. 6. **Commissioner.** “Commissioner” means the commissioner of agriculture or an authorized agent of the commissioner.

Subp. 7. **Compliance inspection.** “Compliance inspection” means an inspection performed by a certified anhydrous ammonia inspector that is equivalent to an inspection performed by an anhydrous ammonia agency inspector. The inspection certifies an anhydrous ammonia facility as compliant with chapter 1513 and *Minnesota Statutes*, chapters 18C and 18D.

Subp. 8. **Facility.** “Facility” means a fixed location consisting of all stationary fertilizer operations and systems permitted by the Department of Agriculture.

Subp. 9. **Full compliance.** “Full compliance” means that a permitted agricultural facility meets all requirements for anhydrous ammonia equipment and storage in chapter 1513 and *Minnesota Statutes*, chapters 18C and 18D, before the certificate of compliance is issued.

Subp. 10. **Routine inspection.** “Routine inspection” means an inspection conducted by an agency inspector that covers the requirements in chapter 1513 and *Minnesota Statutes*, chapters 18C and 18D.

Subp. 11. **System.** “System” means an assembly of equipment consisting of the container or containers, hoses, appurtenances, pumps, compressors, interconnecting piping, nurse tanks, toolbars, and field application units.

1514.0200 GENERAL PROVISIONS; CERTIFIED ANHYDROUS AMMONIA INSPECTOR.

Subpart 1. **Certificate of compliance.** Only a certified anhydrous ammonia inspector is authorized to issue a certificate of compliance to an anhydrous ammonia facility.

Subp. 2. **Certification card.** A certified anhydrous ammonia inspector, when conducting an inspection, must have in possession a valid certification card issued by the commissioner and must present it upon demand of the commissioner or upon demand of an owner or authorized agent of an anhydrous ammonia facility.

Subp. 3. **Certification not transferable.** Anhydrous ammonia inspector certification is not transferable to another individual. Certified anhydrous ammonia inspectors shall perform only inspections of anhydrous ammonia facilities permitted by the commissioner.

Subp. 4. **Issuance of certificate.** The certified anhydrous ammonia inspector must not issue a certificate of compliance unless the facility is in full compliance.

1514.0300 ANHYDROUS AMMONIA INSPECTOR CERTIFICATION.

Subpart 1. **Certification.** An applicant for an anhydrous ammonia inspector certification must be certified by the commissioner if the applicant meets the requirements of subparts 2 to 5 or 8. Upon certification, the commissioner shall issue the certified anhydrous ammonia inspector a certification card. If an applicant fails to pass any stage of the certification process, the applicant must not be certified, but is eligible to restart the certification process from the beginning.

Subp. 2. **Qualifications.** To be eligible to apply to be a certified anhydrous ammonia inspector, an applicant must meet the following requirements:

A. At a minimum, the applicant must have a high school diploma or GED and five years of experience working in at least two of the

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following areas:

- (1) handling anhydrous ammonia systems;
- (2) inspecting anhydrous ammonia systems;
- (3) maintaining anhydrous ammonia systems; or
- (4) installing anhydrous ammonia systems.

B. An individual seeking certification under this part must apply to the commissioner, on forms approved by the commissioner, to receive an anhydrous ammonia inspector certification and must submit proof of previous experience as specified in item A.

Subp. 3. **Classroom training.** The applicant must attend classroom training as approved by the commissioner. The classroom training must consist of basic safety requirements and a review of all anhydrous ammonia requirements in chapter 1513 and Minnesota Statutes, chapters 18C and 18D. The classroom training must be at least 16 hours in length and must include lectures, demonstrations, course review, and a final written examination.

Subp. 4. **Written exam.** In order to be certified as an anhydrous ammonia inspector, the applicant must pass a written examination required as part of the classroom training under subpart 3.

Subp. 5. **Practical training and skills test.** After completing the classroom training as required under subpart 3, and passing a written examination as required by subpart 4, an applicant must complete a practical training and skills test. The practical training must be at least eight hours in length and must include demonstrations, information on conducting anhydrous ammonia inspections, and inspection policies and procedures. The skills test must require the applicant to demonstrate the applicant's understanding and ability to conduct anhydrous ammonia inspections. An applicant must pass the practical training and skills test in order to complete the certification process.

Subp. 6. **Training partners.** The classroom training, written exam, and practical training and skills test must be offered by the commissioner or through a partner that the commissioner approves, or both. The commissioner is responsible for making available a list of partners to all applicants.

Subp. 7. **Attempts to pass and time limits.** Applicants have an 18-month time period and a total of three attempts to pass both the written examination and the practical training and skills test from the date that the applicant completes the classroom training required under subpart 3. If the applicant is unable to pass the written examination and both the classroom and practical training and skills test within the 18-month time period, the applicant must restart the certification process from the beginning by retaking the classroom training required under subpart 3.

Subp. 8. **Reciprocal certification agreements.** If classroom training, a written examination, or a practical training and skills test is offered by another jurisdiction or organization and is determined by the commissioner to be equal in standards to Minnesota's anhydrous ammonia inspector certification training and examination requirements, the commissioner may waive all or part of the training and examination requirements provided for in subparts 2 to 5. For the purposes of this subpart, the commissioner shall only approve a classroom training program, a written examination, or a practical training and skills test that is offered by another jurisdiction or organization if the classroom training program, written examination, or practical training and skills test meets or exceeds the applicable requirements in subparts 3 to 5.

1514.0400 RECERTIFICATION OF CERTIFIED ANHYDROUS AMMONIA INSPECTOR.

A. A certified anhydrous ammonia inspector must recertify at least once in a two-year period by taking recertification training approved by the commissioner. The recertification training must consist of a review of anhydrous ammonia safety issues and requirements of chapter 1513 and Minnesota Statutes, chapters 18C and 18D. The recertification training course may be up to eight hours in length, and must include lectures, demonstrations, and a course review.

B. If an individual fails to recertify the individual's inspector certification by March 1 of the individual's recertification year, the individual is no longer certified.

1514.0500 REVOCATION OR SUSPENSION OF ANHYDROUS AMMONIA INSPECTOR CERTIFICATION.

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Subpart 1. Authority. The agency retains all enforcement, revocation, suspension, and inspection authority as stated in chapter 1513 and Minnesota Statutes, chapters 18C and 18D. Any violations of the statutes and rules listed in this subpart are grounds for certification revocation.

Subp. 2. Return of certificate. If the commissioner revokes a certification, the individual must return the certification card to the agency. The agency must receive the certification card within ten business days of the date of revocation.

Subp. 3. Satisfaction of judgment. An applicant for a certified anhydrous ammonia inspector certification or a certified anhydrous ammonia inspector must not allow a final judgment against them arising from a violation of any provision in chapter 1513 or Minnesota Statutes, chapter 18C or 18D, to remain unsatisfied. An applicant who fails to satisfy a final judgment within 30 days must be removed from the certified inspector application process. If a certified anhydrous ammonia inspector fails to satisfy a final judgment, the commissioner must suspend the inspector's certification.

1514.0600 REQUIREMENTS RELATING TO NOTIFICATION, INSPECTION, AND ISSUANCE OF CERTIFICATE OF COMPLIANCE.

Subpart 1. Notification. If a compliance inspection is scheduled to occur, the anhydrous ammonia facility may notify the commissioner of that inspection no more than 30 days prior to the day of the inspection. If notified, the agency must not conduct a routine inspection of the anhydrous ammonia facility during the 30 days prior to the scheduled compliance inspection and the 30 days after completion of the initial inspection.

Subp. 2. Required elements of inspection.

A. When conducting an inspection, the certified anhydrous ammonia inspector must:

- (1) conduct an initial inspection and record all noncompliance issues present at the time of inspection;
- (2) provide the facility a copy of the recommended compliance schedule, as provided by the commissioner, to address noncompliance issues;
- (3) issue certificates of compliance to anhydrous ammonia facilities that are in full compliance; and
- (4) maintain inspection and certification records for three years from the date of issuance of the certificate of compliance.

B. Upon request from the commissioner, a certified anhydrous ammonia inspector must provide inspection and certification records to the commissioner.

C. The certification process must be completed within eight months, starting on the date of the initial inspection and ending with the issuance of the certificate of compliance to the facility by the certified inspector.

Subp. 3. Responsibilities of inspected facility. The owner or authorized agent of an anhydrous ammonia facility must:

- A.** document corrections of noncompliance issues on forms provided by the commissioner;
- B.** provide documentation to the certified anhydrous ammonia inspector that all noncompliance issues have been addressed; and
- C.** submit the certificate of compliance to the commissioner within two weeks of receiving the certificate of compliance.

EFFECTIVE DATE. Parts 1514.0100 to 1514.0600 are effective June 1, 2016.

Proposed Rules

Minnesota Department of Labor and Industry (DLI)

Proposed Permanent Rules Relating to Workers' Compensation Treatment with Spinal Cord Stimulators and Intrathecal Drug Delivery Systems

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04120

Proposed Amendment to Rules Governing Workers' Compensation Treatment Parameters, specifically Spinal Cord Stimulation and Intrathecal Drug Delivery Systems, *Minnesota Rules*, 5221.6200; 6221.6205; 5221.6210; and 5221.6305.

Introduction. The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on June 18, 2014, the Department will hold a public hearing in the Minnesota Room, 443 Lafayette Road North, St. Paul, Minnesota 55155, starting at 9:30 a.m. on Tuesday, July 1, 2014. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after June 18, 2014, and before July 1, 2014.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Suzanne Todnem at Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, phone: (651) 284-5006, fax: (651) 284-5725 and **e-mail:** dli.rules@state.mn.us. **TTY** users may call the Department of Labor and Industry at 651-297-4198.

Subject of Rules and Statutory Authority. The proposed rule amendments replace outdated terminology with current terminology and modify treatment parameter standards for treating chronic pain resulting from a workers' compensation injury to be consistent with current, accepted medical standards for quality health care and the Medical Services Review Board recommendation to the Department. Specifically, the proposed rules reorganize, clarify and update criteria to help determine when Spinal Cord Stimulators (SCS) and Intrathecal Drug Delivery Systems (IDDS) are appropriate treatment options for chronic low back pain (5221.6200); chronic neck pain (5221.6205); chronic thoracic back pain (5221.6210); and complex regional pain syndrome (CRPS), reflex sympathetic dystrophy, and causalgia of the upper and lower extremities (5221.6305).

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 176.83, subdivisions 3 to 5 and 176.103, subdivision 2. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, June 18, 2014, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, June 18, 2014. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

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

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

Cancellation of Hearing. The Department will cancel the hearing scheduled for July 1, 2014, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 284-5006 after June 18, 2014, to find out whether the hearing will be held or go online at: http://www.dli.mn.gov/PDF/docket/5221_6020_8900TrtmPar_3.pdf.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge O'Reilly is assigned to conduct the hearing. Judge O'Reilly's legal assistant, Denise Collins, can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900, and FAX 651-539-0300.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings and will be posted on the Department's rule docket web site at: http://www.dli.mn.gov/PDF/docket/5221_6020_8900TrtmPar_3.pdf. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

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

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. It is available online from the docket page at: http://www.dli.mn.gov/PDF/docket/5221_6020_8900TrtmPar_3.pdf

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

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

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the

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agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

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

Dated: 7 May 2014

Ken B. Peterson, Commissioner
Minnesota Department of Labor & Industry

5221.6200 LOW BACK PAIN.

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

Subp. 6. **Surgery, including decompression procedures and arthrodesis.** Surgery may only be performed if it also meets the specific parameters specified in subparts 11 to 13 and part 5221.6500. The health care provider must provide prior notification of nonemergency inpatient surgery according to part 5221.6050, subpart 9.

A. In order to optimize the beneficial effect of surgery, postoperative therapy with active and passive treatment modalities may be provided, even if these modalities had been used in the preoperative treatment of the condition. In the postoperative period the maximum treatment duration with passive treatment modalities in a clinical setting from the initiation of the first passive modality used, except bedrest or bracing, is as follows:

(1) eight weeks following lumbar decompression or implantation of a ~~dorsal column stimulator or morphine pump spinal cord stimulator or intrathecal drug delivery system~~; or

(2) 12 weeks following arthrodesis.

B. Repeat surgery must also meet the parameters of subparts 11 to 13 and part 5221.6500, and is not indicated unless the need for the repeat surgery is confirmed by a second opinion obtained before surgery, if a second opinion is requested by the insurer.

C. ~~The following surgical therapies~~ Spinal cord stimulators have very limited application and ~~require a second opinion that confirms that the treatment is indicated and within the parameters listed, and a personality or psychosocial evaluation that indicates that the patient is likely to benefit from the treatment are indicated only if the conditions of subitems (1), (2), and (3) are satisfied.~~

(1) ~~Dorsal column stimulator is indicated for a patient who has neuropathic pain, and is not a candidate for any other surgical therapy, and has had a favorable response to a trial screening period. The treating health care provider determines that a trial screening period of a spinal cord stimulator is indicated because the patient:~~

~~(a) has intractable pain;~~

~~(b) is not a candidate for another surgical therapy; and~~

~~(c) has no untreatable major psychological or psychiatric comorbidity that would prevent the patient from benefiting from this treatment. The treating health care provider shall refer the patient for a consultation by a psychologist or psychiatrist to assess the patient for psychological or psychiatric comorbidities. If an untreated comorbidity is diagnosed, reassessment for treatment with a spinal cord stimulator is indicated if the psychologist or psychiatrist determines that the comorbidity no longer prevents the patient from benefitting from the treatment.~~

~~(2) Morphine pump is indicated for a patient who has somatic pain, and is not a candidate for any other surgical therapy, and has had a favorable response to a trial screening period. Before the trial screening is conducted, a second opinion, from a provider outside of the treating provider's practice, must confirm that all the conditions of subitem (1) are satisfied and the patient has no contraindications to a spinal cord stimulator.~~

~~(3) Long-term use of a spinal cord stimulator is indicated if the treating health care provider documents that there has been at least a 50 percent improvement in pain during a trial screening period of at least three days, compared to the patient's pain level immediately preceding the trial screening period.~~

D. ~~Intrathecal drug delivery systems have very limited application and are indicated only if the conditions of subitems (1), (2), and (3) are satisfied.~~

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(1) The treating health care provider determines that a trial screening period of intrathecal drug delivery systems is indicated because the patient:

(a) has intractable pain;

(b) is not a candidate for another surgical therapy; and

(c) has no untreatable major psychological or psychiatric comorbidity that would prevent the patient from benefiting from this treatment. The treating health care provider shall refer the patient for a consultation by a psychologist or psychiatrist to assess the patient for psychological or psychiatric comorbidities. If an untreated comorbidity is diagnosed, reassessment for treatment with an intrathecal drug delivery system is indicated if the psychologist or psychiatrist determines that the comorbidity no longer prevents the patient from benefitting from the treatment.

(2) Before the trial screening is conducted, a second opinion, from a provider outside of the treating provider's practice, must confirm that all the conditions of subitem (1) are satisfied and the patient has no contraindications to an intrathecal drug delivery system.

(3) Long-term use of an intrathecal drug delivery system is indicated if the treating health care provider documents that there has been at least a 50 percent improvement in pain during a trial screening period of at least 24 hours, compared to the patient's pain level immediately preceding the trial screening period.

[For text of subps 7 to 13, see M.R.]

5221.6205 NECK PAIN.

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

Subp. 6. **Surgery, including decompression procedures and arthrodesis.** Surgery may only be performed if it meets the specific parameters of subparts 11 to 14 and part 5221.6500. The health care provider must provide prior notification for nonemergency inpatient surgery according to part 5221.6050, subpart 9.

A. In order to optimize the beneficial effect of surgery, postoperative therapy with active and passive treatment modalities may be provided, even if these modalities had been used in the preoperative treatment of the condition. In the postoperative period the maximum treatment duration with passive treatment modalities in a clinical setting from the initiation of the first passive modality used, except bedrest or bracing, is as follows:

(1) eight weeks following decompression or implantation of a ~~dorsal column stimulator or morphine pump~~ spinal cord stimulator or intrathecal drug delivery system; or

(2) 12 weeks following arthrodesis.

B. Repeat surgery must also meet the parameters of subparts 11 to 14 and part 5221.6500 and is not indicated unless the need for the repeat surgery is confirmed by a second opinion obtained before surgery, if requested by the insurer.

C. ~~The following surgical therapies~~ Spinal cord stimulators have very limited application and ~~require a second opinion which confirms that the treatment is indicated and within the parameters listed, and a personality or psychosocial evaluation indicates that the patient is likely to benefit from the treatment are indicated only if the conditions of subitems (1), (2), and (3) are satisfied.~~

(1) Dorsal column stimulator is indicated for a patient who has neuropathic pain, is not a candidate for any other invasive therapy, and has had a favorable response to a trial screening period. The treating health care provider determines that a trial screening period of a spinal cord stimulator is indicated because the patient:

(a) has intractable pain;

(b) is not a candidate for another surgical therapy; and

(c) has no untreatable major psychological or psychiatric comorbidity that would prevent the patient from benefiting from this treatment. The treating health care provider shall refer the patient for a consultation by a psychologist or psychiatrist to assess the patient for psychological or psychiatric comorbidities. If an untreated comorbidity is diagnosed, reassessment for treatment with a spinal cord stimulator is indicated if the psychologist or psychiatrist determines that the comorbidity no longer prevents the patient from benefitting from the treatment.

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(2) Morphine pump is indicated for a patient who has somatic pain, is not a candidate for any other invasive therapy, and has had a favorable response to a trial screening period. Before the trial screening is conducted, a second opinion, from a provider outside of the treating provider's practice, must confirm that all the conditions of subitem (1) are satisfied and the patient has no contraindications to a spinal cord stimulator.

(3) Long-term use of a spinal cord stimulator is indicated if the treating health care provider documents that there has been at least a 50 percent improvement in pain during a trial screening period of at least three days, compared to the patient's pain level immediately preceding the trial screening period.

D. Intrathecal drug delivery systems have very limited application and are indicated only if the conditions of subitems (1), (2), and (3) are satisfied.

(1) The treating health care provider determines that a trial screening period of an intrathecal drug delivery system is indicated because the patient:

(a) has intractable pain;

(b) is not a candidate for another surgical therapy; and

(c) has no untreatable major psychological or psychiatric comorbidity that would prevent the patient from benefiting from this treatment. The treating health care provider shall refer the patient for a consultation by a psychologist or psychiatrist to assess the patient for psychological or psychiatric comorbidities. If an untreated comorbidity is diagnosed, reassessment for treatment with an intrathecal drug delivery system is indicated if the psychologist or psychiatrist determines that the comorbidity no longer prevents the patient from benefitting from the treatment.

(2) Before the trial screening is conducted, a second opinion, from a provider outside of the treating provider's practice, must confirm that all the conditions of subitem (1) are satisfied and the patient has no contraindications to an intrathecal drug delivery system.

(3) Long-term use of an intrathecal drug delivery system is indicated if the treating health care provider documents that there has been at least a 50 percent improvement in pain during a trial screening period of at least 24 hours, compared to the patient's pain level immediately preceding the trial screening period.

[For text of subps 7 to 14, see M.R.]

5221.6210 THORACIC BACK PAIN.

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

Subp. 6. **Surgery, including decompression procedures.** Surgery may only be performed if it meets the specific parameters of subparts 11 to 13 and part 5221.6500. The health care provider must provide prior notification of nonemergency inpatient surgery according to part 5221.6050, subpart 9.

A. In order to optimize the beneficial effect of surgery, postoperative therapy with active and passive treatment modalities may be provided, even if these modalities had been used in the preoperative treatment of the condition. In the postoperative period the maximum treatment duration with passive treatment modalities in a clinical setting from the initiation of the first passive modality used, except bedrest or bracing, is as follows:

(1) eight weeks following decompression or implantation of a ~~dorsal column stimulator or morphine pump~~ spinal cord stimulator or intrathecal drug delivery system; or

(2) 12 weeks following arthrodesis.

B. Repeat surgery must also meet the parameters of subparts 11 to 13 and part 5221.6500 and is not indicated unless the need for the repeat surgery is confirmed by a second opinion obtained before surgery, if a second opinion is requested by the insurer.

C. ~~The surgical therapies in subitems (1) and (2)~~ Spinal cord stimulators have very limited application and require a second opinion which confirms that the treatment is indicated and within the parameters listed, and a personality or psychosocial evaluation which indicates that the patient is likely to benefit from the treatment and are indicated only if the conditions of subitems (1), (2), and (3) are satisfied.

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~~(1) Dorsal column stimulator is indicated for a patient who has neuropathic pain, and is not a candidate for any other invasive therapy, and has had a favorable response to a trial screening period. The treating health care provider determines that a trial screening period of a spinal cord stimulator is indicated because the patient:~~

~~(a) has intractable pain;~~

~~(b) is not a candidate for another surgical therapy; and~~

~~(c) has no untreatable major psychological or psychiatric comorbidity that would prevent the patient from benefiting from this treatment. The treating health care provider shall refer the patient for a consultation by a psychologist or psychiatrist to assess the patient for psychological or psychiatric comorbidities. If an untreated comorbidity is diagnosed, reassessment for treatment with a spinal cord stimulator is indicated if the psychologist or psychiatrist determines that the comorbidity no longer prevents the patient from benefiting from the treatment.~~

~~(2) Morphine pump is indicated for a patient who has somatic pain, and is not a candidate for any other invasive therapy, and has had a favorable response to a trial screening period. Before the trial screening is conducted, a second opinion, from a provider outside of the treating provider's practice, must confirm that all the conditions of subitem (1) are satisfied and the patient has no contraindications to a spinal cord stimulator.~~

~~(3) Long-term use of a spinal cord stimulator is indicated if the treating health care provider documents that there has been at least a 50 percent improvement in pain during a trial screening period of at least three days, compared to the patient's pain level immediately preceding the trial screening period.~~

~~D. Intrathecal drug delivery systems have very limited application and are indicated only if the conditions of subitems (1), (2), and (3) are satisfied.~~

~~(1) The treating health care provider determines that a trial screening period of an intrathecal drug delivery system is indicated because the patient:~~

~~(a) has intractable pain;~~

~~(b) is not a candidate for another surgical therapy; and~~

~~(c) has no untreatable major psychological or psychiatric comorbidity that would prevent the patient from benefiting from this treatment. The treating health care provider shall refer the patient for a consultation by a psychologist or psychiatrist to assess the patient for psychological or psychiatric comorbidities. If an untreated comorbidity is diagnosed, reassessment for treatment with an intrathecal drug delivery system is indicated if the psychologist or psychiatrist determines that the comorbidity no longer prevents the patient from benefiting from the treatment.~~

~~(2) Before the trial screening is conducted, a second opinion, from a provider outside of the treating provider's practice, must confirm that all the conditions of subitem (1) are satisfied and the patient has no contraindications to an intrathecal drug delivery system.~~

~~(3) Long-term use of an intrathecal drug delivery system is indicated if the treating health care provider documents that there has been at least a 50 percent improvement in pain during a trial screening period of at least 24 hours, compared to the patient's pain level immediately preceding the trial screening period.~~

[For text of subps 7 to 13, see M.R.]

5221.6305 COMPLEX REGIONAL PAIN SYNDROME (CRPS); REFLEX SYMPATHETIC DYSTROPHY; AND CAUSALGIA OF THE UPPER AND LOWER EXTREMITIES.

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

Subp. 3. **Surgery.**

A. Surgical sympathectomy may only be performed in patients who had a sustained but incomplete improvement with sympathetic blocks by injection.

B. ~~Dorsal column stimulator or morphine pump may be indicated for a patient with neuropathic pain unresponsive to all other~~

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treatment modalities who is not a candidate for any other therapy and has had a favorable response to a trial screening period. Use of these devices is indicated only if a second opinion confirms that this treatment is indicated, and a personality or psychosocial evaluation indicates that the patient is likely to benefit from this treatment. Spinal cord stimulators have very limited application and are indicated only if the conditions of subitems (1), (2), and (3) are satisfied.

(1) The treating health care provider determines that a trial screening period of a spinal cord stimulator is indicated because the patient:

(a) has intractable pain;

(b) is not a candidate for another surgical therapy; and

(c) has no untreatable major psychological or psychiatric comorbidity that would prevent the patient from benefitting from this treatment. The treating health care provider shall refer the patient for a consultation by a psychologist or psychiatrist to assess the patient for psychological or psychiatric comorbidities. If an untreated comorbidity is diagnosed, reassessment for treatment with a spinal cord stimulator is indicated if the psychologist or psychiatrist determines that the comorbidity no longer prevents the patient from benefitting from the treatment.

(2) Before the trial screening is conducted, a second opinion, from a provider outside of the treating provider's practice, must confirm that all the conditions of subitem (1) are satisfied and the patient has no contraindications to a spinal cord stimulator.

(3) Long-term use of a spinal cord stimulator is indicated if the treating health care provider documents that there has been at least a 50 percent improvement in pain during a trial screening period of at least three days, compared to the patient's pain level immediately preceding the trial screening period.

C. Intrathecal drug delivery systems have very limited application and are indicated only if the conditions of subitems (1), (2), and (3) are satisfied.

(1) The treating health care provider determines that a trial screening period of an intrathecal drug delivery system is indicated because the patient:

(a) has intractable pain;

(b) is not a candidate for another surgical therapy; and

(c) has no untreatable major psychological or psychiatric comorbidity that would prevent the patient from benefitting from this treatment. The treating health care provider shall refer the patient for a consultation by a psychologist or psychiatrist to assess the patient for psychological or psychiatric comorbidities. If an untreated comorbidity is diagnosed, reassessment for treatment with an intrathecal drug delivery system is indicated if the psychologist or psychiatrist determines that the comorbidity no longer prevents the patient from benefitting from the treatment.

(2) Before the trial screening is conducted, a second opinion, from a provider outside of the treating provider's practice, must confirm that all the conditions of subitem (1) are satisfied and the patient has no contraindications to an intrathecal drug delivery system.

(3) Long-term use of an intrathecal drug delivery system is indicated if the treating health care provider documents that there has been at least a 50 percent improvement in pain during a trial screening period of at least 24 hours, compared to the patient's pain level immediately preceding the trial screening period.

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

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 Pollution Control Agency (MPCA) Adopted Permanent Rules Relating to Feedlots

The rules proposed and published at *State Register*, Volume 38, Number 4, pages 79-99, July 22, 2013 (38 SR 79), are adopted with the following modifications:

7020.0205 INCORPORATION BY REFERENCE.

For the purposes of parts 7001.0020 and 7020.0200 to 7020.2225, the documents in items A to ~~K~~L are incorporated by reference. These documents are not subject to frequent change.

E. *Code of Federal Regulations*, title 40, part 412, Feedlots Point Source Category. This publication is available on the Internet at <http://www.epa.gov> <http://www.gpo.gov/fdsys/>.

F. *Code of Federal Regulations*, title 40, part 122, EPA Administered Permit Programs: The National Pollutant Discharge Elimination System. This publication is available on the Internet at <http://www.epa.gov> <http://www.gpo.gov/fdsys/>.

L. Vegetated Treatment Area, Conservation Practice Standard Code 635, United States Department of Agriculture, Natural Resources Conservation Service, June 2009, and as subsequently amended. This publication is available on the Internet at <http://efotg.sc.egov.usda.gov/references/public/mn/635mn.pdf>.

7020.0300 DEFINITIONS.

Subp. 13d. **Major modification.** "Major modification" means a modification that allows an expansion of animal unit or manure storage area capacity, changes the method of manure storage, or does not meet the criteria of part 7001.0190, subpart 3.

Subp. 14a. **Minor modification.** "Minor modification" means a modification that changes land identified in a manure management plan for manure application, nonroutine maintenance such as the replacement of a liquid manure storage area liner, physical changes to structures housing animals or holding manure that do not result in an expansion of animal unit or manure storage area capacity, or a modification that meets the criteria of part 7001.0190, subpart 3. For NPDES permits, classification as a minor modification under this subpart does not release the permittee from federal notice requirements.

Subp. ~~14a~~14b. **Modification.** "Modification" means a change to a facility component or operational practice described, required, or authorized by a permit issued under this chapter, including an expansion. Major and minor modifications are as defined in this part 7001.0190, Part 7020.0405, subpart 5, and chapter 7001 govern public notice of changes to permits under this chapter. A change to a facility component or operational practice that is not described, required, or authorized by a permit is not a modification, including changes to:

A. the type of crop or manure application rate if consistent with the methodology portion of the manure management plan and reflected in required records;

B. routine maintenance;

C. feeding or milking schedules;

Adopted Rules

D. animal diets;

E. bedding materials so long as consistent with approved design plans and specifications;

F. equipment used to clean the facility so long as consistent with approved design plans and specifications;

G. lands used as pasture; or

H. facility components not involved directly in animal or manure management such as an office or machine shed.

Subp. 17. **Owner.** “Owner” means all persons having ~~or proposing to have~~ possession, control, or title to an animal feedlot or manure storage area.

Subp. 18. **Pastures.** “Pastures” means:

B. agricultural land:

(3) where the concentration of animals is such that a vegetative cover ~~of, whether of grass, growing plants, or crops,~~ is maintained during the growing season ~~without the need for manure removal to avoid exceeding nutrient application rate standards as provided in part 7020.2225,~~ except in the immediate vicinity of temporary supplemental feeding or watering devices.

Subp. 27. **Waters of the United States.** “Waters of the United States” has the meaning given under ~~the federal Clean Water Act~~ Code of Federal Regulations, title 40, section 122.2.

7020.0405 PERMIT REQUIREMENTS.

Subpart 1. **Permit required.** Four types of permits are issued under this chapter and chapter 7001: interim permits, construction short-form permits, SDS permits, and NPDES permits. The owner shall apply for a permit as follows:

A. an ~~NPDES/SDS~~ NPDES permit for the construction, expansion, modification, or operation of a CAFO as required by federal law;

B. an SDS permit for the construction, expansion, modification, or operation of an animal feedlot or manure storage area:

(1) that is capable of holding, or will be capable of holding after construction, expansion, or modification, 1,000 or more animal units or the manure produced by 1,000 or more animal units;

Subp. 4. **New name; change of ownership.**

A. Before changing the name of the permittee of a facility operating under a permit issued under this chapter, the owner shall submit to the permitting authority, either the commissioner or county feedlot pollution control officer who issued the permit, documentation of the new name and the permitting authority shall issue a permit modification reflecting the new name.

Subp. 5. **Modification of permit.**

A. If an owner of a facility that has coverage under an ~~NPDES/SDS~~ NPDES or SDS permit plans to make a modification, the owner must follow the procedures in chapter 7001. ~~Modifications that do not meet the criteria in part 7001.0190 are considered Major modifications and~~ must follow the procedures in parts 7001.0100 to 7001.0130. Minor modifications must follow part 7001.0190.

7020.0505 PERMIT APPLICATIONS AND PROCESSING PROCEDURES.

Subp. 2. **Permit application submittal schedule.** An owner who is required to apply for a permit under part 7020.0405, subpart 1, shall apply according to the schedule provided in items A to D.

A. For ~~NPDES/SDS~~ NPDES permit coverage for an animal feedlot that:

Subp. 5. **Application processing.** Permit applications must be processed according to items A to C and any requirements specified under a permit.

A. ~~NPDES/SDS~~ NPDES permit applications and permits must be processed according to the procedures under this part and parts 7001.0010 to 7001.0210 and 7001.1000 to 7001.1150. The term of an ~~NPDES/SDS~~ NPDES permit is five years. ~~NPDES/SDS~~ NPDES permits must include all applicable requirements of Code of Federal Regulations, title 40, part 122, and all requirements necessary to

comply with this chapter and chapters 7001 and 7053.

7020.2003 WATER QUALITY DISCHARGE STANDARDS.

Subpart 1. **Subsurface discharges from animal feedlots and manure storage areas.** No person shall discharge animal manure, manure-contaminated runoff, or process wastewater from any animal feedlot, including a CAFO, or manure storage area into a sinkhole, fractured bedrock, well, surface tile intake, mine, quarry, or other direct conduits natural or constructed channels that convey fluids to groundwater.

Subp. 2. **Surface water discharges from CAFOs and animal feedlots with 1,000 animal units or more.** No person shall discharge animal manure, manure-contaminated runoff, or process wastewater from a CAFO or an animal feedlot with 1,000 animal units or more to waters of the United States or to surface waters of the state except as provided in this part.

A. An owner of an animal feedlot that is a CAFO or is capable of holding 1,000 animal units or more, or a manure storage area capable of holding the manure produced by 1,000 animal units or more, shall comply with the effluent limitation requirements of Code of Federal Regulations, title 40, part 412, and discharge only as authorized by an NPDES/SDS NPDES, SDS, or other applicable permit.

B. No discharge, as defined by Code of Federal Regulations, title 40, section 122.2, shall be allowed from a CAFO into waters of the United States, unless the animal feedlot or manure storage area has an NPDES/SDS NPDES permit authorizing such discharge.

7020.2100 LIQUID MANURE STORAGE AREAS.

Subpart 1. **General requirements; exemption.**

D. A liquid manure storage area that provides temporary storage or temporary processing of manure, manure-contaminated runoff, or process wastewater is not subject to this part if the commissioner determines that the liquid manure storage area is a limited risk liquid manure storage area. In making this determination, the commissioner shall consider the:

- (1) location of the proposed liquid manure storage area in relation to waters of the state;
- (2) geologic sensitivity of the proposed location;
- (3) length of time the manure, manure-contaminated runoff, or process wastewater is stored or processed in the liquid manure storage area;
- (4) likelihood of a discharge to waters of the state given the design standards that are proposed, including the volume that will be stored; and
- (5) type of material proposed to be stored and the material's expected pollutant concentration.

An exemption granted under this item does not prevent the agency from imposing permit conditions, if appropriate to protect human health and the environment, to govern construction and operation of the limited risk liquid manure storage area.

D. Liquid manure storage areas described in subitems (1) and (2), which provide temporary storage or processing, are exempt from this part, except for subparts 3, items C and D; 5, item A; and 7. The owner must submit design plans and specifications for review and approval prior to construction of a liquid manure storage area described in subitem (1) or (2) that include the information listed in subpart 4, items F, I, J, and N:

- (1) a liquid manure storage area constructed of concrete with a maximum volume of 5,000 gallons; and
- (2) a liquid manure storage area constructed of concrete with a maximum volume of 20,000 gallons, if it:
 - (a) is located in an area that would not be subject to the site restrictions in subpart 2; or
 - (b) has a minimum separation distance to bedrock of five feet.

An exemption granted under this item does not prevent the agency from imposing permit conditions, if appropriate to protect human health and the environment, or governing construction and operation of the exempt liquid manure storage area.

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E. A liquid manure storage area described in this item is exempt from this part, except for subparts 5, item A; and 7. The owner must submit design plans and specifications that include the information listed in subpart 4, item N. The exemption under this item applies to a liquid manure storage area designed, operated, and maintained as a solids settling area included as part of a vegetative treatment area designed according to level 4 or 5 of Vegetated Treatment Area, Conservation Practice Standard Code 635, incorporated by reference under part 7020.0205, provided:

(1) manure-contaminated runoff is purged from the liquid manure storage area within 24 hours; and

(2) the floor is constructed of:

(a) concrete; or

(b) one foot of cohesive soils and separated from bedrock by at least two feet of soils that are not coarser than a sandy loam.

An exemption granted under this item does not prevent the agency from imposing permit conditions, if appropriate to protect human health and the environment, or governing construction and operation of the exempt liquid manure storage area.

Subp. 2. **Site restrictions.** Except as provided in item C, the construction or expansion of a liquid manure storage area is prohibited in the areas identified under part 7020.2005 and items A and B.

B. In areas which are susceptible to soil collapse or sinkhole formation, the minimum separation distance to bedrock and the manure storage area liner design standards under subpart 3, item B, and prohibitions must be in accordance with subitems (1) to (3).

(3) Animal feedlots capable of holding 1,000 or more animal units or manure storage areas capable of holding the manure produced by 1,000 or more animal units that contribute to liquid manure storage areas at the facility shall comply with the following:

(c) where the separation distance to bedrock is ten feet or more and less than 15 feet, the manure storage area must be:

ii. concrete-lined with a secondary liner consisting of a synthetic liner, HDPE liner, or ~~one~~ two foot or greater cohesive soil liner; or

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.

Minnesota Department of Health (MDH) Public Hearing Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Federal Fiscal Year 2014 Preventive Health and Health Services Block Grant Funding

The Minnesota Department of Health will sponsor a public hearing to obtain comments on the proposed uses of the Preventive Health and Health Services Block Grant funds during federal fiscal year 2014. Further information on the use of those funds is available upon request.

The public hearing will be conducted as part of a meeting of the State Preventive Health Advisory Committee held Monday, June 2, 2014 at the Minnesota Department of Health, Orville Freeman Building, 625 Robert Street North, St. Paul, MN in Meeting Room B-149. The meeting and public hearing will begin at 1:30 p.m. Any person or group may submit either written or oral comments at the meeting.

Written comments must be submitted by noon Friday, May 30, 2014 to the address below. For further information contact:

Debra Burns, Director
Office of Performance Improvement
Minnesota Department of Health
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Phone: (651) 201-3873
E-mail: debra.burns@state.mn.us

Minnesota Department of Health (MDH) Division of Environmental Health REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Radioactive Materials, *Minnesota Rules*, Chapter 4731; Revisor's ID Number RD04233

Subject of Rules. The Minnesota Department of Health (MDH) requests comments on its possible amendment to rules governing Radioactive Materials. The Department is considering rule amendments that will incorporate requirements in order to maintain compatibility with U.S. Nuclear Regulatory Commission (NRC) regulations as required by our agreement. The Department is also considering minor editorial changes.

Persons Affected. The amendment to the rules would likely affect persons who are licensed by MDH to manufacture, produce, transfer, receive, acquire, own, possess, or use radioactive material.

Statutory Authority. *Minnesota Statutes*, sections 144.1202 and 144.1203, authorize the MDH to adopt rules that allow the state to assume regulatory authority under an agreement with the US Nuclear Regulatory Commission, including licensing and regulation of radioactive materials, and to ensure that individuals handling or utilizing radioactive materials have proper training and qualifications.

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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 Department intends to adopt or to withdraw the rules. The Department will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Department does not plan to appoint an advisory committee to comment on the possible rules.

Rules Drafts. The Department anticipates that it will make a draft of the rule amendments available on its website 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: Sherrie Flaherty at Minnesota Department of Health, P.O. Box 64975, St. Paul, MN, 55164-0975, **phone:** (651) 201-4522, and **e-mail:** sherrie.flaherty@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: April 30, 2014

Tom Hogan, Director
Division of Environmental Health
Minnesota Department of Health

Minnesota Department of Human Services (DHS) Minnesota Board on Aging Aging and Adult Services Division Notice of Request for Comment on Proposed FFY 2015-2017 Minnesota State Plan on Aging

The Minnesota Board on Aging requests comments on the proposed State Plan on Aging for federal fiscal years 2015-2017. The Minnesota Board on Aging is required to submit a new State Plan on Aging to the U.S. Administration on Aging (AoA) on July 1, 2014. The State Plan addresses the ways in which the Minnesota Board on Aging is helping to prepare the state for the aging of the population. The state plan also articulates the role of Older Americans Act core and discretionary programs in the state's long-term care system. Outlined below are the four Goals for the State Plan on Aging.

Goal 1: Educate and empower older adults and their families to make informed decisions about, and be able to easily access, home and community-based services.

Goal 2: Enable older adults and family caregivers to Live Well at HomeSM by accessing proven interventions and home and community-based services.

Goal 3: Ensure the rights of older adults and prevent their abuse, neglect and exploitation.

Goal 4: Assist communities to support and engage their older population.

The thirty-day public comment period begins May 19, 2014 and ends at 4:30 p.m. on June 18, 2014. The full text of the proposed State Plan on Aging is available by contacting:

Kari Benson

Planning Coordinator
Minnesota Board on Aging
Aging and Adult Services Division
P.O. Box 64976
St. Paul, MN 55164-0976
E-mail: Kari.benson@state.mn.us

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

This notice is 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.

Effective with dates of service on or after June 1, 2014, the Department shall pay for Youth Assertive Community Treatment (Youth ACT) services using the updated geographical per-diem amounts listed below:

Central	\$190.66
Metro	\$192.65
Northeast	\$178.60
Northwest	\$185.28
Southeast	\$149.63
Southwest	\$170.01

This is an annual update to the payment rate and is estimated to result in a net increase of \$1,179,000 in the Medical Assistance program for state fiscal year 2015.

For more information, please contact Martha Aby at **phone:** (651) 431-4860 or via **e-mail:** martha.j.abby@state.mn.us.

Minnesota Department of Human Services (DHS) Health Care Purchasing and Delivery Systems Division Health Care Administration Public Notice of Maximum Allowable Costs of Medical Assistance Outpatient Prescribed Drugs

NOTICE IS HEREBY GIVEN to recipients, providers of services, and to the public of additions to the state Medical Assistance maximum allowable cost (state MAC) list for certain outpatient prescribed drugs.

At least once each calendar year, the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services, publishes a federal upper limit (FUL) payment schedule for many commonly prescribed multiple-source drugs. The federal upper limit is set at a rate equal to 150 percent of the published price for the least costly therapeutic equivalent that can be purchased by pharmacists. This FUL payment schedule constitutes the federal MAC list. For many multiple-source drugs that are not on the federal MAC list, the Department establishes a state MAC list. Additionally, the Department imposes a state MAC for many multiple-source drugs that are on the federal MAC list, as long as the aggregate savings are at least as much as the savings would be using the federal MAC list.

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The Department requires Medical Assistance pharmacy providers to submit their usual and customary costs. Pharmacy providers are reimbursed at the lower of: 1) the state MAC or the estimated acquisition cost determined using wholesale acquisition cost, plus a dispensing fee; or 2) the submitted usual and customary charge to the general public.

No earlier than May 20, 2014 the Department may add the following outpatient prescribed drugs to the state MAC list:

Drug Name

Esomeprazole Magnesium
Risedronate

These additions are made to bring Medical Assistance reimbursement to pharmacists more closely in line with the actual acquisition cost of the drugs listed above. The Department estimates that there will be a state savings of \$30,000.00 for State Fiscal Year 2014 (July 1, 2013 through June 30, 2014).

This notice is published pursuant to *Code of Federal Regulations*, Title 42, section 447.205, which requires publication of a notice when there is a rate change in the methods and standards for setting payment rates for Medical Assistance services.

Written comments and requests for information may be sent to:

Pharmacy Program Manager Sara Drake R.Ph.
Health Services and Medical Management Division
Health Care Administration
Minnesota Department of Human Services
P.O. Box 64984
St. Paul, Minnesota 55164-0984.

Minnesota Department of Human Services (DHS) Health Care Administration Request for Comments on the Minnesota Family Planning Program Section 1115 Medicaid Waiver Extension Request

DHS is announcing a 30-day comment period on a request to extend the Minnesota Family Planning Program (MFPP) Section 1115 Medicaid waiver. Through this waiver, the State has the authority to receive federal matching funds for family planning services to men and women, age 15 to 50, who have family incomes at or below 200 percent of the federal poverty level and who are not enrolled in Medical Assistance or MinnesotaCare. On June 27, 2013 the Centers for Medicare & Medicaid Services (CMS) approved a temporary extension of the MFPP waiver. The waiver is currently approved through December 31, 2014. Pending state legislation would require DHS to seek state plan authority for the program. A second extension of the waiver will allow the current program to continue as DHS negotiates the transition to state plan authority. The waiver extension request will seek to continue operating MFPP under the existing program rules through December 31, 2015.

DHS invites public comment on the extension of this waiver. Comments received during the comment period will be posted on the DHS website. A copy of the waiver extension request can be found at http://www.dhs.state.mn.us/dhs16_175262. 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 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 June 18, 2014.

James I. Golden, PhD
Medicaid Director
Minnesota Department of Human Services

P.O. Box 64983
St. Paul, Minnesota 55164-0983

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 by phone or in person. If you would like to attend by phone, please send an e-mail request to Section1115WaiverComments@state.mn.us to obtain the call-in information. If you would like to attend a hearing in person, the locations 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 indicating that you will testify.

Public Hearing #1
Date: Tuesday, May 27, 2014
Time: 9:00 a.m.
Location: Department of Human Services
Elmer L. Andersen Human Services Building
540 Cedar Street, Room 2380
St. Paul, MN 55101

(This hearing will be held in conjunction with the previously scheduled post-award public forum on the MFPP waiver)

Public Hearing #2
Date: Wednesday, May 28, 2014
Time: 2:30 p.m.
Location: Department of Human Services
444 Lafayette Rd., Room 3146
St. Paul, MN 55155

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.

On December 20, 2013 the Centers for Medicare & Medicaid Services (CMS) approved a temporary extension of Minnesota's Prepaid Medical Assistance Project Plus (PMAP+) Section 1115 waiver. This waiver extension has allowed Minnesota to continue to operate the MinnesotaCare Program while preparing to transition to a Basic Health Plan in calendar year 2015. The current waiver ends December 31, 2014.

DHS expects that the PMAP+ waiver will no longer be needed for MinnesotaCare once the state receives federal approval for a Basic Health Plan. However, some provisions in the existing waiver will remain necessary. For example, the PMAP+ waiver will still be necessary to continue operating the Medical Assistance Program as it stands today, including mandatory managed care for groups that would otherwise be excluded and payment of medical education and research.

DHS invites public comment on the PMAP+ waiver. Comments received will be posted on the DHS website. A copy of the waiver renewal request can be found at: 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 email mailbox: 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 email text. If you would also like

Official Notices

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 June 18, 2014.

James I. Golden, PhD
Medicaid Director
Minnesota Department of Human Services
P.O. Box 64983
St. Paul, Minnesota 55164-0983

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 by phone or in person. If you would like to attend by phone, please send an email request to Section1115WaiverComments@state.mn.us to obtain the call-in information. If you would like to attend a hearing in person, the locations for the two public hearings are provided below. If you plan to testify by phone or in person, please send an email to Section1115WaiverComments@state.mn.us indicating that you will testify.

Public Hearing #1
Date: Wednesday, May 21, 2014
Time: 1:30 p.m.
Location: Department of Human Services
Elmer L. Andersen Human Services Building, Room 2390
540 Cedar Street
St. Paul, MN 55101

(This hearing will be held in conjunction with the previously scheduled post-award public forum on the PMAP waiver)

Public Hearing #2
Date: Wednesday, May 28, 2014
Time: 1:00 p.m.
Location: Department of Human Services
444 Lafayette Road., Room 3146
St. Paul, MN 55155

Minnesota Department of Labor & Industry (DLI) Labor Standards Unit Notice of Correction to Commercial Construction Prevailing Wage Rates for Electricians in Carver, Hennepin, Scott and Wright Counties

Corrections have been made to the **Commercial Construction Prevailing Wage Rates** certified 11/18/13, **Labor Code 707, (Electrician)** in Carver, Hennepin, Scott and Wright Counties.

Copies with the corrected certified wage rates for these Regions may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at www.dli.mn.gov. Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that.

Make check or money order payable to the State of Minnesota.

Ken B. Peterson, Commissioner
Minnesota Department of Labor & Industry

**Minnesota Department of Transportation (Mn/DOT)
Notice of Suspensions/Debarments****NOTICE OF DEBARMENT**

NOTICE IS HEREBY GIVEN that 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

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.

SEE ALSO: Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Minnesota Department of Commerce Division of Energy Resources Notice of Request for Proposals for Applied Research and Development Projects

The Minnesota Department of Commerce, Division of Energy Resources seeks proposals from organizations or individuals interested in applied research and development projects that serve to accelerate the development and adoption of new energy efficient technologies and innovative program strategies in Minnesota. The information obtained from this effort is intended to inform electric and natural gas utility Conservation Improvement Program (CIP) development and state energy policy. Up to \$1.5 million in total is available for this particular Request for Proposal (RFP).

The RFP and required forms will be available for download on the Department's website:

<http://mn.gov/commerce/topics/request-for-proposals/>

through Friday, August 29, 2014. Responders may also request a hard copy of the RFP by mail from this office. Requests for hard copies must be received by the Department no later than 12:00 p.m. (Noon) Central Daylight Time (CDT), on Wednesday, August 27, 2014.

The RFP and forms can be obtained from:

Preferred Method: <http://mn.gov/commerce/topics/request-for-proposals/>

U.S. Postal Service: Grants Staff
Minnesota Department of Commerce
Division of Energy Resources
85 Seventh Place East, Suite 500
Saint Paul, MN 55101

The Notice of Intent to propose in response to this RFP must be submitted by electronic means and received by the Department no later than 11:59 p.m. CDT, Monday, June 23, 2014. Only successful Responders of the Notice of Intent process are eligible to submit a full proposal in response to this RFP. Full proposals must be submitted by electronic means and received by the Department no later than 11:59 p.m. CDT, Friday, August 29, 2014. **Late proposals will NOT be considered.** Instructions for submitting proposals are detailed in the RFP.

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 Corrections (DOC)

Notice of Request for Proposals to Provide American Indian Offender Reintegration Services

The Minnesota Department of Corrections (DOC) is seeking proposals to provide risk-reduction services with a preference for culturally specific programming which includes but is not limited to American Indian offenders. These funds are specifically intended for offenders residing in rural northern Minnesota counties. The funded program must demonstrate an improvement to public safety while reducing recidivism through collaborative partnerships in the following Minnesota locations: Location 1 - Becker, Beltrami, Cass, Clearwater, Hubbard, Itasca, and Mahnomen Counties; and Location 2 - Mille Lacs County. The county of residence must be one of the counties in Location 1 or Location 2.

No more than two grants will be awarded. The term of this grant is anticipated to run from July 15, 2014 to June 30, 2015. The total amount of funding for one year in Location 1 is \$200,000.00 and Location 2 is \$50,000.00. Responder's proposals may address one or both locations. The grant will be financed from funds made available through the DOC. The DOC may elect to extend the grant for three one-year terms based upon satisfactory delivery of services and appropriate funding levels.

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.

The deadline for proposal submission is 1:00 p.m. CDT on June 9, 2014. The full RFP will be sent free of charge in response to requests to the contact person listed below.

Diane Lunda
Department of Corrections Grants and Subsidies Unit
1450 Energy Park Drive Suite 200
St. Paul, MN 55108-5219
E-mail: Diane.Lunda@state.mn.us

State Contracts

In addition to the following listing of state contracts, readers are advised to check the Statewide Integrated Financial Tools (SWIFT) Supplier Portal at: <http://supplier.swift.state.mn.us> as well as the Office of Grants Management (OGM) at: <http://www.grants.state.mn.us/public/>

Informal Solicitations: Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be advertised in the Supplier Portal (see link above) or posted on the Department of Administration, Materials Management Division's (MMD) Web site at: <http://www.mmd.admin.state.mn.us/solicitations.htm>.

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 advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWIFT system.

Minnesota State Colleges and Universities (MnSCU)

Hennepin Technical College

Notice of Availability of Request for Proposals (RFP) for Contract Security Services for Hennepin Technical College, Brooklyn Park Campus and Eden Prairie Campus

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Hennepin Technical College, is soliciting proposals for a vendor to provide contract security services. The selected vendor will provide exceptional security services through the use of experienced, uniformed officers in accordance with the specification requirements and conditions listed in the RFP.

Proposals for this project will be received by:

Julie Kaiser
Hennepin Technical College
13100 College View Drive
Eden Prairie, MN 55347

No later than 10:00 AM, June 6, 2014.

Contact Julie Kaiser for a complete RFP: **e-mail:** julie.kaiser@hennepintech.edu , or **phone:** (952) 995-1445

Minnesota State Colleges and Universities (MnSCU)

Riverland Community College

Request for Proposal (RFP) for Athletic Dept. Murals & Logo/Graphics Artwork

NOTICE IS HEREBY GIVEN that Riverland Community College is seeking proposals for Athletic Dept. murals & Logo/graphics artwork for the gymnasium area of the East bldg. of the Austin Campus of Riverland Community College.

The RFP is available by contacting Page Petersen, College Buyer, at (507) 433-0650 or e-mailing: page.petersen@riverland.edu.

Sealed proposals must be received by Page Petersen by **4:00 p.m. on Tuesday, June 10, 2014**. Proposals should be mailed to Page Petersen, Buyer, Riverland Community College, 1900 8th Ave NW, Austin, MN 55912. Riverland Community College reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

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.

Minnesota State Colleges and Universities (MnSCU)

Winona State University

Request for Proposal (RFP) for Vendor Services for an Indoor Climbing Wall within Wabasha Recreation Center

Winona State University is soliciting proposals from interested, qualified vendors to assist the Owner in the planning, design, construction and installation of an indoor climbing wall, located within Wabasha Recreation Center, at Winona State University's campus in Winona, Minnesota.

A full Request for Proposal is available on the Owner's website at the following address:

<http://www.winona.edu/facilities/Advertised-Bids-or-Proposals.asp>

In addition to the RFP document, the Owner has also made available the original construction documents of this building, and existing photos of the current conditions and space.

Any questions regarding the RFP, proposal preparation or the project shall be submitted to Patricia Bremer via e-mail at pbremer@winona.edu by 4:00 pm CST on May 27, 2014. All questions, answers and additional information or changes to the RFP will be posted as an addendum to the RFP on the Owner's website by 4:00 pm CST on May 28, 2014.

Proposals must be delivered to Patricia Bremer, Campus Planner, Facilities Services Building Office #203, 175 W. Mark Street, Winona, MN 55987 no later than **3:00 pm CST, June 3, 2014**.

Winona State University is not obligated to complete the proposed project and reserves the right to cancel the solicitation if it is considered to be in its best interest.

Minnesota State Council on Disability

Request for Proposal: Americans with Disabilities Act (ADA) Employment Focused Research Study

Project Overview

The Minnesota State Council on Disability (The Council) is seeking proposals from a market research firm that has experience in conducting quantitative and qualitative surveys of Minnesota households and businesses in the health, human services, employment and/or disability fields. Work will be conducted in diverse geographical areas/population centers. Firm must also have experience in convening and moderating focus groups. Work in the disability community is preferred.

To receive a complete copy of the proposal request/specifications, please contact Mai Thor, Project Lead, Minnesota State Council on Disability at: Mai.thor@state.mn.us

For questions about the request for proposal, please contact Mai Thor, mai.thor@state.mn.us, or (651) 361-7803

Sealed proposals must be received by Mai Thor **by 2:30 p.m. CDT on or before Friday May 30, 2014**.

Proposals should be mailed or hand delivered to:

Minnesota State Council on Disability
Project Lead: Mai Thor
121 E. 7th Place, Suite 107
Saint Paul, MN 55101

The copy of the proposal must be unbound and signed in blue or black ink by an authorized representative of the vendor. Proof of

State Contracts

authority of the person signing must accompany the response. **Proposals received after this date and time will be returned to the responder un-opened. Fax and e-mail responses will NOT be considered.**

PROPOSAL CLOSE DATE IS FRIDAY May 23, 2014 – 2:30 PM CDT

Legislative Branch

Minnesota Legislative Commission on Pensions and Retirement Request for Proposals for Actuarial Services

The Legislative Commission on Pensions and Retirement (LCPR) requests proposals from qualified actuarial consulting firms to provide a range of actuarial services to the Commission.

For a copy of the full text of the RFP, please go to: www.lcpr.leg.mn/rfp.htm

Or contact:

Lawrence A. Martin, Executive Director
Minnesota Legislative Commission on Pensions and Retirement
Room 55 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-1298
Phone: (651) 296-2750 (voice)
E-mail: lcpr@leg.mn.us

All proposals must satisfy the criteria as outlined in the full text of the RFP. Proposals must be received by **5:00 p.m. CDT on June 13, 2014**. Proposals postmarked or received after that time on that date will not be considered. All expenses incurred in responding to this notice shall be borne by the responder.

MNSure (Minnesota's Health Insurance Marketplace) Request for Proposals: MNSure Advertising Campaign

MNSure is beginning its second statewide advertising campaign aimed at reaching uninsured, underinsured and all individuals and populations who need affordable, comprehensive health care with the goal of enrolling them in health insurance coverage through MNSure. It is seeking Proposals from eligible entities to tell this story.

A complete copy of the Request for Proposals is available on MNSure's website at:

<https://www.mnsure.org/assisters/funding-opps.jsp>

Proposals are due by 3:00 p.m. Central Time on Monday, June 9, 2014 and must be submitted by mail, express service or in person to Kevin Donnan-Marsh, Chief Procurement Officer, 81 East 7th Street, Suite 300, Saint Paul, MN 55101. Questions regarding the RFP may be e-mailed to Kevin.Marsh@state.mn.us with the subject line "Advertising RFP Questions." For additional information, please visit MNSure's website, <https://www.mnsure.org/>.

MNsure (Minnesota's Health Insurance Marketplace) Request for Proposals: MNsure Outreach Campaign

MNsure is seeking Proposals from eligible entities to run a state-wide grassroots outreach campaign aimed at reaching uninsured, underinsured and all individuals and populations who need affordable, comprehensive health care with the goal of enrolling them in health insurance coverage through MNsure.

A complete copy of the Request for Proposals is available on MNsure's website at:

<https://www.mnsure.org/assisters/funding-ops.jsp>

Proposals are due by 3:00 p.m. Central Time on Monday, June 9, 2014 and must be submitted by mail, express service or in person to Kevin Donnan-Marsh, Chief Procurement Officer, 81 East 7th Street, Suite 300, Saint Paul, MN 55101. Questions regarding the RFP must be e-mailed to *Kevin.Marsh@state.mn.us* with the subject line "Outreach RFP Questions." For additional information, please visit MNsure's website, *<https://www.mnsure.org/>*.

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

State Contracts

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

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.grants.state.mn.us/public/>.

Dakota County Transportation Department

Transit Office on behalf of

Dakota County Regional Railroad Authority

Notice of Request for Proposals (RFP) for Consultant Services on Development of an Update to the Cedar Avenue Transitway Implementation Plan

NOTICE IS HEREBY GIVEN That Dakota County is requesting proposals on behalf of the Dakota County Regional Railroad Authority for professional transit planning, modeling and engineering services to provide full management, analysis, assessment and implementation of the following: Implementation Plan Update, including preparation of updating the 2010 Cedar Avenue Transitway Implementation Plan (amended in August 2011), through analysis and assessment of current and projected ridership along with other transitway needs and factors. Priority projects and needs will be established, with timeframes and costs estimated and identified in a phased plan with improvements and expansions identified through 2040. The consultant will provide project oversight and management of all needed activities for a full comprehensive planning and implementation plan document for Cedar Avenue Transitway from CSAH 70 in Lakeville to the Mall of America in Bloomington.

Non-State Public Bids, Contracts & Grants

The following is the anticipated solicitation schedule:

Monday, May 5, 2014 - Issue Request for Proposals
Thursday, **May 29, 2014 - Receive Proposals by 11:00 am**
Wednesday, June 18, 2014 - Award of Contract

The full Request for Proposal can be obtained from:

Kristine Elwood, P.E.
Transit and Multi-Modal Programs Manager
Dakota County Transportation Department
14955 Galaxie Avenue, 3rd Floor
Telephone: (952) 891-7104
E-mail: kristine.elwood@co.dakota.mn.us

Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for 2014 Miscellaneous Modifications Terminal 2-Humphrey and Outbuildings

MAC Contract No.:	106-3-500
Bids Close At:	2:00 p.m. June 10, 2014

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 projects includes general, mechanical, and electrical construction.

Targeted Group Businesses (TGB): The goal of the MAC for the utilization of TGB on this project is 5%.

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 Minnesota Builder's Exchange; McGraw Hill Construction; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from Miller Dunwiddie Architecture, Inc.; 123 North Third Street, Suite 104; Minneapolis, MN, 55401; **phone:** (612) 337-0000; **fax:** (612) 337-0031. Make checks payable to: Miller Dunwiddie Architecture, Inc. Deposit per set (refundable): \$100.00. Requests for mailing sets will be invoiced for mailing charges Deposit will be refunded upon return of drawings, specifications, and addenda 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 May 19, 2014, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).



Several convenient ways to order:

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

PREPAYMENT REQUIRED. Prices and availability subject to change.

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

Stock No.	Title	Quantity	Unit Price	Total

Send my order to:

Company _____

Name _____

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

City () State Zip

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

Credit card number: _____

Expiration date: _____ Signature: _____

Shipping Charges

<i>If Product</i>	<i>Please</i>
<i>Subtotal is:</i>	<i>Add:</i>
Up to \$15.00	\$ 5.00
\$15.01-\$25.00	\$ 6.00
\$25.01-\$50.00	\$ 9.00
\$50.01-\$100.00	\$ 14.00
\$100.01-\$1,000	\$ 17.00*
<small>*\$17 to an address in MN, WI, SD, ND, IA. If delivered to an address in other states, Canada or internationally, we will contact you if there are additional charges.</small>	
More than \$1,000	Call

Product Subtotal _____

Shipping _____

Subtotal _____

Sales tax _____

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

TOTAL _____

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