

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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;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 6 October 2014
Volume 39, Number 14
Pages 441 - 508**

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- Withdrawn Rules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. 39 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)		
# 15	Monday	13	October	Noon Tuesday	7	October	Noon Thursday	2	October
# 16	Monday	20	October	Noon Tuesday	14	October	Noon Thursday	9	October
# 17	Monday	27	October	Noon Tuesday	21	October	Noon Thursday	16	October
# 18	Monday	3	November	Noon Tuesday	28	October	Noon Thursday	23	October

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Website: www.senate.mn

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State Office Building, Room 175,
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155
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St. Paul, MN 55155 **Website:** www.mncourts.gov

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U.S. Government Printing Office – Fax: (202) 512-1262
Website: http://www.access.gpo.gov/su_docs/aces/aces140.html

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For additional grants go to the Office of Grants Management (OGM) at:

<http://www.grants.state.mn.us/public/>

Revisor of Statutes - *RULES STATUS*:

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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

Volume 39 - Minnesota Rules

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.0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600; .1700;
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Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

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

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

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

Minnesota Board of Water and Soil Resources (BWSR)

Proposed Permanent Rules Relating to Local Water Management

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 4162

Proposed Amendment to Rules Governing Metropolitan Area Local Water Management, *Minnesota Rules*, Chapter 8410; repealing parts 8410.0070, 8410.0090 to 8410.0130, and 8410.0170

Introduction. The Board of Water and Soil Resources 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 November 10, 2014, the agency will hold a public hearing in the Board Room, Minnesota Pollution Control Agency and Board of Water and Soil Resources, 520 Lafayette Road North, Saint Paul, MN 55155, starting at 2:00 p.m. on Tuesday, December 2, 2014. To find out whether the agency will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after November 10, 2014 and before December 2, 2014, or check on-line at: www.bwsr.state.mn.us/planning/metro/index.html, right sidebar.

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: Jim Haertel, Metro Region Manager, Board of Water and Soil Resources, 520 Lafayette Road North, Saint Paul, MN 55155; **telephone:** (651) 297-2906, **fax:** (651) 297-5615, and **e-mail:** jim.haertel@state.mn.us. TTY users may call the agency through Minnesota Relay at 1-800-627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about the amendment of the rules governing local water management in the Twin Cities Metropolitan Area. The statutory authority to adopt the rules is *Minnesota Statutes*, sections 103B.211, 103B.227, 103B.231, 103B.235 and 103B.239. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. This notice, the proposed rules and other information is available on-line at: www.bwsr.state.mn.us/planning/metro/index.html, right sidebar.

Comments. You have until 4:30 p.m. on Monday, November 10, 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. Any comments that you have about the

Proposed Rules

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

Alternative Format/Accommodation. Upon request, 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 contact information listed above.

Modifications. The agency might 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 agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate in the rulemaking process.

Cancellation of Hearing. The agency will cancel the hearing scheduled for December 2, 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 contact the agency contact person at the contact information listed above after November 10, 2014, to find out whether the hearing will be held or check on-line at: www.bwsr.state.mn.us/planning/metro/index.html, right sidebar.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the agency will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The agency 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 Eric L. Lipman is assigned to conduct the hearing. Judge Lipman can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7881, and **fax:** (651) 539-0030.

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

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

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. It is available on-line at: www.bwsr.state.mn.us/planning/metro/index.html, right sidebar.

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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, Saint Paul, MN 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 agency will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

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

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

Dated: September 24, 2014

John Jaschke, Executive Director
Minnesota Board of Water and Soil Resources

8410.0010 SCOPE.

Subpart 1. **Application.** ~~Upon adoption, Parts 8410.0010 to 8410.0180~~ 8410.0160 apply to the general administration of metropolitan watershed management activities and to ~~ten-year plan amendments to existing plans made approved by the board one year or later after January 1, 1995~~ the effective date of this section, except when a watershed management organization requests approval of a ten-year plan amendment or portions of an amendment under parts 8410.0010 to 8410.0160 within one year of the effective date of this section. ~~If no plan has been submitted to the board by August 3, 1992, any plan thereafter submitted must be in compliance with parts 8410.0010 to 8410.0180: A watershed management organization must shall amend its plan consistent with parts 8410.0010 to 8410.0180 and submit amendments to the board according to its amendment schedule and amendment procedures outlined in part 8410.0140, but not later than ten years from the date of initial plan approval consistent with this chapter.~~

Subp. 2. [See repealer.]

8410.0020 DEFINITIONS.

Subpart 1. **Scope Applicability.** The definitions in this part and in *Minnesota Statutes*, section 103B.205, apply to parts 8410.0010 to 8410.0180 and have the meanings given them.

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

Subp. 3. **Capital improvement.** "Capital improvement" means a physical improvement that has an extended useful life. A capital improvement is not directed toward maintenance of an in-place system during its life expectancy.

Subp. 3a. **Capital improvement program.** "Capital improvement program" has the meaning given in *Minnesota Statutes*, section 103B.205, subdivision 3.

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. **Groundwater plan.** "Groundwater plan" means a county plan approved by the board and adopted under *Minnesota Statutes*, section 103B.255.

[For text of subp 7, see M.R.]

Subp. 8. **Local government unit or unit.** "Local government unit" ~~or "unit"~~ has the meaning given it in *Minnesota Statutes*, section 473.852, subdivision 7.

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Subp. 8a. **Local water plan.** “Local water plan” means a local water management plan prepared according to *Minnesota Statutes*, section 103B.235.

Subp. 8b. **Metropolitan Council.** “Metropolitan Council” means the Metropolitan Council created by *Minnesota Statutes*, section 473.123.

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

Subp. 10. [See repealer.]

Subp. 11. [See repealer.]

Subp. 12. [See repealer.]

Subp. 13. [See repealer.]

Subp. 14. **Official controls.** “Official controls” has the meaning given it in *Minnesota Statutes*, section 473.852, subdivision 9.

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

Subp. 15a. **Plan review agencies.** “Plan review agencies” means the Metropolitan Council, the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency, and the Board of Water and Soil Resources.

Subp. 16. **Plan review authorities.** “Plan review authorities” means the Metropolitan Council, the Department of Agriculture, the Department of Health, the Department of Natural Resources, the Pollution Control Agency, the Board of Water and Soil Resources, and counties, cities, towns, and soil and water conservation districts partially or wholly within the watershed management organization as defined in *Minnesota Statutes*, section 103B.231, subdivisions subdivision 7, 8, and 9.

[For text of subp 17, see M.R.]

Subp. 18. **Seven-county metropolitan area or metropolitan area.** “Seven-county metropolitan area” means the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington, excluding the corporate boundaries of the city of New Prague or “metropolitan area” has the meaning given in *Minnesota Statutes*, section 473.121, subdivision 2.

Subp. 19. [See repealer.]

Subp. 19a. **Ten-year plan amendment.** “Ten-year plan amendment” means a comprehensive amendment of a watershed management plan done not less than five years and not more than ten years after approval of the current plan by the Board of Water and Soil Resources. Ten-year plan amendments are typically done every ten years and are commonly referred to as plan revisions, revised plans, or plan updates.

[For text of subps 20 to 22, see M.R.]

Subp. 23. **Wetlands.** “Wetlands” means waters of the state identified as wetlands under *Minnesota Statutes*, section 103G.005, subdivision 19, paragraph (a).

Subp. 24. [See repealer.]

8410.0030 ~~CONTENT OF JOINT POWERS AGREEMENTS.~~

Subpart 1. **Requirements.** In addition to a description of any authorities adopted under the content requirements of joint powers agreements as outlined in *Minnesota Statutes*, section 103B.211, subdivision 1, joint powers agreements establishing a watershed management organization ~~must or amending an existing joint powers agreement shall~~, at a minimum, contain the following items:

A. a purpose statement consistent with *Minnesota Statutes*, section 103B.201;

B. a section defining the powers and duties of the organization;

~~B.C.~~ an official map based on parcels or a complete legal description defining the boundary of the organization;

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~~C. a requirement to adopt rules of order and procedure;~~

~~D. a section defining how the organization's members will be represented, with the total number of members on a joint powers board to be at least three;~~

~~E. a section outlining meetings to be scheduled at least annually;~~

~~F. a notification process for the agenda, location, and time of meetings;~~

~~D.G. a process procedures for establishing an annual budget and annual establishment of a work plan and budget;~~

~~E. a formula for determining each member's share of the annual operating budget;~~

~~F. a statement of how member appointees are to be compensated;~~

~~G.H. a procedure providing for the establishment of citizen and technical an advisory committees committee or other means of public participation;~~

~~H. a section defining the powers and duties of the organization;~~

~~I. a formula for determining the share of the annual operating budget for each of the organization's members or a description of revenue generating authorities the organization will utilize;~~

~~I.J. a section establishing the duties and terms of the officers of the organization;~~

~~J. a notification process on the location and time of meetings;~~

~~K. a section defining the voting requirements for decision making and capital improvements consistent with Minnesota Statutes, section 103B.211, subdivision 1, paragraph (c);~~

~~L. a section outlining meetings to be scheduled at least annually;~~

~~M.K. the process and responsibilities of the organization and its members for filling vacancies consistent with Minnesota Statutes, section 103B.227, subdivisions 1 and 2;~~

~~L. a section specifying the compensation for members of a joint powers board;~~

~~M. a section defining the voting requirements for decision making and capital improvements consistent with Minnesota Statutes, section 103B.211, subdivision 1, paragraph (c);~~

~~N. a requirement to adopt rules of order and procedure; and~~

~~N.O. the duration of the agreement and a process for dissolution that provides for at least 90 days' notice of the intent to dissolve to the affected counties and the board; and,~~

~~O. a section defining how the membership will be represented, with the total number of representatives to be at least three.~~

Subp. 2. **Updating.** Joint powers agreements must be updated if necessary to be in conformance with this chapter no later than July 27, 1993, as determined by the board, before the board makes a decision on a draft plan or plan amendment.

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

8410.0040 REMOVAL OF ORGANIZATION REPRESENTATIVES.

Subpart 1. Removal for violations. A manager of a watershed district or a member of a joint powers board may be removed from the position by a majority vote of the appointing authority before term expiration for violation of a code of ethics or bylaws of the watershed

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management organization or appointing authority or for malfeasance, nonfeasance, or misfeasance, after being provided an opportunity for a hearing before the appointing authority.

Subp. 2. Removal; elected officials, at-will members, Managers. A member of a joint powers board who is holding the position as an elected official who ~~are not reelected, is no longer serving in that position or are~~ who is serving an indefinite term at the pleasure of the appointing authority, may be removed by the appointing authority at will. ~~A decision of the appointing authority may be appealed to the Board of Water and Soil Resources.~~

8410.0045 ISSUE IDENTIFICATION AND ASSESSMENT.

Subpart 1. Priority issues.

A. Each plan shall identify priority issues in consideration of:

(1) water management problems, including prevention of future water management problems;

(2) funding levels; and

(3) regional, county, city, state, and federal water management priorities that are identified under this part.

B. Priority issues must be evaluated, addressed, and prioritized in the goals and implementation sections of the plan according to parts 8410.0080 and 8410.0105.

Subp. 2. Advisory committee. Watershed districts must comply with *Minnesota Statutes*, sections 103D.331 and 103D.337. All other organizations must establish an advisory committee, committees, or other means of public and technical participation acceptable to the board, for the purpose of making recommendations on a plan or ten-year plan amendment. The recommendations must address the issues identified under subpart 7. The process must be summarized in the plan or ten-year plan amendment.

Subp. 3. Plan review agency notification and involvement in plan development. Before development of a plan or ten-year plan amendment, an organization must send notification to each plan review agency of plan initiation and correspondence requesting the management expectation for the plan review agency's priority issues, summaries of relevant water management goals, and water resource information. The organization must allow at least 60 days for the information to be submitted. For information received within the prescribed time period, the organization must take into consideration the goals of the plan review agencies and identify in the plan or plan amendment any inconsistencies with the organization's goals.

Subp. 4. Review of local issues and controls. Before development of a plan or ten-year plan amendment, an organization must send notification to each county, city, township, and soil and water conservation district wholly or partially within the organization, and to known stakeholders including the Minnesota Department of Transportation, of plan initiation and correspondence requesting input that includes local water-related issues, water management goals, official controls, and programs. The organization must allow at least 60 days for the information to be submitted. Known stakeholders include, but are not limited to, any entity that requests to be placed on the organization's mailing list. For information received within the prescribed time period, the organization must take into consideration the local water management goals and identify in the plan or plan amendment any inconsistencies with the organization's goals.

Subp. 5. Initial planning meeting. In the development of a plan or ten-year plan amendment and after completion of the time requirements under subparts 3 and 4, an organization must hold an initial planning meeting presided over by the organization's governing body to receive, review, and discuss input. Written notification must be made to the plan review authorities and known stakeholders including affected counties, cities, and towns and the Minnesota Department of Transportation. Legal notice must be posted on the organization's Web site and comply with open meeting law requirements. All notifications must occur at least two weeks before the meeting. The plan must document the public input.

Subp. 6. Relationship with other programs. In consideration of subpart 1, item A, subitem (3), a plan or ten-year plan amendment shall identify and consider all relevant plans and programs in setting priority issues. An organization must coordinate its planning activities with contiguous organizations and with counties and cities conducting water planning within the boundaries of the organization.

Subp. 7. Assessment of issues and identification of priority issues. In developing a plan or ten-year plan amendment, an organization must identify priority issues after assessing available information including the input received under this part and data and trend analyses under part 8410.0060. The input received must be summarized and the assessment process for evaluating issues received,

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and goals received from the plan review authorities, must be included in the plan or ten-year plan amendment. The success of implementing the previous plan, if any, must be summarized and considered in identifying priority issues.

8410.0050 EXECUTIVE SUMMARY.

Each plan ~~must~~ shall have a section entitled "Executive Summary." The summary ~~should outline~~ must include:

~~A. the purpose of the watershed management organization; the membership of the organization's board of managers; the general boundaries of the organization; a brief history of the organization; a summary of the organization's goals, problems, and potential solutions; and the general content of required local plans;~~

B. a map of the organization;

C. the primary issues addressed in the plan;

D. the main goals in the plan;

E. the major actions in the plan; and

F. the responsibilities of local governments related to implementation of the plan including any changes in responsibilities from the previous plan.

8410.0060 LAND AND WATER RESOURCE INVENTORY RESOURCES.

Subpart 1. **Required Requirements.** Each plan must contain an inventory of water resource and physical factors affecting the water resources based on existing records and publications. If data publications and maps are available at a convenient central location, they may be included by reference. The plan must include a brief summary of the data and must identify where the publication can be obtained. At a minimum, the information in subparts 2 to 11 must be included in the plan. Subparts 2 and 4, item E, may be in the local plan instead of the watershed management organization plan. information and a general analysis based on existing records, plans, and publications for the elements listed in items A to M or from a previous plan of the organization or a county groundwater plan. Information may be incorporated by reference if the data is generally described in the plan and the complete data and analysis is in a freely accessible location that is specified. At a minimum, the plan must include a map of the surface water resources within the boundaries of the organization. Elements to include are:

A. topography;

B. soil;

C. general geology;

D. precipitation;

E. surface water resources including streams, lakes, wetlands, public waters, and public ditches;

F. water quality and quantity including trends of key locations and 100-year flood levels and discharges;

G. groundwater resources, including groundwater and surface water connections if defined in an approved and adopted county groundwater plan;

H. storm water systems, drainage systems, and control structures;

I. regulated pollutant sources and permitted wastewater discharges;

J. fish and wildlife habitat and rare and endangered species;

K. water-based recreation areas;

L. existing land uses and proposed development in local and metropolitan comprehensive plans; and

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M. priority areas for wetland preservation, enhancement, restoration, and establishment.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

Subp. 10. [See repealer.]

Subp. 11. [See repealer.]

8410.0080 ESTABLISHMENT OF GOALS AND POLICIES.

Subpart 1. **Plan contents Requirements.** Each plan ~~must~~ or ten-year plan amendment shall contain specific ~~goal statements and corresponding policies relating to the overall purposes specified in Minnesota Statutes, section 103B.201;~~ measurable goals that address issues identified under subparts 2 to 8 in conjunction with the priority issues that are identified by the organization under part 8410.0045. The goals must be consistent with the intent of the metropolitan water management program purposes in Minnesota Statutes, section 103B.201, and state and federal standards. The goals and policies of the watershed management organization shall coordinate and attempt to avoid resolve conflict with town, city, county, regional, or state goals and policies. The goals must be outlined in contain sufficient detail to provide direction regarding what the policies goals should accomplish, provide direction to the organization's board, and allow for the success or failure of the goals and policies to be quantified measured. The goals and policies should recognize the fundamental relationship between water quality and land use. Development of goals and policies must, at a minimum, address the issues in subparts 2 to 9. A procedure must be included to evaluate progress for each goal defined in this part at a minimum of every two years according to part 8410.0150, subpart 3, item E.

Subp. 2. **Water quantity.** Each plan must outline goals and policies describing how storm water runoff will be managed. ~~The maximum allowable peak runoff must be established for appropriate subwatersheds to the extent necessary to assure that the goals and policies of the organization will be met and address how runoff from developments creating more than one acre of new impervious surface will be managed with respect to Minnesota Statutes, section 103B.3365. The plan must describe the criteria used for defining "appropriate subwatersheds."~~ Water quantity goals must be established to address priority issues, at a minimum, considering volume, peak rate, base flow, imperviousness, or similar issues. The goals must recognize current trend direction and the fundamental relationship between water quantity and land use.

Subp. 3. **Water quality.** Each plan must outline specific water quality goals and policies for natural surface water storage and retention systems within the organization. ~~Goals should be related to parameters or quantities that can be measured. The relationship of land use to water quality should be considered when developing goals and policies. The goals and policies should be developed to strive for compliance with applicable water quality standards and be suitable for the intended uses of natural surface water storage and retention systems. Water quality goals must be established to address priority issues considering the uses of the water resource. The goals must recognize current trend direction and the fundamental relationship between water quality and land use. If water quality goals in the plan are less stringent than state water quality standards, the plan must acknowledge this.~~

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

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Subp. 6. **Public ditch drainage systems.** If Public ditch systems constructed under *Minnesota Statutes*, chapter 103D or 103E, are within the organization, the plan shall by policy drainage system management goals must be established. The goals must define the organization's relationship to the ditch drainage authority and. The plan may recommend whether or not there are advantages to managing the ditch drainage systems under the Metropolitan Water Management Act or through transferring the drainage authority according to *Minnesota Statutes*, section 103E.812, and may determine whether ditch drainage maintenance activities have the potential of adversely impacting any goal of the organization. The plan must generally describe the effect of the plan on existing drainage systems.

Subp. 7. **Groundwater.** If a county groundwater plan has not commenced at the time the plan or plan amendment is initiated, the organization shall assess the need and degree of involvement the organization has in groundwater management and establish appropriate goals and policies. Goals must be established to address groundwater-surface water interactions defined in approved and adopted county groundwater plans that are in effect. Organizations are encouraged to establish goals to address groundwater issues identified within the area of the organization in the Twin Cities Metropolitan Area Master Water Supply Plan, source water protection plans, and local water supply plans.

Subp. 8. **Wetlands.** Each plan must outline specific goals and policies regarding the management of wetlands within the organization and identify high priority areas for wetland preservation, restoration, and establishment. Wetland management goals and policies should address utilization, protection and preservation, and the enhancement or restoration of wetlands identified in the organization. Each plan must also evaluate the need to establish a wetland banking system. Goals must be established for wetland management. The goals must recognize the fundamental relationship between wetland management and land use.

Subp. 9. [See repealer.]

8410.0105 IMPLEMENTATION ACTIONS.

Subpart 1. **Requirements.** Each plan shall contain prioritized implementation actions through the year the plan extends to that consists of administrative processes and programs to address the goals defined under part 8410.0080 and that is consistent with the principles of part 8410.0045, subpart 1, item A. The programs described in subparts 2 to 6 must be included in each plan unless the plan sufficiently justifies that a program or program element is not needed. Each plan shall include a procedure to evaluate progress for the implementation actions at a minimum of every two years according to part 8410.0150, subpart 3, item E. Each plan shall:

A. include a table that briefly describes each component of the implementation actions, the schedule, estimated cost, and funding sources for each component including annual budget totals;

B. clearly define the responsibilities of the organization, the local government units, and other entities for carrying out the implementation actions;

C. define the organization's process for evaluating implementation of local water plans and procedures to address a local government unit failing to implement its local water plan or parts of its local water plan; and

D. include a procedure to establish an advisory committee, committees, or other means of public and technical participation acceptable to the board, for the purpose of making recommendations on a ten-year plan amendment.

Subp. 2. **Capital improvement program.** Each plan must consider the feasibility of implementing structural solutions for attaining the goals defined under part 8410.0080 that cannot be resolved by nonstructural, preventative actions. Each plan must include a table for a capital improvement program that identifies structural and nonstructural alternatives that would lessen capital expenditures and sets forth, by year, details of each contemplated capital improvement that includes the need, schedule, estimated cost, and funding source. The information may be combined with subpart 1, item A. In assigning priorities, consideration must be given to federal, state, regional, local, and private partners and regional and state plans.

Subp. 3. **Operation and maintenance programs.** The plan must define who is responsible for inspection, operation, and maintenance of storm water infrastructure, public works, facilities, and natural and artificial watercourses and specify any new programs or revisions to existing programs needed to accomplish the goals defined under part 8410.0080.

Subp. 4. **Information and education program.** Each plan must provide for an information and education program in consideration of the goals defined under part 8410.0080. The program must, at a minimum, include the purpose, targeted audiences, and actions. An annual

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communication must be distributed to residents of the organization in compliance with *Minnesota Statutes*, section 103B.227, subdivision 4.

Subp. 5. **Data collection programs.** Each plan must address whether established water quality, water quantity, and other monitoring programs implemented by the organization and others are capable of producing an accurate evaluation of the progress being made toward the goals defined under part 8410.0080. The programs shall, at a minimum, include the location of sampling, the frequency of sampling, the proposed parameters to be measured, and the requirement of periodic analysis of the data. Each organization must annually submit the collected data consistent with state compatibility guidelines to the appropriate state agency for entry into public databases.

Subp. 6. **Regulatory program.** Controls or performance standards must be described in the plan, although an organization's rules in place at the time of plan approval may be referenced instead. The plan must specifically describe how the organization's controls will be implemented in coordination with local official controls. The plan must clearly distinguish between the responsibilities of the organization and the affected local government units relative to controls established according to this subpart. The enforcement process for violations of controls of the organization must be defined. Controls must take effect within two years of plan adoption by the organization. The plan must include an assessment of existing controls within the organization's jurisdiction and address any deficiencies or redundancies related to attaining the goals defined under part 8410.0080. If a plan notes the existence of certain land uses that could adversely affect the organization's ability to achieve the goals defined under part 8410.0080, the organization must provide written notification to that unit of government specifying the issue. The following items must be considered in developing a regulatory program:

A. standards or controls that may be more restrictive than those required by the Wetland Conservation Act determined to be necessary to achieve the goals defined under part 8410.0080. Local wetland management controls must include maps or inventories of wetlands, existing comprehensive wetland protection and management plans, descriptions of existing local wetland banking programs, and procedures used in determining replacement of wetland functions and values for evaluating wetland replacement proposals;

B. standards or controls for managing storm water runoff must, at a minimum, address:

(1) erosion and sediment transport to receiving waters;

(2) nutrient loading and concentration; and

(3) maximum permissible runoff rates and volumes;

C. standards or controls to address flood impacts; and

D. management programs establishing a classification system for the management of water bodies must be consistent with chapter 7050. If the organization classifications are inconsistent, the organization must petition the Pollution Control Agency to revise the classifications in chapter 7050.

Subp. 7. **Incentive programs.** The plan must define, for cost share or grant programs, if any, the general purpose, scope, time period, amount of funds, funding source, general eligibility criteria for dispersing funds, and a clear link to the goals the program addresses.

Subp. 8. **Waters restoration and protection program.**

A. A plan may implement a restoration and protection program for waters that are impaired or need to be protected. The program may involve monitoring, assessment, and water quality restoration and protection actions.

B. An organization may take the lead on developing a total maximum daily load (TMDL) or a TMDL implementation plan as a third party under *Minnesota Statutes*, section 114D.25, subdivision 5. The TMDL or TMDL implementation plan must be developed in coordination with, and provided to, the Pollution Control Agency for review and approval.

C. An organization may take the lead on developing a watershed restoration and protection strategy as described in *Minnesota Statutes*, section 114D.15, by entering into an agreement with the Pollution Control Agency.

D. An organization may submit a request as a third party for a Category 4b determination to the Pollution Control Agency as allowed under the federal Clean Water Act, section 303(d).

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Subp. 9. **Trading programs.** An organization may establish and implement an environmental trading program that allows for water-related impacts to be offset at different locations than the site of impact.

Subp. 10. **Local water plans.**

A. An organization plan must specify to what degree the organization plan may be adopted by reference by a local government unit for all or part of its local water plan. Upon request of a local government unit, an organization must provide a list to the local government unit and the plan review agencies of local water plan revisions necessary for compliance with the organization plan. A local water plan may serve as a storm water pollution prevention program if it is approved by the Pollution Control Agency and it complies with the requirements of any applicable national pollutant discharge elimination system/state disposal system storm water permit.

B. A plan must include a schedule for implementation of local water plans that requires all local water plans to be adopted not less than one year but no more than two years before the local comprehensive plan is due. A plan must not deviate from the schedule. Extensions of local comprehensive plan due dates do not alter the schedule. Organizations may extend all or portions of local water plans to align with the local comprehensive plan schedule during the initial three years of transition to the revised rule. Notwithstanding local water plan schedules in previously approved plans, all local water plans must be adopted according to this subpart after December 31, 2016.

8410.0140 PLAN CONTENTS; AMENDMENTS.

Subpart 1. Amendment section.

A. Each plan must contain a section entitled “Amendments to Plan” containing the year the plan extends to and establishing the process by which ~~interim~~ amendments, as defined in this part, may be made and who may initiate the amendments.

B. A plan must extend at least five years but no more than ten years from the date the board approves the plan.

C. An organization must evaluate the implementation actions in its plan with the annual activity report under part 8410.0150, subpart 3, item E, at a minimum of every two years. If changes to the implementation actions are necessary as a result of the evaluation, then a plan amendment is required unless otherwise provided under subpart 1a.

Subp. 1a. **Changes not requiring an amendment.** These changes to plans must be distributed according to subpart 5 with a version showing deleted text as stricken and new text as underlined. Amendments to plans are not required for changes such as:

A. formatting or reorganization of the plan;

B. revision of a procedure meant to streamline administration of the plan;

C. clarification of existing plan goals or policies;

D. inclusion of additional data not requiring interpretation;

E. expansion of public process; or

F. adjustments to how an organization will carry out program activities within its discretion.

Subp. 2. General Amendment procedure. All amendments to a plan must adhere to the review process provided in *Minnesota Statutes*, section 103B.231, subdivision 11, except when the proposed amendments ~~constitute~~ are determined to be minor amendments ~~and according to the following provisions:~~

A. the watershed management organization has held a public meeting to explain the amendments and published a legal notice of the meeting twice, at least seven days and 14 days before the date of the meeting; the board has either agreed that the amendments are minor or failed to act within five working days of the end of the comment period specified in item B unless an extension is mutually agreed to with the organization;

B. the organization has sent copies of the amendments to the affected local units of government, the Metropolitan Council, and the state review agencies plan review authorities for review and comment allowing at least 30 days for receipt of comments, has identified the minor amendment procedure is being followed, and directed that comments be sent to the organization and the board; and

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C. no county board has filed an objection to the amendments with the organization and the board within the comment period specified in item B unless an extension is mutually agreed upon by the county and the organization;

€ D. the board has either agreed that the amendments are minor or failed to act within 45 days of receipt of the amendments; the organization has held a public meeting to explain the amendments and published a legal notice of the meeting twice, at least seven days and 14 days before the date of the meeting; and

E. the amendments are not necessary to make the plan consistent with an approved and adopted county groundwater plan.

Subp. 3. [See repealer.]

Subp. 4. **Form of amendments.** Draft and final amendments must be bound paper pages unless a receiving entity agrees in advance to receive an amendment in electronic format. Draft amendments must show deleted text as stricken and new text as underlined. Unless the entire document is reprinted, all final amendments adopted by the organization must be printed in the form of replacement pages for the plan; with each page of which must:

A: on draft amendments being considered; show deleted text as stricken and new text as underlined;

B: be renumbered as appropriate; and

C: include each page including the effective date of the amendment.

Subp. 5. **Distribution of amendments.** Each organization must maintain a distribution list of agencies and individuals who have received a copy of the plan and. An organization shall distribute copies of amendments to all on the distribution list and post the amendments on the organization's Web site within 30 days of adoption. All organizations should consider sending drafts of proposal amendments to all plan review authorities to seek their comments before establishing a hearing date or commencing the formal review process.

8410.0150 ANNUAL REPORTING AND EVALUATION REQUIREMENTS.

Subpart 1. **Requirement for annual financial, activity, and audit reports.**

A. An organization shall annually:

(1) within 120 days of the end of the watershed management organization's fiscal calendar year; each organization shall submit to the board a financial report; submit to the board an activity report; for the previous calendar year; and

(2) within 180 days of the end of the organization's fiscal year, submit to the board and the state auditor's office an audit report for the preceding fiscal year if it the organization has expended or accrued funds during this time, except as provided in Minnesota Statutes, section 6.756. When a county or city audit report contains the financial statements for an organization, the organization must submit to the board excerpts from the audit report concerning the organization within 30 days of completion of the audit report. The audit report must be prepared by a certified public accountant or the state auditor in the format required by the Government Accounting Standards Board.

B. These The reports may be combined into a single document. The audit report for the preceding fiscal year must be prepared by a certified public accountant or the state auditor and forwarded to the state auditor's office within 120 days of the end of the fiscal year.

Subp. 2. [See repealer.]

Subp. 3. **Content of annual activity report.** The annual activity report must include the following information:

A. a list of the organization's board members, advisory committee members, and board member vacancies at the end of the reporting year, including the names of designated officers and members and information on how members can be contacted, and indicating the governmental organization that each board member represents for joint powers organizations and the county that each member is appointed by for watershed districts;

B. a list of organization employees and consultants, including mailing addresses and telephone numbers identification of a contact person capable of answering questions about the organization including a postal and electronic mailing address and telephone number;

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C. ~~an assessment of the previous year's annual work plan that indicates whether the stated goals and objectives activities were achieved and, if they were not achieved, indicates why they could not be achieved~~ completed including the expenditures of each activity with respect to the approved budget unless included in the audit report;

D. ~~a projected work plan and budget for the next current year indicating the desired goals and objectives specifying which activities will be undertaken;~~

E. ~~a summary of the permits or variances issued or denied under ordinances or rules required by the organization or local plan and any enforcement actions initiated by either the organization or its local units of government; at a minimum of every two years, an evaluation of progress on goals and the implementation actions, including the capital improvement program, to determine if amendments to the implementation actions are necessary according to part 8410.0140, subpart 1, item C, using the procedures established in the goals and implementation sections of the plan under parts 8410.0080, subpart 1, and 8410.0105, subpart 1;~~

F. ~~a summary of water quality significant trends of monitoring data collected by the organization or its local units of government required by part 8410.0105, subpart 5;~~

G. ~~an evaluation of the status of local plan adoption and implementation based on a review of the local unit of governments' activities by the organization during the past year;~~

H. ~~G.~~ a copy of the ~~written annual~~ communication required by part ~~8410.0100~~ 8410.0105, subpart 3 4;

I. ~~H.~~ the organization's activities related to the biennial solicitations for interest proposals for legal, professional, or technical consultant services under *Minnesota Statutes*, section 103B.227, subdivision 5;

J. ~~an evaluation of the status of local water plan adoption and local implementation of activities required by the watershed management organization according to part 8410.0105, subpart 1, items B and C, during the previous year;~~

K. ~~an assessment of changes in fund balances, including a description of the costs of each program element with respect to the overall annual budget; and~~

L. ~~J.~~ the status of any locally adopted ~~wetland banking program~~; ordinances or rules required by the organization including their enforcement; and

M. ~~a summary of the permits and variances issued or denied and violations under rule or ordinance requirements of the organization or local water plan.~~

Subp. 3a. **Watershed management organization Web sites.** An organization shall have a Web site that, at a minimum, contains the location, time, agenda, and minutes for organization meetings; contact information for the organization including a person capable of answering questions about the organization; the current watershed management plan; annual activity reports and audits for the past three years; rules and regulatory program, if any; a list of the organization's board members including identification of designated officers and the governmental organization that each board member represents for joint powers organizations and the county that each board member is appointed by for watershed districts; and a list of employees including postal and electronic mailing addresses and telephone numbers. The Web site shall be kept current on a monthly basis or more frequently.

Subp. 4. **Procedure for state audit.** The board shall use the procedure described in items A to D to determine whether to order a state financial or performance audit of an organization.

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

B. The executive director shall determine whether there is a basis for a complaint before reporting the complaint to the board. The executive director shall ensure that the affected organization ~~is~~ and the plan review agencies are notified of the complaint and given an opportunity to respond to, ~~or comment on~~, the allegations before determining whether there is a basis for the complaint.

C. If the executive director determines there is a basis for the complaint, ~~the complaint shall be reported to the board. The affected organization shall be given an opportunity to appear before the board at the time the complaint is reported to it~~ board's dispute resolution

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committee established under *Minnesota Statutes*, section 103B.101, subdivision 10, and respond to the allegations in the complaint. The complainant shall also be given an opportunity to appear be heard.

D. After having the complaint reported to it, and after providing an opportunity for the organization and the complainant to be heard by it, the board shall decide whether to order a state financial or performance audit of the organization. The cost of state financial and performance audits shall be paid for by the organization.

8410.0160 GENERAL PLAN STRUCTURE.

Subpart 1. **Requirement.** Each local water plan must, at a minimum, meet the requirements for local water management plans in *Minnesota Statutes*, section 103B.235, and this part, except as provided by the watershed management organization plan under part 8410.0110 8410.0105, subpart 3 10. Each local plan must include sections containing a table of contents; purpose; water resource related agreements; executive summary; land and water resource inventory; establishment of goals and policies; relation of goals and policies to local, regional, state, and federal plans, goals, and programs; assessment of problems; corrective actions; financial considerations; implementation priorities; amendment procedures; implementation program; and an appendix.

Subp. 2. **Local comprehensive plan.** Each community should consider including its local government unit must include the local water plan as a chapter of its local comprehensive plan. Each local plan shall be adopted within two years of the board's approval of the last organization plan that affects local units of government. All local comprehensive plans must be consistent with local water plans adopted under this part.

Subp. 3. **Plan contents.** Each local water plan, in the degree of detail required in the organization plan, must contain the following:

A. an executive summary that summarizes the highlights of the local water plan;

B. appropriate water resource management-related agreements that have been entered into by the local community must be summarized, including joint powers agreements related to water management that the local government unit may be party to between itself and watershed management organizations, adjoining communities, or private parties;

C. the existing and proposed physical environment and land use must be described. Drainage areas and the volumes, rates, and paths of storm water runoff must be defined. Data may be incorporated by reference as allowed under parts 8410.0060 and 8410.0105, subpart 10, or the local comprehensive plan;

D. an assessment of existing or potential water resource-related problems must be summarized. The problem assessment must be completed for only those areas within the corporate limits of the local government unit and similar to the process under part 8410.0045, subpart 7; and

E. a local implementation program through the year the local water plan extends must describe nonstructural, programmatic, and structural solutions to problems identified in item D. The program must not jeopardize achievement of the goals of an organization's plan. The implementation components must be prioritized consistent with the principles of part 8410.0045, subpart 1, item A. Local water plans must prioritize the implementation components of an organization plan consistent with the organization priorities set forth under part 8410.0105 only for implementation components that must be facilitated by the local government unit. Local official controls must be enacted within six months of approval of the local water plan by the organization. The program shall:

(1) include areas and elevations for storm water storage adequate to meet performance standards or official controls established in the organization plan;

(2) define water quality protection methods adequate to meet performance standards or official controls in the organization plan and identify regulated areas;

(3) clearly define the responsibilities of the local government unit from that of an organization for carrying out the implementation components;

(4) describe official controls and any changes to official controls relative to requirements of the organization's plan;

(5) include a table that briefly describes each component of the implementation program and clearly details the schedule, estimated cost, and funding sources for each component including annual budget totals; and

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(6) include a table for a capital improvement program that sets forth, by year, details of each contemplated capital improvement that includes the schedule, estimated cost, and funding source.

Subp. 4. **Amendment procedures.** A section entitled “Amendments to Plan” must establish the process by which amendments may be made. The amendment procedure shall conform with the plan amendment procedures in the organization plans that affect the community.

Subp. 5. **Submittal and review.** After consideration and before adoption, the local water plan or local water plan amendments shall be submitted for review according to *Minnesota Statutes*, section 103B.235.

Subp. 6. **Adoption and implementation.** Each local water plan shall be adopted not less than one year but no more than two years before the local comprehensive plan is due. Extensions of local comprehensive plan due dates do not alter the local water plan schedule. Each local water plan must be adopted and implemented in accordance with the time requirements of *Minnesota Statutes*, section 103B.235, subdivision 4. Each local government unit must notify affected organizations and the Metropolitan Council within 30 days of adoption and implementation of the local water plan or local water plan amendment, including the adoption of necessary official controls.

8410.0180 DETERMINATIONS OF FAILURE TO IMPLEMENT.

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

Subp. 2. **Establishing cause Petition.** Before the board’s involvement in determinations of whether a plan is being properly implemented, The board shall first may establish just cause for the determination determining whether a plan is being properly implemented by review of a written complaint from an aggrieved party or through conclusions arrived at by board staff under the review of an organization’s annual report. A complaint or appeal made by an aggrieved party under *Minnesota Statutes*, section 103B.231, subdivision 13, petition. A petition may be made by a plan review agency, board staff, a local government unit, or 50 residents with land in the area that is subject to the petition. A petition must be made in writing to the executive director of the board and must summarize the issues at dispute and the efforts the party made to resolve the problem.

Subp. 3. **Board staff responsibilities Petition review process.**

A. Board staff may investigate issues relating to alleged failure to implement plans primarily by response from written complaint from an aggrieved party or by review of the organization’s annual report. Within 30 days of receiving a written complaint petition, board staff are required to send a copy to the plan review agencies and initiate a preliminary investigation of the facts as they appear based on personal observation, assessment including a review of all relevant documents, review of comments from the plan review agencies, and discussions with involved parties. The results of this the preliminary investigation assessment shall be reviewed with the executive director, and the board’s legal counsel if appropriate, before preparation of a report. The report shall ascertain whether a failure to implement exists, define the exact nature of the failure to implement, and recommend a course of action, and a report prepared if the executive director determines just cause exists. Just cause may be established if no annual report or audit has been submitted compliant with the requirements in part 8410.0150, or if a plan has not been amended according to part 8410.0140, subpart 1, item C. Just cause may be established for other reasons according to subpart 3a. The executive director of the board may combine multiple petitions involving the same organization and process as one decision. If the executive director determines just cause does not exist, the petitioner, the organization, and the plan review agencies shall be provided written notice of the decision. The executive director may require more frequent reporting and thorough evaluation than required under part 8410.0150.

B. On completion of a report regarding a complaint or review of an annual report, the staff shall send a copy of its report by certified mail to the organization members of record to set a time and place for a meeting agreeable to all parties to informally discuss the contents of the report if a conflict exists. The complainant and any other aggrieved or affected party shall also be sent a copy of the report by certified mail and shall be invited to attend any meeting held to discuss the report. If just cause is established, board staff shall conduct further investigation and prepare a report. The report shall conclude whether a failure to implement exists, define the exact nature of the failure to implement, and recommend a course of action. The report shall be sent to the petitioner, the organization, the plan review agencies, and affected local governments. Board staff shall provide written notification to all those to whom it sent the report of the time and location of a meeting to discuss the contents of the report.

C. The affected organization shall be is allowed 30 60 days after the meeting in item B to hold a public meeting hearing to develop a formal course of action if the joint powers agreement requires that process. Any and send a formal response shall be sent by certified mail to the board and any known aggrieved or affected party within 15 days of the meeting parties.

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~~D. The affected organization and any aggrieved or affected party may not appeal to the board's dispute resolution committee established under *Minnesota Statutes*, section 103B.101, subdivision 10, to hear and resolve disputes over plan implementation until after the meeting has been held according to item B.~~

~~E. Based on information discovered at the meeting held according to item B, or receipt of the formal response received from the organization according to item C, board staff shall report to the board at a regular meeting as to the status of the dispute. If the board needs to take further action to resolve the dispute, board staff shall recommend the appropriate course of action, consulting with the board's legal counsel as appropriate.~~

Subp. 3a. **Criteria and standards for determinations.** In making a determination on the petition, the board must consider:

A. whether the joint powers agreement and watershed management plan complies with this chapter and *Minnesota Statutes*, section 103B.211, subdivision 1;

B. whether the organization is actively implementing a plan that has been approved by the board within the previous ten years. At a minimum, the organization is addressing its priority issues in the plan, is carrying out its implementation actions, has a current monitoring program to assess whether progress is being made on goals, and has made progress on goals for the priority issues;

C. whether the organization is actively implementing the actions adopted in its plan that were derived from a county groundwater plan that has been approved by the board and adopted by the county;

D. whether the organization has a contact person that is capable of answering questions about the organization and able to assist local governments and citizens in resolving their concerns;

E. whether the organization submits annual activity reports and audits that comply with the requirements in part 8410.0150;

F. whether an evaluation under *Minnesota Statutes*, section 103B.102, of an organization's performance, financial, and activity information resulted in any corrective actions or areas of concern;

G. whether the organization sufficiently implemented the actions in its previous plan and made progress on attaining the goals in its previous plan;

H. whether the organization maintains a Web site that complies with part 8410.0150, subpart 3a; and

I. any other factors pertinent to the petition.

Subp. 4. **~~Board responsibilities~~ Determinations.**

~~A. On receipt of the board staff's report and recommendations, the board is required to do any or all of the following information under subpart 3, items B and C, the board may:~~

~~(1) do nothing further if the staff's investigation finds recommendation is that the subject plan is being properly implemented, provided the board concurs;~~

~~(2) advise board staff to conduct additional fact finding it considers necessary and report back to the board accordingly;~~

~~(3) order the dispute resolution committee to convene to attempt to negotiate the matter and to advise the board further; or direct the organization to develop an amended plan within a reasonable time period;~~

~~(4) direct staff or the dispute resolution committee to attempt to resolve the matter and to advise the board further; or~~

~~(4) (5) issue findings of fact and conclusions of its investigation advising the affected organizations, county, or counties of the documented failure to implement the subject plan and advise the appropriate unit of government of to complete its responsibility to implement the plan under *Minnesota Statutes*, section 103B.231, subdivision 3, paragraph (b) or (c), within a prescribed period of time.~~

B. The board shall provide written notice of the determination to the petitioner, the organization, other local governments, and the plan review agencies.

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~~B.C. On issuance of its findings under subpart 3, item A, subitem (5), the board shall notify the appropriate counties to proceed as required by *Minnesota Statutes*, section 103B.231, subdivision 3, paragraph (b) or (c), as applicable. If a county fails to act after it is notified, the board shall notify state agencies that they may initiate their prerogatives responsibilities under *Minnesota Statutes*, section 103B.231, subdivision 3, paragraph (g).~~

~~C. The board's dispute resolution committee has the following duties and responsibilities with respect to disputes relating to failure to implement a plan:~~

~~(1) convene and hear appeals from both aggrieved parties and organizations not satisfied with the findings and recommendations of the board's staff report presented at the meeting required by subpart 2; and~~

~~(2) convene at the pleasure of the board as prescribed by item A to attempt to negotiate and settle disputes over determinations relating to implementation of plans and to further advise the board.~~

Subp. 5. Appeal of determinations or decisions.

~~A. No appeal may be made to the board for the board's dispute resolution committee established under *Minnesota Statutes*, section 103B.101, subdivision 10, to hear and resolve disputes concerning plan implementation until after the procedures in subpart 4 have been completed or until after the executive director has made a decision that just cause does not exist under subpart 3, item A.~~

~~B. The determination of the board under subpart 4 or the decision of the executive director that just cause does not exist under subpart 3, item A, is final if not appealed to the executive director of the board within 30 days after the date on which the notice of determination or decision is sent to those required to receive notice. A written appeal may be made by the petitioner or the organization. Within 30 days after receiving the appeal, the board, its dispute resolution committee, or its executive director must decide whether to hear the appeal. An appeal may be denied and not heard if the board, its dispute resolution committee, or its executive director decide the appeal is without sufficient merit, trivial, or brought solely for purposes of delay.~~

~~C. After an appeal is granted, the appeal must be decided by the board within 60 days after submittal of written briefs for the appeal and conclusion of a hearing by the dispute resolution committee. Parties to the appeal are the appellant and the organization. The board or its executive director may elect to combine multiple appeals involving the same organization and process as one decision. An appeal of a board decision may be taken to the state Court of Appeals and must be considered an appeal from a contested case decision for purposes of judicial review under *Minnesota Statutes*, sections 14.63 to 14.69.~~

~~Subp. 6. **Determination necessary for watershed district termination.** A determination of failure to implement under subpart 4, item A, subitem (5), is necessary before the board may terminate a watershed district under *Minnesota Statutes*, section 103B.221.~~

REPEALER. *Minnesota Rules*, parts 8410.0010, subpart 2; 8410.0020, subparts 4, 5, 10, 11, 12, 13, 19, and 24; 8410.0060, subparts 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; 8410.0070; 8410.0080, subparts 4, 5, and 9; 8410.0090; 8410.0100; 8410.0110; 8410.0120; 8410.0130; 8410.0140, subpart 3; 8410.0150, subpart 2; and 8410.0170, are repealed.

Expedited Rules

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

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

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

Minnesota Department of Health (MDH)

Office of Medical Cannabis

Proposed Expedited Rules Regulating Medical Cannabis Manufacturers

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Expedited Rules Governing Medical Cannabis Manufacturers, *Minnesota Rules*, proposed chapter 4770; Revisor's ID Number 4272

Introduction. The Department of Health intends to adopt rules under the expedited rulemaking process following the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until November 5, 2014.

Agency Contact Person. You must submit comments or questions on the rules to: Darin Teske at the Department of Health, P.O. Box 64882, St Paul, MN 55164-0882, **phone:** (651) 539-3004, and **e-mail:** darin.teske@state.mn.us.

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules contain the regulatory requirements for medical cannabis manufacturers. Also, they contain the requirements for laboratories that will conduct independent analyses for medical cannabis manufacturers. The statutory authority to adopt the rules is *Laws 2014*, chapter 311. The statutory authority to adopt the rules under the expedited rulemaking process is *Laws 2014*, chapter 311, section 6. A copy of the proposed rules is published in the State Register.

Description of the Rules. The commissioner will register and oversee two manufacturers that will produce medical cannabis for patients. These proposed expedited rules govern those responsibilities and prescribe the manufacturers' operation and security requirements.

The rules establish requirements for manufacturers' operations. They spell out restrictions for producing medical cannabis starting with planting, growing, and harvesting cannabis plants through processing them into medical cannabis. These rules also specify how the manufacturers must handle the medical cannabis until it is dispensed. [Actual delivery to patients will be governed by separate rules.] The manufacturers' requirements address:

- Packaging and labeling the medical cannabis for patients,
- Site security,
- Transportation and its corresponding security,
- Advertising and marketing the manufactured medical cannabis,
- Disposing cannabis plant material and waste medical cannabis,
- Quality assurance of the medical cannabis produced, and
- Record keeping.

In addition to the manufacturers' operational requirements, the proposed rules describe how the commissioner will administer the following oversight functions:

- Manufacturer registration,
- Facility inspection,
- Testing labs approval,
- Registration revocation, and
- Voluntary facility closure.

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The breadth and scope of instituting this brand new program means that details of these proposed rules might be changed before adoption. The proposed expedited rules may be viewed at: <http://www.health.state.mn.us/topics/cannabis/>.

Comments. You have until 4:30 p.m. on Wednesday, November 5, 2014, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. The Department encourages comment. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. In addition, you are encouraged to propose any change desired. You also must make any comments that you have about the legality of the proposed rules during this comment period.

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

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

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 539-1180 or 1-800-657-3889.

Adoption and Review of Expedited Rules. If no hearing is required, the agency may adopt the rules at the end of the comment period. The agency will then submit rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date that the agency submits the rules. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 22 September 2014

Edward P. Ehlinger, MD, MSPH, Commissioner
Minnesota Department of Health

4770.0100 APPLICABILITY AND PURPOSE.

Parts 4770.0200 to 4770.2700 establish the criteria and procedures to be used by the commissioner for the registration and oversight of a medical cannabis manufacturer.

4770.0200 DEFINITIONS.

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

Subp. 2. **Acceptable performance or acceptable results.** “Acceptable performance” or “acceptable results” means analytical test results generated by a laboratory using methods as specified in part 4770.2000 that are acceptable and allowed by the approved provider.

Subp. 3. **Approval.** “Approval” means acknowledgment by the commissioner that a laboratory has the policies, personnel, validation procedures, and practices to produce reliable data in the analysis of analytes and contaminants described in part 4770.1900.

Subp. 4. **Approved provider.** “Approved provider” means a provider of performance testing samples that the commissioner has determined:

A. provides an adequate volume of samples to perform statistically valid analyses;

B. calculates the number of standard deviations of the mean allowed using the results of all laboratories submitting test results after the exclusion of outlying values; and

C. allows a range of standard deviations of the mean no less stringent than the range allowed by the general requirements for the

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competency of reference material producers in ISO Guide 34.

Subp. 5. **Audit.** “Audit” means a financial review by an independent certified public accountant that includes select scope engagement or other methods of review that analyze operational or compliance issues.

Subp. 6. **Batch.** “Batch” means a specific quantity that is uniform and intended to meet specifications for identity, strength, purity, and composition, and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling batch record.

Subp. 7. **Batch number.** “Batch number” means a unique numeric or alphanumeric identifier assigned to a batch by a manufacturing facility when the batch is first planted. The batch number must contain the manufacturing facility number and a sequence to allow for inventor and traceability.

Subp. 8. **Biosecurity.** “Biosecurity” means a set of preventative measures designed to reduce the risk of transmission of infectious diseases in crops, quarantined pests, invasive alien species, and living modified organisms.

Subp. 9. **Certified financial audit.** “Certified financial audit” means the annual financial audit required under *Minnesota Statutes*, section 152.37, subdivision 2.

Subp. 10. **Commissioner.** “Commissioner” means the commissioner of the Department of Health or the commissioner’s designee.

Subp. 11. **Disqualifying felony offense.** “Disqualifying felony offense” has the meaning given in *Minnesota Statutes*, section 152.22, subdivision 3.

Subp. 12. **Distribute or distribution.** “Distribute” or “distribution” means the delivery of medical cannabis to a patient, the patient’s parent or legal guardian, or the patient’s registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient who is participating in the registry program and who is authorized to receive medical cannabis.

Subp. 13. **Distribution facility.** “Distribution facility” means any building or grounds of a medical cannabis manufacturer where the sale and distribution of medical cannabis are authorized and the production of medical cannabis is prohibited at the distribution facility. A distribution facility may be part of a manufacturing facility but any distribution facility not on the same property as a manufacturing facility is prohibited from performing any production activities.

Subp. 14. **Diversion.** “Diversion” means the intentional transfer of medical cannabis to a person other than a patient, the patient’s designated registered caregiver, or the patient’s parent or legal guardian if the parent or legal guardian is listed on the registry verification.

Subp. 15. **Field of testing.** “Field of testing” means the combination of product type and analyte for which a laboratory has applied or received approval by the commissioner.

Subp. 16. **Financial interest.** “Financial interest” means any actual or future right to ownership, investment, or compensation arrangement in a medical cannabis manufacturer with another person, either directly or indirectly, through business, investment, or spouse, parent, or child relationship. Financial interest does not include ownership of investment securities in a publicly held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by the person or the person’s spouse, parent, or child, in the aggregate, do not exceed one percent ownership in the medical cannabis manufacturer.

Subp. 17. **Health care practitioner.** “Health care practitioner” has the meaning given in *Minnesota Statutes*, section 152.22, subdivision 4.

Subp. 18. **Inspection.** “Inspection” means an on-site evaluation of laboratory facilities, records, personnel, equipment, methodology, and quality assurance practices by the commissioner for compliance with this chapter.

Subp. 19. **International Standards Organization or ISO.** The “International Standards Organization” or “ISO” means an independent, nongovernmental membership organization and the largest developer of voluntary international standards.

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Subp. 20. **Laboratory managing agent.** “Laboratory managing agent” means a person, as defined in *Minnesota Statutes*, section 326.71, subdivision 8, who is legally authorized to direct the activities of the laboratory and commit sufficient resources to comply with parts 4770.1900 to 4770.2400.

Subp. 21. **Laboratory.** “Laboratory” means a fixed-based or mobile structure, a person, corporation, or other entity, including a government or tribal entity, that examines, analyzes, or tests samples.

Subp. 22. **Laboratory owner.** “Laboratory owner” means a person who:

A. is a sole proprietor of a laboratory;

B. holds a partnership interest in a laboratory; or

C. owns five percent or more of the shares in a corporation that owns a laboratory.

Subp. 23. **Laboratory technical manager.** “Laboratory technical manager” means a person who is scientifically responsible to ensure the achievement and maintenance of quality and analytical standards or practice and who is in a supervisory, lead worker, or similarly named position within an organization.

Subp. 24. **Manufacturing or manufacture.** “Manufacturing” or “manufacture” means the process of converting harvested cannabis plant material into medical cannabis.

Subp. 25. **Manufacturing facility.** “Manufacturing facility” means any secured building, space, grounds, and physical structure of a medical cannabis manufacturer for the production, manufacturing, and distribution of medical cannabis and where access is restricted to designated employees of a medical cannabis manufacturer as required under *Minnesota Statutes*, section 152.29, subdivision 1.

Subp. 26. **Medical cannabis.** “Medical cannabis” has the meaning given in *Minnesota Statutes*, section 152.22, subdivision 6.

Subp. 27. **Medical cannabis manufacturer or manufacturer.** “Medical cannabis manufacturer” or “manufacturer” has the meaning given in *Minnesota Statutes*, section 152.22, subdivision 7.

Subp. 28. **Medical cannabis product.** “Medical cannabis product” has the meaning given in *Minnesota Statutes*, section 152.22, subdivision 8.

Subp. 29. **Medical cannabis waste.** “Medical cannabis waste” means medical cannabis that is returned, damaged, defective, expired, or contaminated.

Subp. 30. **Parent or legal guardian.** “Parent or legal guardian” has the meaning given in *Minnesota Statutes*, section 152.27, subdivision 5.

Subp. 31. **Patient.** “Patient” has the meaning given in *Minnesota Statutes*, section 152.22, subdivision 9.

Subp. 32. **Plant material.** “Plant material” means any cannabis plant, cutting, trimming, or clone that has roots or that is cultivated with the intention of growing roots.

Subp. 33. **Plant material waste.** “Plant material waste” means plant material that is not used in the production of medical cannabis in a form allowable under *Minnesota Statutes*, section 152.22, subdivision 6.

Subp. 34. **Production or produce.** “Production” or “produce” means:

- (1) cultivating or harvesting plant material;
- (2) processing or manufacturing; or
- (3) packaging of medical cannabis.

Subp. 35. **Proficiency testing sample or PT sample.** “Proficiency testing sample” or “PT sample” means a sample obtained from an approved provider to evaluate the ability of a laboratory to produce an analytical test result meeting the definition of acceptable

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performance. The concentration of the analyte in the sample is unknown to the laboratory at the time of analysis.

Subp. 36. **Registered designated caregiver.** “Registered designated caregiver” has the meaning given in *Minnesota Statutes*, section 152.22, subdivision 11.

Subp. 37. **Registry program.** “Registry program” has the meaning given in *Minnesota Statutes*, section 152.22, subdivision 12.

Subp. 38. **Registry verification.** “Registry verification” has the meaning given in *Minnesota Statutes*, section 152.22, subdivision 13.

Subp. 39. **Restricted access area.** “Restricted access area” means a building, room, or other contiguous area on the premises where plant material is grown, cultivated, harvested, stored, packaged, sold, or processed for sale under control of the medical cannabis manufacturer, and where no person under the age of 21 is permitted.

Subp. 40. **Sufficient cause to believe.** “Sufficient cause to believe” means grounds asserted in good faith that are not arbitrary, irrational, unreasonable, or irrelevant and that make the proposition asserted more likely than not, provided the grounds are based on at least one of the following sources:

A. facts or statements supplied by a patient, the patient’s parent or legal guardian, the patient’s designated registered caregiver, or an employee or agent of a medical cannabis manufacturer;

B. reports from an approved laboratory that indicate concerns with the chemical or bacterial composition of the medical cannabis;

C. financial records of a medical cannabis manufacturer;

D. police records;

E. court documents; or

F. facts of which the commissioner or the commissioner’s employees have personal knowledge.

4770.0300 DUTIES OF COMMISSIONER.

Subpart 1. **Interagency agreements.** The commissioner may enter into any interagency agreements with other state agencies for technical services or other assistance related to the regulatory or inspection duties of a medical cannabis manufacturer and the registry program.

Subp. 2. **Notice to law enforcement.** If the commissioner has sufficient cause to believe that there is a threat to public safety, then the commissioner must notify local law enforcement agencies of any conditions that pose a threat to public safety, including:

A. loss or theft of medical cannabis or plant material;

B. diversion or potential diversion of medical cannabis or plant material; and

C. unauthorized access to the patient registry.

Subp. 3. **Inspection of medical cannabis manufacturer.** A medical cannabis manufacturer is subject to reasonable inspection by the commissioner under *Minnesota Statutes*, section 152.29, subdivision 1. For purposes of this part, “reasonable inspection” means unannounced inspections by the commissioner of all:

A. aspects of the business operations;

B. physical locations of the medical cannabis manufacturer, its manufacturing facility, and distribution facilities;

C. financial information and inventory documentation; and

D. physical and electronic security alarm systems.

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Subp. 4. **Fees.** Any fees collected by the commissioner under *Minnesota Statutes*, section 152.35, are not refundable.

Subp. 5. **Patient costs; pricing.**

A. A medical cannabis manufacturer must follow the requirements under *Minnesota Statutes*, section 152.35, paragraph (d), in establishing a reasonable fee.

B. The commissioner must annually review price costing by a medical cannabis manufacturer.

4770.0400 MEDICAL CANNABIS MANUFACTURER; OPERATIONS.

Subpart 1. **Operating documents.** Under *Minnesota Statutes*, section 152.29, subdivision 1, the operating documents of a medical cannabis manufacturer must describe operational and management practices, including:

A. record keeping;

B. security measures to deter and prevent theft of medical cannabis;

C. unauthorized entrance into areas containing medical cannabis;

D. types and quantities of medical cannabis products that are produced at the manufacturing facility;

E. methods of planting, harvesting, drying, and storage of medical cannabis;

F. estimated quantity of all crop inputs used in production;

G. estimated quantity of waste material to be generated;

H. disposal methods for all waste materials;

I. employee training methods for the specific phases of production;

J. biosecurity measures used in production and in manufacturing;

K. strategies for reconciling discrepancies in plant material or medical cannabis;

L. sampling strategy and quality testing for labeling purposes;

M. medical cannabis packaging and labeling procedures;

N. procedures for the mandatory and voluntary recall of medical cannabis;

O. plans for responding to a security breach at a manufacturing or distribution facility, or while medical cannabis is in transit to a manufacturing or distribution facility;

P. business continuity plan;

Q. records relating to all transport activities; and

R. other information requested by the commissioner.

Subp. 2. **Prohibited activities.**

A. A person may not own and operate a manufacturing facility unless the person is registered as a medical cannabis manufacturer by the commissioner under *Minnesota Statutes*, section 152.25.

B. A medical cannabis manufacturer and its employees, agents, or owners may not:

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- (1) produce or manufacture medical cannabis in any location except in those areas designated in the registration agreement;
- (2) sell, deliver, transport, or distribute medical cannabis or medical cannabis products from any location except its manufacturing facility or its distribution facility;
- (3) produce or manufacture medical cannabis for use outside of Minnesota;
- (4) sell or distribute medical cannabis to any person other than a:
 - (a) patient;
 - (b) parent or legal guardian; or
 - (c) designated registered caregiver;
- (5) deliver or transport medical cannabis to any location except its distribution facilities and a laboratory approved by the commissioner;
- (6) sell medical cannabis that is not packaged and labeled in accordance with part 4770.0850; and
- (7) permit the consumption of medical cannabis.

Subp. 3. **Criminal background checks.** A medical cannabis manufacturer is prohibited from employing any person who has a disqualifying felony offense following a Minnesota criminal history background check and a federal criminal history background check performed by the Bureau of Criminal Apprehension under *Minnesota Statutes*, section 152.29, subdivision 1.

Subp. 4. **Conflict of interest; health care practitioner activity restrictions.** A medical cannabis manufacturer may not:

A. permit a health care practitioner who certifies qualifying conditions for patients to:

- (1) hold a direct or indirect economic interest in the medical cannabis manufacturer;
- (2) serve on the board of directors or as an employee of the medical cannabis manufacturer; or
- (3) advertise with the medical cannabis manufacturer in any capacity;

B. accept or solicit any form of remuneration from a health care practitioner who certifies qualifying conditions for patients; or

C. offer any form of remuneration from a health care practitioner who certifies qualifying conditions for patients.

4770.0500 MEDICAL CANNABIS MANUFACTURER; QUALITY CONTROL; ASSURANCE PROGRAM.

Subpart 1. **Quality control program.** A medical cannabis manufacturer must develop and implement a written quality assurance program that assesses the chemical and microbiological composition of medical cannabis. Assessment includes a profile of the active ingredients, including shelf life, and the presence of inactive ingredients and contaminants. A medical cannabis manufacturer must use these testing results to determine appropriate storage conditions and expiration dates.

Subp. 2. **Sampling protocols.** A medical cannabis manufacturer must develop and follow written procedures for sampling medical cannabis that require the manufacturer to:

A. conduct sample collection in a manner that provides analytically sound and representative samples;

B. document every sampling event and provides this documentation to the commissioner upon request;

C. describe all sampling and testing plans in written procedures that include the sampling method and the number of units per batch to be tested;

D. ensure that random samples from each batch are:

- (1) taken in an amount necessary to conduct the applicable test;

(2) labeled with the batch unique identifier; and

(3) submitted for testing; and

E. retain the results from the random samples for at least five years.

Subp. 3. Sampling; testing levels. A medical cannabis manufacturer must:

A. develop acceptance criteria for all potential contaminants based on the levels of metals, microbes, or other contaminants that the manufacturer uses in cultivating and producing medical cannabis. The testing levels are subject to approval by the commissioner;

B. conduct sampling and testing using acceptance criteria that are protective of patient health. The sampling and testing results must ensure that batches of medical cannabis meet allowable health risk limits for contaminants;

C. reject a medical cannabis batch that fails to meet established standards, specifications, and any other relevant quality-control criteria;

D. develop and follow a written procedure for responding to results indicating contamination. The procedure must include destroying contaminated medical cannabis and determining the source of contamination; and

E. retain documentation of test results, assessment, and destruction of medical cannabis for at least five years.

Subp. 4. Quality assurance program; stability testing.

A. The quality assurance program must include procedures for performing stability testing of each product type produced to determine product shelf life that addresses:

(1) sample size and test intervals based on statistical criteria for each attribute examined to ensure valid stability estimates;

(2) storage conditions for samples retained for testing; and

(3) reliable and specific test methods.

B. Stability studies must include:

(1) medical cannabis testing at appropriate intervals;

(2) medical cannabis testing in the same container-closure system in which the drug product is marketed; and

(3) testing medical cannabis for reconstitution at the time of dispensing, as directed in the labeling, and after the samples are reconstituted.

C. If shelf-life studies have not been completed before July 1, 2015, a medical cannabis manufacturer may assign a tentative expiration date, based on any available stability information. The manufacturer must concurrently conduct stability studies to determine the actual product expiration date.

D. After the manufacturer verifies the tentative expiration date, or determines the appropriate expiration date, the medical cannabis manufacturer must include that expiration date on each batch of medical cannabis.

E. Stability testing must be repeated if the manufacturing process or the product's chemical composition is changed.

Subp. 5. Reserve samples.

A. A medical cannabis manufacturer must retain a uniquely labeled reserve sample that represents each batch of medical cannabis and store it under conditions consistent with product labeling. The reserve sample must be stored in the same immediate container-closure system in which the medical cannabis is marketed, or in one that has similar characteristics. The reserve sample must consist of at least twice the quantity necessary to perform all the required tests.

B. A medical cannabis manufacturer must retain the reserve for at least one year following the batch's expiration date.

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Subp. 6. **Retesting.** If the commissioner deems that public health may be at risk, the commissioner may require the manufacturer to retest any sample of plant material or medical cannabis.

4770.0600 LOCATION; DISTANCE FROM SCHOOL.

Under *Minnesota Statutes*, section 152.29, paragraph (j), a medical cannabis manufacturer may not operate within 1,000 feet of an existing public or private school. The medical cannabis manufacturer must measure the distance between the closest point of the manufacturing or distribution facility property lines to the closest point of the school's property lines.

For purposes of this part, "public or private school" means any property operated by:

A. a school district, charter school, or accredited nonpublic school for elementary, middle, or secondary school, or secondary vocation center purposes; or

B. any other school providing educational services in kindergarten through grade 12 or used for educational purposes.

"Accredited nonpublic school" means any nonpublic school accredited by an accrediting agency recognized by the Minnesota nonpublic education council under *Minnesota Statutes*, section 123B.445, excluding home schools.

4770.0700 HOURS OF OPERATION; ACCESS.

Subpart 1. **Limiting hours of operation.** The commissioner may limit the hours of operation of a manufacturing facility if there is sufficient cause to believe that limiting the hours of operation protects public safety.

Subp. 2. **Restricted access areas.** A medical cannabis manufacturer must use an electronic controlled access system to limit entrance to all restricted access areas of its manufacturing facility and its distribution facilities.

A. An electronic controlled access system must:

- (1) limit access to authorized individuals;
- (2) track personnel entry and exit times;
- (3) lock down the facility in the event of a security threat;
- (4) store data for retrieval;
- (5) remain operable in the event of power failure; and
- (6) enable remote administration.

B. A medical cannabis manufacturer must immediately submit stored controlled access system data to the commissioner upon the commissioner's request.

C. Restricted access areas must be identified with a sign that states: "Do Not Enter — Restricted Access Area — Access Limited to Authorized Personnel Only."

4770.0800 ADVERTISING AND MARKETING.

Subpart 1. **Permitted marketing and advertising activities.** A medical cannabis manufacturer may:

A. display the manufacturer's business name and logo on medical cannabis labels, signs, Web site, and informational material provided to patients. The name or logo must not include:

- (1) images of cannabis or cannabis-smoking paraphernalia;
- (2) colloquial references to cannabis;
- (3) names of cannabis plant strains; or

(4) medical symbols that bear a reasonable resemblance to established medical associations. Examples of established medical organizations include the American Medical Association or American Academy of Pediatrics. The use of medical symbols is subject to

approval by the commissioner;

B. display signs on the manufacturing facility and distribution facility; and

C. maintain a business Web site that contains the following information:

(1) the medical cannabis manufacturer name;

(2) the distribution facility location;

(3) the contact information;

(4) the hours of operation;

(5) the medical cannabis products provided;

(6) product pricing; and

(7) other information as approved by the commissioner.

Subp. 2. Marketing and advertising activities; commissioner approval required.

A. A medical cannabis manufacturer must request and receive the commissioner's written approval before beginning marketing or advertising activities that are not specified in subpart 1.

B. The commissioner has 60 calendar days to approve marketing and advertising activities submitted under this subpart.

Subp. 3. **Inconspicuous display.** A medical cannabis manufacturer must arrange displays of merchandise, interior signs, and other exhibits to prevent public viewing from outside the manufacturing facility and distribution facility.

4770.0850 PACKAGING AND LABELING.

Subpart 1. **Medical cannabis packaging.** The medical cannabis manufacturer must package all medical cannabis intended for distribution according to the following standards:

A. In addition to the requirements in *Minnesota Statutes*, section 152.29, subdivision 3, paragraph (c), clause (5), medical cannabis containers must be:

(1) plain;

(2) designed to maximize the shelf life of contained medical cannabis;

(3) tamper-evident; and

(4) child-resistant.

B. Medical cannabis packaging must not bear a reasonable resemblance to any commercially available product.

C. Medical cannabis packaging must be packaged to minimize its appeal to children and must not depict images other than the medical cannabis manufacturer's business name logo.

Subp. 2. **Medical cannabis trade names.** The medical cannabis manufacturer's medical cannabis trade names must comply with the following standards and are subject to approval by the commissioner:

A. names that are limited to those that clearly reflect the product's medical cannabis nature;

B. any name that is identical to, or confusingly similar to, the name of an existing noncannabis product is prohibited;

C. any name that is identical to, or confusingly similar to, the name of an unlawful product or substance is prohibited; and

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D. any name that contains language that suggests using medical cannabis for recreational purposes or for a condition other than a qualifying medical condition is prohibited.

Subp. 3. Labeling.

A. A medical cannabis manufacturer must ensure that all medical cannabis that is distributed is labeled with the following information:

(1) the patient's registry identification number, name, and date of birth;

(2) the name and date of birth of the designated registered caregiver, if applicable;

(3) the name of the patient's parent or legal guardian, if listed on the registry verification, if applicable;

(4) the patient's address;

(5) the name and address of the medical cannabis manufacturer where the medical cannabis was manufactured;

(6) the medical cannabis's chemical composition;

(7) the dosage;

(8) directions for use of the product;

(9) all ingredients of the product, including any colors, artificial flavors, and preservatives, listed in descending order by predominance of weight shown with common or usual names;

(10) the date of manufacture;

(11) a notice with the statement, including capitalization: "This product has not been analyzed or approved by the United States Food and Drug Administration. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate heavy machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN."; and

(12) a notice with the statement: "This medical cannabis is for therapeutic use only. Diversion of this product is unlawful and may result in the revocation of the patient's registration."

B. Labeling text must not include any false or misleading statements regarding health or physical benefits to the patient.

C. A package may contain multiple labels if the information required by this part is not obstructed.

4770.0900 MONITORING AND SURVEILLANCE REQUIREMENTS.

Subpart 1. 24-hour closed-circuit television. A medical cannabis manufacturer must operate and maintain in good working order a closed-circuit television (CCTV) surveillance system on all of its premises that operates 24 hours, seven days per week, and visually records:

A. all phases of production;

B. all areas that might contain plant material and medical cannabis, including all safes and vaults;

C. all points of entry and exit, including sales areas;

D. the entrance to the video surveillance room; and

E. any parking lot, which must have appropriate lighting for the normal conditions of the area under surveillance.

Subp. 2. Camera specifications. Cameras must:

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A. capture clear and certain identification of any person entering or exiting a manufacturing facility or distribution facility;

B. have the ability to produce a clear, color, still photo either live or from a recording;

C. have an embedded date and time stamp on all recordings that must be synchronized and not obscure the picture; and

D. remain operational during a power outage.

Subp. 3. Video recording specifications.

A. A video recording must export still images in an industry standard image format, including .jpg, .bmp, and .gif.

B. Exported video must be archived in a proprietary format that ensures authentication and guarantees that the recorded image has not been altered.

C. Exported video must also be saved in an industry standard file format that can be played on a standard computer operating system.

D. All recordings must be erased or destroyed before disposal.

Subp. 4. Additional requirements. The manufacturer must maintain all security system equipment and recordings in a secure location to prevent theft, loss, destruction, corruption, and alterations.

Subp. 5. Retention. The manufacturer must ensure that 24-hour recordings from all video cameras are:

A. available for viewing by the commissioner upon request;

B. retained for at least 90 calendar days;

C. maintained free of alteration or corruption; and

D. retained longer, as needed, if the manufacturer is given actual notice of a pending criminal, civil, or administrative investigation, or other legal proceeding for which the recording may contain relevant information.

4770.1000 ALARM SYSTEM REQUIREMENTS.

A. A medical cannabis manufacturer must install and maintain a professionally monitored security alarm system that provides intrusion and fire detection of all:

(1) facility entrances and exits;

(2) rooms with exterior windows;

(3) rooms with exterior walls;

(4) roof hatches;

(5) skylights; and

(6) storage rooms.

B. For purposes of this part, a security alarm system means a device or series of devices that summons law enforcement personnel during, or as a result of, an alarm condition. Devices may include:

(1) hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals that emit or transmit a remote or local audio, visual, or electronic signal;

(2) motion detectors;

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(3) pressure switches;

(4) a duress alarm;

(5) a panic alarm;

(6) a holdup alarm;

(7) an automatic voice dialer; and

(8) a failure notification system that provides an audio, text, or visual notification of any failure in the surveillance system.

C. A manufacturer's security alarm system and all devices must remain operational during a power outage.

D. The commissioner must have the ability to access a medical cannabis manufacturer's security alarm system.

E. The manufacturer's security alarm system must be inspected and all devices tested annually by a qualified alarm vendor.

4770.1100 TRANSPORTATION OF MEDICAL CANNABIS.

Subpart 1. Transportation of medical cannabis and plant material; when authorized.

A. A medical cannabis manufacturer is authorized to transport medical cannabis:

(1) from its manufacturing facility to its distribution facilities;

(2) from its manufacturing facility to a laboratory for testing; and

(3) from its manufacturing facility or distribution facility to a waste-to-energy facility.

B. A medical cannabis manufacturer is authorized to transport plant material:

(1) from its manufacturing facility to a waste disposal site; and

(2) when a specific nonroutine transport request from the manufacturer is approved by the commissioner.

Subp. 2. Transporting medical cannabis.

A. Before transporting medical cannabis, a medical cannabis manufacturer must:

(1) complete a transport manifest on a form prescribed by the commissioner;

(2) transmit a copy of the transport manifest to the manufacturer's distribution facility; and

(3) maintain all transport manifests for at least five years and make them available upon request of the commissioner.

B. The transport manifest must be signed by an authorized medical cannabis manufacturer employee upon departure from the manufacturing facility and by an authorized medical cannabis manufacturer employee upon receipt at a distribution facility.

C. An authorized employee of the manufacturer at a distribution facility must:

(1) verify and document the type and quantity of the transported product against the transport manifest;

(2) return a copy of the signed transport manifest to the manufacturing facility; and

(3) receive the medical cannabis that is received as inventory according to part 4770.1800.

Subp. 3. Transportation of medical cannabis; vehicle requirements.

A. A manufacturer must ensure that:

(1) all medical cannabis transported on public roadways is:

(a) packaged in tamper-evident containers;

(b) transported so it is not visible or recognizable from outside the vehicle; and

(c) transported in a vehicle that does not bear any markings to indicate that the vehicle contains cannabis or bears the name or logo of the manufacturer.

B. Manufacturer employees who are transporting medical cannabis on public roadways must:

(1) travel directly to the distribution facility; and

(2) document refueling and all stops in transit, including:

(a) the reason for the stop;

(b) the duration of the stop;

(c) the location of the stop; and

(d) all activities of employees exiting the vehicle.

C. In the event of an emergency requiring the vehicle to stop, the employee must notify 911 and complete an incident report form prescribed by the commissioner.

D. Under no circumstance may any person other than a designated manufacturer employee have actual physical control of the motor vehicle that is transporting the medical cannabis.

E. A medical cannabis manufacturer must staff all transport motor vehicles with a minimum of two employees. At least one employee must remain with the motor vehicle at all times that the motor vehicle contains medical cannabis.

F. Each employee in a motor vehicle that is transporting medical cannabis must have communication access with the medical cannabis manufacturer's personnel, and have the ability to contact law enforcement through the 911 emergency system at all times that the motor vehicle contains medical cannabis.

G. An employee must carry the employee's identification card at all times when transporting or delivering cannabis and, upon request, shall produce the identification card to the commissioner or to a law enforcement officer acting in the course of official duties.

H. A medical cannabis manufacturer must not leave a vehicle unattended overnight that is transporting medical cannabis.

4770.1200 DISPOSAL OF MEDICAL CANNABIS AND PLANT MATERIAL.

Subpart 1. **Medical cannabis take-back.** A medical cannabis manufacturer must accept at no charge unused, excess, or contaminated medical cannabis. A manufacturer must:

A. dispose of the returned medical cannabis as provided in subpart 2; and

B. maintain a written record of disposal that includes:

(1) the name of the patient;

(2) the date the medical cannabis was returned;

(3) the quantity of medical cannabis returned; and

(4) the type of medical cannabis returned.

Subp. 2. **Medical cannabis and plant material waste.** A medical cannabis manufacturer must store, secure, and manage medical cannabis waste and plant material waste in accordance with all applicable federal, state, and local regulations.

A. The manufacturer must dispose of medical cannabis waste by incineration at a waste-to-energy facility according to federal and state law.

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B. The manufacturer must dispose of plant material by composting as follows:

(1) at the manufacturing facility, according to federal and state law; or

(2) at an approved composting facility, according to federal and state law.

C. Before transport, plant material waste must be rendered unusable and unrecognizable by grinding and incorporating the waste with a greater quantity of nonconsumable, solid wastes including:

(1) paper waste;

(2) cardboard waste;

(3) food waste;

(4) yard waste;

(5) vegetative wastes generated from industrial or manufacturing processes that prepare food for human consumption;

(6) soil; or

(7) other waste approved by the commissioner.

Subp. 3. **Waste disposal.** The medical cannabis manufacturer must dispose of all liquid and chemical product waste generated in the process of cultivating, manufacturing, and distributing medical cannabis in accordance with all applicable federal, state, and local regulations.

Subp. 4. **Waste-tracking requirements.** The medical cannabis manufacturer must use forms prescribed by the commissioner to maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of medical cannabis waste and plant material waste.

4770.1300 MANDATORY SIGNAGE.

A. A medical cannabis manufacturer must post a sign in a conspicuous location at each entrance of the manufacturing facility that reads “PERSONS UNDER TWENTY-ONE YEARS OF AGE NOT PERMITTED ON THESE PREMISES.”

B. A medical cannabis manufacturer must post a sign in a conspicuous location at each entrance of the premises that reads “THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE.”

C. An employee of a medical cannabis manufacturer must keep the employee’s identification card visible at all times when on the manufacturer’s premises and during the transportation of medical cannabis to a distribution facility.

4770.1400 PERSONNEL IDENTIFICATION SYSTEM.

Subpart 1. **Identification system.** A medical cannabis manufacturer must use a personnel identification system that controls and monitors individual employee access to restricted access areas within the manufacturing facility and distribution facility and that meets the requirements of this part and part 4770.0700.

Subp. 2. **Employee identification card requirement.** An employee identification card must contain:

A. the name of the cardholder;

B. the date of issuance and expiration;

C. an alphanumeric identification number that is unique to the cardholder; and

D. a photographic image of the cardholder.

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Subp. 3. **Visitor pass required.** A visitor must wear a visitor pass issued by the medical cannabis manufacturer that is visible at all times.

Subp. 4. **Employee identification card on person and visible at all times.** A medical cannabis manufacturer employee must keep the employee's identification card visible at all times when on the premises of the medical cannabis manufacturer and when transporting medical cannabis to a distribution facility.

Subp. 5. **Termination of employment.** Upon termination of an employee, a medical cannabis manufacturer must obtain and destroy the terminated employee's identification card.

4770.1500 CLOSURE OF OPERATIONS; DEREGISTRATION.

Subpart 1. **Notice.** A medical cannabis manufacturer shall notify the commissioner at least six months before the closure of the manufacturing facility and its distribution facilities.

Subp. 2. **Procedures.** If a medical cannabis manufacturer ceases operation, the commissioner must verify the remaining inventory of the manufacturer and seize all plant material, plant material waste, and medical cannabis. The commissioner must ensure that any plant material, plant material waste, and medical cannabis is destroyed by incineration at a waste-to-energy facility.

4770.1600 RECORD KEEPING; REQUIREMENTS.

A. A medical cannabis manufacturer must maintain for at least five years complete, legible, and current records, including:

- (1) the date of each sale or distribution;
- (2) the registration number of all patients;
- (3) the item number, product name and description, and quantity of medical cannabis sold or otherwise distributed;
- (4) records of sale prices of medical cannabis to patients;
- (5) the quantity and form of medical cannabis maintained by the manufacturer at the manufacturing facility on a daily basis; and
- (6) the amount of plants being grown at the manufacturing facility on a daily basis.

B. A medical cannabis manufacturer must maintain records that reflect all financial transactions and the financial condition of the business. The following records must be maintained for at least five years and, upon request of the commissioner, must be available for inspection:

(1) purchase invoices, bills of lading, transport manifests, sales records, copies of bills of sale, and any supporting documents, to include the items or services purchased, from whom the items were purchased, and the date of purchase;

- (2) bank statements and canceled checks for all business accounts;
- (3) accounting and tax records;
- (4) records of all financial transactions, including contracts and agreements for services performed or services received;
- (5) all personnel records;
- (6) crop inputs applied to the growing medium, plants, or plant material used in production;
- (7) production records;
- (8) transportation records;
- (9) inventory records;

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(10) records of all samples sent to a testing laboratory and the quality assurance test results; and

(11) records of any theft, loss, or other unaccountability of any medical cannabis or plant material.

4770.1700 MEDICAL CANNABIS MANUFACTURER; PRODUCTION REQUIREMENTS.

Subpart 1. Cultivation and processing.

A. Only a registered medical cannabis manufacturer is authorized to produce and manufacture medical cannabis.

B. Each manufacturer must develop and maintain an operations and management practices plan for each production area. The commissioner must approve the operations and management practices plan.

C. All phases of production must take place in designated, restricted access areas that are monitored by a surveillance camera system in accordance with part 4770.0900.

D. All areas must be compartmentalized based on function, and employee access must be restricted between compartments.

E. The production process must be designed to limit contamination. Examples of contamination include mold, fungus, bacterial diseases, rot, pests, nonorganic pesticides, and mildew.

F. Each production area must have an open aisle for unobstructed access, observation, and inventory of each plant group.

G. Biosecurity measures must be in effect and documented according to part 4770.0400, subpart 1.

H. The manufacturer must maintain a record at the facility of all crop inputs for at least five years. The record must include the following:

(1) the date of application;

(2) the name of the employee applying the crop input;

(3) the crop input that was applied;

(4) the section, including the square footage, that received the application by batch number;

(5) the amount of crop input that was applied; and

(6) a copy of the label of the crop input applied.

I. At the time of planting, all plants must be tracked in a batch process with a unique batch number that must remain with the batch through final packaging.

J. A manufacturer must record any removal of plants from the batch on a record maintained at the manufacturing facility for at least five years.

K. The batch number must be displayed on the label of the medical cannabis.

Subp. 2. Production of medical cannabis.

A. The commissioner must approve the manufacturer's use of any hydrocarbon-based extraction process. Examples of a hydrocarbon-based extraction process include the use of butane, ethanol, hexane, and isopropyl alcohol.

B. Medical cannabis must be prepared, handled, and stored in compliance with the sanitation requirements in this part.

C. A manufacturer must refrigerate perishable forms of medical cannabis.

D. A manufacturer must ensure that the cannabinoid content of the medical cannabis it produces is homogenous.

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Subp. 3. General sanitation requirements. A manufacturer must take all reasonable measures and precautions to ensure that:

A. any employee who has:

(1) an infectious illness;

(2) open lesions, including boils, sores, or infected wounds; or

(3) any other abnormal source of microbial contamination, does not come in contact with plant material or medical cannabis;

B. hand-washing facilities are:

(1) convenient and furnished with running water at a suitable temperature;

(2) located in all production areas; and

(3) equipped with effective hand-cleaning and sanitizing preparations and sanitary towel service or electronic drying devices;

C. all employees working in direct contact with plant material and medical cannabis must use hygienic practices while on duty, including:

(1) maintaining personal cleanliness; and

(2) washing hands thoroughly in a hand-washing area before starting work and at any other time when the hands may have become soiled or contaminated;

D. litter and waste are routinely removed and the operating systems for waste disposal are routinely inspected;

E. floors, walls, and ceilings are constructed with a surface that can be easily cleaned and maintained in good repair to prevent microbial growth;

F. lighting is adequate in all areas where plant material and medical cannabis are processed, stored, or sold;

G. screening or other protection against the entry of pests is provided, including that rubbish is disposed of to minimize the development of odor and the potential for the waste becoming an attractant, harborage, or breeding place for pests;

H. any buildings, fixtures, and other facilities are maintained in a sanitary condition;

I. toxic cleaning compounds, sanitizing agents, and other potentially harmful chemicals are identified and stored in a separate location away from plant material and medical cannabis and in accordance with applicable local, state, or federal law;

J. all contact surfaces, utensils, and equipment used in the production of plant material and medical cannabis are maintained in a clean and sanitary condition are cleaned and sanitized as frequently as necessary to protect against contamination;

K. the manufacturing facility water supply is sufficient for necessary operations;

L. plumbing size and design meets operational needs and all applicable state and local laws;

M. employees have accessible toilet facilities that are sanitary and in good repair; and

N. plant material and medical cannabis that could support the rapid growth of undesirable microorganisms are isolated to prevent the growth of those microorganisms.

Subp. 4. Storage.

A. A manufacturer must store plant material and medical cannabis during production, transport, and testing to prevent diversion, theft, or loss, including ensuring:

(1) plant material and medical cannabis are accessible only to the minimum number of authorized manufacturer's employees essential for operation;

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(2) plant material and medical cannabis are returned to a secure location immediately after completion of the process or at the end of the scheduled business day; and

(3) the tanks, vessels, bins, or bulk containers containing plant material or medical cannabis are locked inside a secure area if a process is not completed at the end of a business day.

B. A manufacturer must store all plant material and medical cannabis production, transport, and testing, and all saleable medical cannabis:

(1) in areas that are maintained in a clean, orderly, and well-ventilated condition; and

(2) in storage areas that are free from infestation by insects, rodents, birds, and other pests of any kind.

C. To prevent degradation, a manufacturer must store all plant material and medical cannabis in production, transport, and testing, and all saleable medical cannabis under conditions that will protect it against physical, chemical, and microbial contamination and deterioration of the product and its container.

D. A manufacturer must maintain a separate secure storage area for medical cannabis that is returned, including medical cannabis that is outdated, damaged, deteriorated, mislabeled, or contaminated, or whose containers or packaging have been opened or breached, until the returned medical cannabis is destroyed. For purposes of this part, a separate, secure storage area includes a container, closet, or room that can be locked or secured.

4770.1800 INVENTORY.

Subpart 1. **Controls and procedures.** A medical cannabis manufacturer must establish inventory controls and procedures for conducting inventory reviews and comprehensive inventories of plant material and medical cannabis to prevent and detect any diversion, theft, or loss in a timely manner.

Subp. 2. **Reliable and ongoing supply.** A medical cannabis manufacturer must provide a reliable and ongoing supply of medical cannabis as required by *Minnesota Statutes*, section 152.29, subdivision 2.

Subp. 3. **Initial inventory.** A medical cannabis manufacturer must maintain a real-time record of its inventory of plant material and medical cannabis to include:

A. the date and time of the inventory;

B. a summary of inventory findings;

C. the names of the employees or employee conducting the inventory; and

D. other information deemed necessary and requested by the commissioner.

Subp. 4. **Waste inventory.** The medical cannabis manufacturer must maintain a record of its inventory of all medical cannabis waste and plant material waste for disposal.

Subp. 5. **Reconciliation.** At the close of business each day, a medical cannabis manufacturer must reconcile all:

A. plant material at the manufacturing facility and in transit; and

B. medical cannabis at the manufacturing facility, distribution facility, and in transit.

Subp. 6. **Scales.** All scales used to weigh usable plant material for purposes of this chapter must be certified in accordance with the International Organization for Standardization (ISO), ISO/IEC Standard 17025, which is incorporated by reference.

4770.1900 MEDICAL CANNABIS LABORATORY APPROVAL.

Subpart 1. **Commissioner's authority.** The commissioner must approve any medical cannabis laboratory that tests medical cannabis for a registered medical cannabis manufacturer under *Minnesota Statutes*, section 152.25, subdivision 1, paragraph (d). A medical cannabis laboratory may seek approval to use specific procedures to test the allowable product types and analytes according to parts 4770.1900

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to 4770.2400, which specify the commissioner's requirements authorized by *Minnesota Statutes*, section 152.29, subdivision 1, paragraph (b).

Subp. 2. Eligibility. The commissioner may only approve a medical cannabis laboratory that tests under a contract with a medical cannabis manufacturer that can demonstrate its eligibility under this subpart. The laboratory must:

A. operate using proper laboratory equipment under a quality assurance system and test product types for analytes listed in the commissioner's list in subpart 3;

B. test medical cannabis delivered in the product types specified in subpart 4;

C. test accurately for the following elements:

(1) content, by testing for analytes for a cannabinoid profile;

(2) contamination, by testing for analytes for:

(a) metals;

(b) pesticide residues and plant growth regulators;

(c) microbiological contaminants and mycotoxins; and

(d) residual solvents; and

(3) consistency of medical cannabis by testing for stability.

Subp. 3. Commissioner list of approved cannabis labs.

A. The commissioner must publish a list of approved cannabis laboratories in the *State Register* and on the department's medical cannabis program Web site at least annually.

B. The commissioner must provide the following information for each approved laboratory:

(1) its scope of approval;

(2) name, telephone number, and e-mail address of primary laboratory contact; and

(3) physical and mailing address of laboratory.

Subp. 4. Commissioner's approved medical cannabis product types. The commissioner's approved product types include:

A. liquid, including in oil form;

B. pill;

C. vaporized delivery method using liquid or oil, but not dried leaves or plant form; and

D. any other method, excluding smoking, approved by the commissioner.

Subp. 5. Commissioner's analyte list.

A. The commissioner must maintain a list of analytes that laboratories must be able to test for. The analyte categories include:

(1) cannabinoid profile;

(2) metals;

(3) pesticide residues and plant growth regulators;

(4) microbiological contaminants and mycotoxins; and

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(5) residual solvents.

B. The commissioner must publish the analyte list in the *State Register* and on the department's medical cannabis program Web site.

C. The commissioner must review the analyte list and publish a notice of any analyte updates in the *State Register* and on the department's medical cannabis program Web site at least every six months.

4770.2000 MEDICAL CANNABIS LABORATORY APPROVAL; APPLICATION AND APPROVAL.

Subpart 1. Application requirements.

A. A laboratory must apply for the commissioner's approval on a form provided by the commissioner.

B. A laboratory must also submit the following items:

(1) a signed and notarized attestation;

(a) declaring any conflict of interest, actual or perceived, relating to its direct or indirect financial interests in any medical cannabis manufacturer form; and

(b) stating that the laboratory is independent from the medical cannabis manufacturers;

(2) the fields of testing it is applying for approval to test;

(3) its quality assurance manual;

(4) its standard operating procedures;

(5) sample handling, receipt, and acceptance procedures and policies;

(6) demonstration of laboratory capability and acceptable performance through a combination of:

(a) existing certificates and approvals;

(b) documented demonstrations of analytical capabilities; and

(c) documented and acceptable proficiency testing samples from an approved provider, where available;

(7) method validation procedures for testing methods; and

(8) the name and educational qualifications of at least one technical manager responsible for the laboratory achieving and maintaining the quality and analytical standards of practice.

C. A mobile laboratory is considered a separate laboratory and is subject to all requirements of parts 4770.1900 to 4770.2300. In addition to the requirements of subpart 1, a mobile laboratory must:

(1) submit a vehicle identification number, license plate number, or other uniquely identifying information to the commissioner when applying for approval; and

(2) designate which fields of testing, equipment, and personnel are associated with the mobile laboratory.

D. The following items are required and must be submitted to the commissioner before December 31, 2016:

(1) a copy of the lab's ISO/IEC 17025:2005 Certificate and Scope of Accreditation; and

(2) a copy of the lab's most recent assessment report, including the scope of the assessment to ensure the evaluation of the medical cannabis fields of testing.

Subp. 2. Application requirements; commissioner's evaluation.

A. The commissioner must evaluate completed applications using the following criteria.

(1) A laboratory must operate formal management systems under the International Organization for Standardization (ISO). The

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ISO/IEC 17025, General Requirements for the Competency of Testing and Calibration Laboratories, includes technical and management system requirements which are incorporated by reference.

(2) A laboratory seeking initial or renewal medical cannabis laboratory approval after December 31, 2016, must be accredited to Standard ISO/IEC 17025:2005, which is incorporated by reference.

(3) A laboratory must specify one or more fields of testing for which it seeks approval. A laboratory must be approved for at least one field of testing to test medical cannabis for a medical cannabis manufacturer.

B. The commissioner must approve or deny the application within 60 days of receiving the completed application and any applicable information required under part 4770.2000, subpart 1, and subpart 2.

C. The commissioner's decision on a laboratory's application is a final agency decision.

Subp. 3. Approval.

A. When granting approval, the commissioner must notify the laboratory and include the following documentation:

(1) a letter acknowledging compliance with approval requirements by the laboratory;

(2) the scope of approval for the laboratory;

(3) the logo of the Minnesota Department of Health;

(4) the name of the laboratory;

(5) the address of the laboratory; and

(6) the expiration date of the approval.

B. If a laboratory's scope of approval changes, the commissioner must issue a new document that specifies the revised scope of approval.

C. A laboratory's approval is valid for one year from the date of the commissioner's awarding approval or renewal of approval, unless the commissioner rescinds approval under part 4770.2100.

4770.2100 MEDICAL CANNABIS LABORATORY APPROVAL; INSPECTION AND COMPLIANCE.

Subpart 1. Laboratory inspection and reports.

A. The commissioner may inspect a lab without prior notice at any time during normal business hours to verify compliance with parts 4770.1900 to 4770.2200. The commissioner may inspect:

(1) approved laboratories; and

(2) laboratories requesting approval.

B. To ensure proficiency, execution, and validation of analytical methodologies, the commissioner may require and a laboratory must obtain third-party validation and ongoing monitoring of the laboratory if the commissioner has reasonable cause. The laboratory must pay for all costs associated with the commissioner-ordered third-party validation.

C. An approved laboratory must provide reports to the commissioner regarding chemical compositions, microbial compositions, dosages, and noncannabis drug interactions under *Minnesota Statutes*, section 152.25, as requested by the commissioner.

D. An approved laboratory must provide reports to the medical cannabis manufacturer on forms provided by the commissioner.

Subp. 2. Laboratory approval requirements.

A. An approved laboratory may not misrepresent its approval on any document or marketing material.

B. A laboratory must make its current approval documentation and corresponding scope of approval available upon the request of:

Expedited Rules

(1) a client;

(2) the commissioner; or

(3) a regulatory agency.

Subp. 3. Rescinding approval.

A. The commissioner may rescind an approved cannabis laboratory's approval if the commissioner determines the laboratory has failed to:

(1) submit accurate application materials to the commissioner under part 4770.2000;

(2) comply with application requirements under part 4770.2000;

(3) comply with all applicable laws, rules, standards, policies, and procedures;

(4) allow the commissioner or designee to perform physical inspection of facilities;

(5) submit copies of inspection and corrective reports issued by the approved ISO/IEC 17025 accreditation body, as requested by the commissioner;

(6) provide the medical cannabis manufacturer with timely reports; or

(7) provide the medical cannabis manufacturer with reports compliant with the commissioner's designated test report format.

B. A laboratory must return its approval letter to the commissioner immediately if the commissioner rescinds the laboratory's approval.

C. The commissioner's decision to rescind approval of an approved medical cannabis laboratory is a final agency decision.

4770.2200 MEDICAL CANNABIS LABORATORY APPROVAL; DUTY TO NOTIFY.

Subpart 1. Operational changes.

A. A laboratory must notify the commissioner in writing within 30 days of a change in:

(1) name of the laboratory;

(2) physical location, postal mailing address, or e-mail address of the laboratory;

(3) owner of the laboratory;

(4) name, telephone numbers, or e-mail address of the designated contact person;

(5) name of a technical manager;

(6) major analytical equipment; or

(7) test methods.

B. If a laboratory notifies the commissioner under item A, it must include written results of proficiency testing samples or demonstrations of capability analyzed under the changes that the laboratory reported.

Subp. 2. Voluntary withdrawal.

A. If a laboratory chooses to withdraw its application for approval or its current approval in total or in part, the laboratory must:

(1) notify the commissioner in writing; and

(2) specify the effective date of withdrawal.

Expedited Rules

B. By the effective date of the withdrawal of approval, in total or in part, the laboratory must:

- (1) notify current client manufacturers in writing of its intent to withdraw its approval;
- (2) indicate the effective date of the withdrawal; and
- (3) submit a copy of each notification to the commissioner.

4770.2300 MEDICAL CANNABIS LABORATORY APPROVAL; APPEAL OF ADMINISTRATIVE DECISION.

A. The commissioner must notify a laboratory in writing the reason for the decision to deny or rescind laboratory approval under part 4770.2100.

B. A laboratory has 30 days from the commissioner's notice of denial or notice of rescinded approval to appeal the decision. A request to appeal must:

- (1) be in writing;
- (2) indicate the facts the laboratory disputes;
- (3) be signed by the laboratory managing agent; and
- (4) be sent to the commissioner.

C. The commissioner must notify a laboratory of the commissioner's acceptance or denial of an appeal request, in writing, within 60 days of receiving the request. The commissioner's decision is considered a final agency decision.

4770.2400 MEDICAL CANNABIS LABORATORY APPROVAL; VARIANCES.

The commissioner may grant a variance from parts 4770.1900 to 4770.2200. To request a variance, a laboratory must indicate in writing:

- A. the rule part and language for which the variance is sought;
- B. reasons for the request;
- C. alternate measures that the laboratory will take if the commissioner grants its request for variance;
- D. the proposed length of time of the variance; and
- E. data that the laboratory will provide to ensure analytical results of equal or better reliability, if applicable.

4770.2700 MEDICAL CANNABIS MANUFACTURER; FINANCIAL EXAMINATIONS; PRICING REVIEWS.

A. A medical cannabis manufacturer must maintain financial records in accordance with generally accepted accounting principles and, upon request, must provide any financial records to the commissioner.

B. The commissioner shall request an additional audit of the medical cannabis manufacturer, of the same time period, if the commissioner finds one or more of the following:

- (1) credible evidence or allegations of financial reporting irregularities not revealed in the annual certified financial audit; or
- (2) reasonable cause to believe there are operational or compliance concerns involving financing, budgeting, revenues, sales, or pricing.

4770.2800 INCORPORATION BY REFERENCE.

The International Organization for Standardization (ISO), ISO/IEC Standard 17025, is incorporated by reference, is not subject to frequent change, and is made a part of this rule where indicated. ISO/IEC Standard 17025 is published by the International Organization for Standardization, located at 1, ch. de la Voie-Creuse, CP 56, CH-1211 Geneva 20, Switzerland. ISO/IEC Standard 17025 is available in the office of the commissioner of health and can be found online at www.isoiec17025.com or www.iso.org.

Exempt Rules

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

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

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

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

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

Minnesota Department of Natural Resources (DNR) Adopted Exempt Permanent Game and Fish Rules: Taking Deer, Gray Partridge, Rabbits, Hares, and Muskellunge

6232.0300 GENERAL RESTRICTIONS FOR TAKING DEER.

[For text of subps 1 to 6, see M.R.]

Subp. 7. All-terrain vehicle or snowmobile use by licensed hunters.

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

C. For purposes of this chapter, all-terrain vehicles are vehicles, including trail bikes, three-wheelers, four-wheelers, tracked vehicles, or other manufactured or homemade vehicles, not licensed for highway use. Motor vehicles licensed for and being lawfully operated on a public road or highway, or farm tractors being used for agricultural purposes, are exempt from this subpart. This subpart applies to all lands and waters regardless of ownership except as provided in item B, and except that:

(1) the owner of the land on which the all-terrain vehicle or snowmobile is operated is exempt; ~~and~~

(2) a person with the landowner's permission to operate an all-terrain vehicle or snowmobile on the land is exempt; and

(3) a licensed deer hunter may operate a snowmobile on state grant-in-aid trails during the deer season. A permit to operate these vehicles during the restricted hours may be issued by a conservation officer in the event of an emergency or other unusual conditions. ~~Legal use of snowmobiles during the open deer season is governed by part 6100.5100.~~

[For text of subps 8 and 9, see M.R.]

6234.0500 TAKING GRAY PARTRIDGE.

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

Subp. 3. **Bag limit.** A person may not take more than five gray partridge per day or possess more than ten gray partridge at a time.

6234.0600 TAKING JACK RABBITS, COTTONTAIL RABBITS, AND SNOWSHOE HARES.

Subpart 1. **Open season.** Jack rabbits, cottontail rabbits, and snowshoe hares may be taken by legal firearm, bow and arrow, and traps from the Saturday nearest September 16 to the last day in February. A person may use dogs to pursue rabbits and hares without killing or capturing the rabbits and hares at any time during the year except from April 16 to July 14 or under permit.

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

6262.0200 FISHING REGULATIONS FOR INLAND WATERS.

Subpart 1. **General inland fishing regulations.** Fish may be taken in inland waters by angling during the time specified for each of the following species, however, certain waters of the state are subject to experimental regulations, special regulations, or are closed for the taking and possession of fish. When the closing date of a season falls on a Saturday, the season will extend through the following Sunday.

Species and Open Season

Daily and Possession Limits

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

- H. Muskellunge (including muskellunge-northern pike hybrid).
The first Saturday in June to December 1.

- (1) In all inland waters not listed in subitem (2).

1 in aggregate. The minimum size limit is ~~48~~ 54 inches in length.

- (2) In the following lakes in Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties:

1 in aggregate. The minimum size limit is 40 inches in length.

Lake:

Bryant
Bush
Calhoun
Cedar
Cedar
Clear
Crystal
Crystal
Eagle
Elmo
Gervais
Island
Isles
Johanna
Nokomis
Orchard
Phalen
Pierson
Silver
Wasserman
Weaver

County:

Hennepin
Hennepin
Hennepin
Hennepin
Scott
Washington
Dakota
Hennepin
Carver
Washington
Ramsey
Ramsey
Hennepin
Ramsey
Hennepin
Dakota
Ramsey
Carver
Ramsey
Carver
Hennepin

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

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

EFFECTIVE PERIOD. The amendment to *Minnesota Rules*, part 6262.0200, subpart 1, is effective March 1, 2015.

Commissioners' Orders

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

Minnesota Department of Natural Resources (DNR)

Commissioner's Order #1 Whitefish Schedule 2014

Date: September 30, 2014

Statutory authority: *Minnesota Statutes*, sections 84.9691; 84D.12, and Minnesota Rules, part 6216.0400, subpart 2

[Supplements existing invasive species requirements as described in *Minnesota Statutes* and rules for those infested water bodies within the state with spiny waterflea and open to whitefish netting under schedule II.]

BACKGROUND

WHEREAS,

1. Spiny Waterflea has been found to still be present in high numbers in October.
2. Spiny Waterflea can be moved easily on nets.
3. Spiny Waterflea life stages can only be killed by freezing the nets for a minimum of two days or dried for 10 days.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to authority vested in me by law, including but not limited to *Minnesota Statutes*, sections 84.9691 and 84D.12, and *Minnesota Rules*, part 6216.0400, subpart 2, that:

- Nets used for whitefish and tullibee sport netting on infested waters may not be used on any other water body unless they have been frozen for a minimum of two days or dried for a minimum of ten days.

Dated: 30 September 2014

Tom Landwehr, Commissioner
Department of Natural Resources

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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 Employment and Economic Development (DEED)

Notice of Public Hearing by the Minnesota Department of Employment and Economic Development with Respect to a Proposed Project and the Provision of Funds from the Minnesota Job Creation Fund Program under *Minnesota Statutes* 116J.8748

NOTICE IS HEREBY GIVEN that the Minnesota Department of Employment and Economic Development (“DEED”) will conduct a public hearing on Friday, October 17 at 1:00 p.m., or as soon thereafter as reasonably possible at 332 Minnesota Street, Suite E200, in Saint Paul, Minnesota, on a proposal to provide funding through the Minnesota Job Creation Fund Program pursuant to authority granted under *Minnesota Statutes* 116J.8748 and *Minnesota Rules* Chapter 4301. This hearing is conducted in accordance with *Minnesota Statutes* 116J.994, Subd. 5.

Description of Projects and Proposed JCF Funding:

IKONICS Corporation, may expand at 2302 Commonwealth Avenue, Duluth (Saint Louis County), Minnesota. The proposed project is for the Advanced Materials Solutions Division, which provides manufacturing services for the aerospace and electronics industries. The potential project involves expanding one of their current facilities by adding on 20,000 square feet. The company expects to create 20 jobs at an average cash wage of \$22.00 per hour and make an eligible capital investment of \$3,100,000. The project is eligible for a job creation award of up to \$276,000 and a capital investment rebate of up to \$232,500.

All interested persons may appear and be heard at the time and place set forth above. Persons interested in participating via teleconference should contact Emily Johnson, Minnesota Job Creation Fund Program Manager at (651) 259-7450 or Emily.A.Johnson@state.mn.us prior to the date of the hearing for instructions on how to participate in the conference call.

Interested persons may mail written comments to Emily Johnson at the street or e-mail address set forth above prior to the date of the hearing set forth above. All persons who appear at the meeting or participate via teleconference will be given an opportunity to express their views with respect to the proposal to award funds from the Minnesota Job Creation Fund.

Minnesota Housing Finance Agency (MHFA) Notice of Hearing on Bond Issues for Qualified Mortgage Bonds

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency (the “Agency”) will hold a public hearing at 9:00 a.m. on Thursday, October 23, 2014 at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, for the purposes of taking public testimony regarding the issuance of qualified mortgage bonds, comprising one or more series, in an aggregate principal amount not exceeding \$250,000,000.

The bonds will be issued as qualified mortgage bonds subject to the mortgage eligibility requirements of Section 143 of the Internal Revenue Code of 1986, as amended, and will provide funds for the purchase by the Agency of mortgage loans of certain low and moderate income, first-time homebuyers of single family owner-occupied residences located throughout the State of Minnesota, which homebuyers

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qualify under the Agency's bond financed single family mortgage program (the "Program") and applicable federal tax law. The Agency's Program is further described in the MHFA Start Up Program Procedural Manual, as updated from time to time, a copy of which may be obtained from the Agency. Said bonds may be issued either as refunding bonds to refund certain outstanding bonds of the Agency or as "new money" bonds using a portion of the Agency's state bond volume allocation, and may be issued either as short-term bonds, subject to refunding or remarketing at a subsequent date on a long-term, fixed or variable rate basis, or as long-term, fixed or variable rate bonds on original issuance. The bonds covered by this hearing notice, up to an aggregate principal amount not exceeding \$250,000,000, are anticipated to be issued periodically to fund the Program during calendar years 2014 and 2015, until fully utilized.

Parties wishing to comment on the financing for the Program may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing, which comments will be considered at the hearing. Parties desiring additional information should contact Ms. Suzanne Best of the Agency (651-297-3131).

Mary Tingerthal, Commissioner
Minnesota Housing Finance Agency

Minnesota Housing Finance Agency (MHFA) Public Notice to Qualified Homebuyers and Lenders of 2015 Mortgage Credit Certificate Program

The Minnesota Housing Finance Agency (the "Agency") proposes to implement a program (the "Program") to issue mortgage credit certificates ("MCCs") to provide assistance to qualified homebuyers purchasing new or existing residences in the State of Minnesota. An MCC reduces the amount of federal income tax a qualified homeowner pays by providing a non-refundable federal tax credit during the life of a mortgage loan, as long as the homeowner occupies the home as his or her principal residence. After all other credits and deductions are taken into account, the value of the MCC is applied directly to the homeowner's remaining federal income tax liability, if any. No sooner than 90 days following publication of this Notice, the Agency intends to issue MCCs in accordance with the guidelines summarized below.

The annual amount of the MCC tax credit will be equal to the lesser of 35% of the yearly interest paid or accrued on the homeowner's mortgage loan or \$2,000. The amount of the credit may not exceed the homeowner's federal income tax liability for a particular tax year, but excess credit may be carried forward for up to three subsequent tax years. Use of an MCC will reduce the deduction for home mortgage interest on the homeowner's tax return. An MCC expires on the date the mortgage loan relating thereto is paid in full or refinanced and is revoked on the date the residence to which it relates ceases to be the taxpayer's primary residence. The Agency reserves the right to adjust the MCC credit rate or to conform the Program to market demand or future tax legislation.

To be eligible for an MCC, an applicant must (1) purchase a qualifying new, existing singlefamily home in the State of Minnesota on or before December 31, 2016; (2) acquire a new mortgage loan (refinancing an existing mortgage or land contract is not permissible, except for certain construction loans); (3) continuously occupy the home as a primary residence within 60 days of its purchase; (4) purchase a home having a total acquisition cost that does not exceed the maximum purchase price limits as established by the Agency; (5) have a household income, including all household members 18 years or older, that does not exceed the maximum household incomes established by the Agency; and (6) not have had an ownership interest in a principal residence within the preceding three years, except for qualified homebuyers purchasing homes in federally designated targeted areas. The applicant must sign all documents and affidavits that are needed to demonstrate eligibility for an MCC under the Program and federal tax law. The Agency reserves the right to adjust and/or waive the application fee and to adjust the purchase price and income limits for the Program from time to time to reflect housing costs and market conditions within federal guidelines or as may be required by federal law.

Until the total MCC credit authority for the Program is exhausted, a qualifying homebuyer may apply for an MCC through a participating lender. Applicants must meet the credit and underwriting criteria established by the participating lender that provides the loan. MCCs cannot be used with any mortgage loans subsidized by mortgage revenue bonds; however, MCCs can be used in connection with the Agency's non-bond programs.

Banks, savings and loan associations, mortgage companies and other financing institutions and individuals are invited to participate as lenders in the Program. Any lender who wishes to participate must sign a participation agreement, which specifies the lender's loan review

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and reporting responsibilities. If a lender has not already paid a \$250 participation fee through U.S. Bank, MRBP, the lender must pay the Agency a participation fee of \$250. A list of participating lenders will be available from the Agency. An applicant may also obtain a loan from a lender not on this list if the lender agrees to participate in the Program.

MCC applications will be accepted on a firstcome, first served basis; however, for the first year of the Program, 20% will be targeted to persons purchasing singlefamily homes in federally designated targeted areas. There is no allocation of MCCs by lender.

Each applicant for an MCC will be required to pay a nonrefundable fee of up to 1% of the purchase price of the home at the time of application. The Agency reserves the right to adjust the fee from time to time or waive the fee in specified circumstances.

Current federal tax law requires homeowners who receive MCCs to pay to the U.S. Treasury a certain percentage of the sale of proceeds of their residences (commonly known as recapture). A portion of the sale proceeds representing the benefit derived by the homeowner from the MCC would be payable to the U.S. Treasury if the residence is sold within nine years of purchase at an appreciated price and if the homeowner's income had substantially increased during this period.

The Agency reserves the right to adjust, modify or amend the Program guidelines at its sole discretion and without further notice.

If you have any questions regarding the Program or need further information about the requirements for participating lenders, please contact Laura Bolstad or Devon Pohlman at the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, Saint Paul, MN 55101-1998, phone: (651) 296-7608 or 1-800-657-3769.

Mary Tingerthal, Commissioner
Minnesota Housing Finance Agency

Minnesota Department of Human Services (DHS) Health Care Administration

Notice of Public Meeting on MinnesotaCare and the Basic Health Program

The Department of Human Services (DHS) announces a public meeting for stakeholders and other interested people to provide input and comments on the transition of MinnesotaCare to a Basic Health Program (BHP). This transition is authorized under 42 U.S.C. § 18051. MinnesotaCare currently operates as a Medicaid program by virtue of federal waivers under § 1115 of the Social Security Act (42 U.S.C. § 1315). The authority for Medicaid funding for MinnesotaCare will end on December 31, 2014. MinnesotaCare will operate as a Basic Health Program effective January 1, 2015.

CMS issued final regulations for the Basic Health Program on March 12, 2014. In many areas, the regulations give Minnesota the flexibility to model MinnesotaCare on either Medicaid rules or advance premium tax credit rules. DHS is proposing to largely follow Medicaid rules in implementing MinnesotaCare as a Basic Health Program.

DHS must submit a "blueprint," or plan, to CMS describing the policies of the Basic Health Program regarding eligibility and enrollment, premiums and cost-sharing, contracting and service delivery, and financing. DHS held a series of public meetings during the summer of 2014 to provide an overview of the proposed changes to MinnesotaCare and to seek public input and comment about the transition to the Basic Health Program. DHS posted a discussion draft of the blueprint on its public website for review and comment. Several organizations have submitted comments to DHS about the discussion draft of the blueprint.

DHS will post the final draft of the blueprint by the close of business on Monday, October 13th, 2014, on the "Public Participation" section of the DHS website at <http://mn.gov/dhs/about-dhs/public-participation.jsp>. We are seeking public comment and input on the blueprint draft before submitting it to CMS for review.

Stakeholders and interested people may attend the public meeting by phone or in person. To attend by phone, send an e-mail request to mark.siegel@state.mn.us to obtain the call-in information. To attend in person, refer to the time and location for the public hearing below. Public input and comment are welcome. If you would like to comment at the meeting by phone or in person, send an e-mail to mark.siegel@state.mn.us indicating that you will testify. To accommodate all stakeholders interested in testifying at the meeting, DHS

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may limit the time for each person to speak. We will also accept written comments. E-mail written comments to mark.siegel@state.mn.us.

Public Meeting on Final BHP Blueprint

Date: Monday, October 20th, 2014
Time: 1:00 p.m.
Location: DHS, Elmer L. Andersen Human Services Building, Room 2370,
540 Cedar St., St. Paul, MN 55164

MNsure

Call for Applications for MNsure Advisory Committee Membership

NOTICE IS HEREBY GIVEN that the MNsure Board of Directors is in the process of recruiting members to fill open seats on its two statutorily-required Advisory Committees. The Advisory Committees are tasked with providing input representative of the various stakeholder groups affected by MNsure so as to better align the long-term future of MNsure with the needs of the public. Members are each appointed by the MNsure Board to a two-year term and may serve a maximum of two complete consecutive terms.

Currently, the Board is seeking applicants for two Committees: the Health Industry Advisory Committee and the Consumer and Small Employer Advisory Committee. Additional information on these Advisory Committees is available on the MNsure website.

Minnesotans who are interested in serving on these MNsure Advisory Committees are asked to complete an application, available on the *MNsure website*.

Submissions are due by 5 p.m. on Thursday, October 23, 2014, and must include (1) a résumé and (2) the application, which includes submission of basic contact information and a description of why the applicant is interested in serving on the committee.

Submissions may be made electronically via email to: MNsureBoard@state.mn.us.

They may also be mailed physically to:

MNsure
Attn: Board Advisory Committees
81 East Seventh St., Suite 300
St. Paul, MN 55101-2211

The MNsure Board will review applications and anticipates making appointments by mid-November 2014.

If you have questions or would like to request another format of the application, please contact Aaron Sinner at 651-539-2058 or via email at aaron.sinner@state.mn.us.

Minnesota Pollution Control Agency (MPCA)

Request for Comments on Planned Rules for Wastewater Laboratory Certification and Fees (Minnesota Rules Chapters 7001 and 7002)

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) requests comments on planned new rules governing certification of laboratories performing wastewater or water analytical work and fees associated with the certification process. The rules will provide detail of the statutorily authorized certification process available to wastewater laboratories at municipal and industrial facilities that are permitted under the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) programs or water analytical laboratories that produce data in support of other regulatory documents issued by the MPCA. Comments should be submitted according to the **Public Comment** section below.

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Subject of Rules: In 2013, the MPCA was given the statutory authority to administer a laboratory certification program and to collect fees for specific types of laboratories. The MPCA was also given the authority to, if necessary, adopt rules to administer the program. The MPCA has determined that rules are necessary. The rules will only apply to municipal and industrial wastewater laboratories at facilities that are permitted under the NPDES/SDS programs or water analytical laboratories that produce data in support of other regulatory documents issued by the MPCA. Oversight of these laboratories is currently implemented directly under the statute.

The MPCA does not intend to change additional chapters of *Minnesota Rules* except as needed to correspond to the changes being made to *Minnesota Rules* chapter 7001 and 7002 or to make minor changes or corrections found in the course of the rulemaking process.

The state rulemaking process requires agencies to consider several specific topics as they develop rules. The MPCA is specifically asking for comment about the expected economic effect and cumulative impact¹ of the changes being considered (*Minnesota Statutes* § 14.131), and also whether a local government may be required to adopt or amend an ordinance or other regulation in response to the changes. (*Minnesota Statutes* § 14.128).

Plain English Summary: This Request for Comments is the MPCA's legal notice of its intent to begin rulemaking. This is the first opportunity for public comment and input on this rulemaking. At this stage there is no draft rule available to review. There is a concept document that gives information about the changes under consideration. It is available at: <http://www.pca.state.mn.us/xwrhffa> under the

Rulemaking documents tab. We want your feedback to inform us about the ideas described under the **Subject of Rules** section above and in the concept document. If you have other ideas or information related to this topic that we need to consider, please provide them. Submitting your ideas and information to us at this early stage in rulemaking allows time to address issues and ensures informed decision-making.

Where to Get More Information: A web page has been established for this rulemaking. <http://www.pca.state.mn.us/xwrhffa>. This page provides an explanation of the MPCA's intentions regarding laboratory certification and, as the rule process develops, rulemaking information will be posted.

If you are interested in being notified when draft rules are available for review and of other activities related to this rulemaking, please register for GovDelivery at: <https://public.govdelivery.com/accounts/MNPCA/subscribe/new>. The checkbox for the Wastewater Laboratory Certification rule is located under the topic heading "Public Notices and Rulemaking".

Persons Affected: The Wastewater Laboratory Certification rulemaking will affect persons and entities associated with laboratories at municipal, industrial and water quality facilities that are either permitted under the NPDES/ SDS programs or produce data in support of other regulatory documents issued by the MPCA. The facilities that have NPDES/SDS permits include laboratories at municipal wastewater treatment facilities, and industrial wastewater treatment facilities. The facilities that produce data in support of other regulatory documents may include park district or university laboratories.

The certification will not affect laboratories that:

- are private or for profit;
- perform drinking water analyses;
- perform remediation program analyses, such as Superfund or petroleum analytical work; or
- maintain accreditation through an MPCA accepted program such as the Minnesota Department of Health Environmental Laboratory Accreditation Program.

Statutory Authority: *Minnesota Statute* § 115.84, subd. 2 grants the MPCA authority to operate a laboratory certification and fee program and to adopt rules for specific types of laboratories.

Public Comment: Interested persons or groups may submit written comments or information on these planned rule amendments from October 6, 2014 until 4:30 p.m. on November 7, 2014. Comments or information should be submitted to Carol Nankivel at the

(Footnotes)

¹ Cumulative impact means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.

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address below. The MPCA does not plan to appoint an advisory committee to comment on the possible rules.

MPCA Contact Person: Written comments and requests for more information on these planned rule amendments should be directed to:

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul MN 55155-4194
Telephone: (651) 757-2597 or
Toll-free: 1-800-657-3864
TTY: (651) 282-5332
E-mail: carol.nankivel@state.mn.us

Alternative Format: This information is available in an alternative format, such as large print, Braille, or audio through the contact person identified above.

Note: The comments received during this comment period will be considered by the MPCA in the development of the rules. However, if you submit written comments at this time and want the administrative law judge to review your comments, you must resubmit them when proposed rules are published for official comment.

Dated: 29 September 2014

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

Minnesota Department of Transportation (Mn/DOT) Notice to Bidders: Suspensions/Debarments as of September 17, 2014

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be suspended effective July 8, 2014:

- Marlin Dahl, Granada, MN
- Dahl Trucking, Elmore, MN
- Elmore Truck and Trailer, Inc., Elmore, MN

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

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective September 17, 2014 until September 17, 2017:

- Jeffrey Plzak and his affiliates, Loretto, MN
- Laurie Plzak and her affiliates, Loretto, MN
- Honda Electric Incorporated and its affiliates, Loretto, MN
- Jeffrey and Laurie Plzak doing business as Honda Electric Logistics, and its affiliates, Loretto, 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 Health (MDH) Office of Health Information Technology Minnesota Accountable Health Model Privacy, Security and Consent Management for Electronic Health Information Exchange Notice of Grant Opportunity

The Minnesota Department of Health (MDH) requests proposals for services related to Privacy, Security and Consent Management for Electronic Health Information Exchange. The grants are intended to support health care professionals, hospitals and health settings in using e-health to improve health, increase patient satisfaction, reduce health care costs, and improve access to the information necessary for individuals and communities to make the best possible health decisions. This funding will further support readiness to advance the Minnesota Accountable Health Model and Accountable Communities for Health. This Request for Proposals has two distinct parts:

- Part A: Review of e-health legal issues, analysis, and identification of leading practices for privacy, security, and consent management (up to \$200,000 available)
- Part B: e-health privacy, security, and consent management technical assistance and education (up to \$300,000 available)

Grants will provide funding to advance the Minnesota Accountable Health Model by:

- Ensuring health care professionals, hospitals, behavioral health, long-term and post-acute care, local public health, and social services have the access to the knowledge and tools required to use, disclose and share health information in a safe and secure manner.

State Grants & Loans

- Ensuring that health care professionals, hospitals and health settings have access to education and technical assistance on privacy, security and consent management practices that are based on both the Health Insurance Portability and Accountability Act (HIPAA) and Minnesota Statutes.
- Identifying opportunities for improvement in current patient consent processes for the release of protected health information required for electronic health information exchange – and provide access to education and technical assistance for health care professionals, hospitals and health settings on implementing leading practices for enabling safe and secure electronic health information exchange across multiple and diverse health care settings for the purpose of care coordination activities. This includes, but is not limited to: consistent and uniform policies and procedures.

To be considered for funding, proposals must be received by 4:00 p.m. on December 5, 2014, at the Minnesota Department of Health, 85 East Seventh Place, Suite 220, St. Paul, MN 55101.

Late proposals will not be considered. An optional informational Q & A call is scheduled for Monday, October 20, 2014, 10:00 am – 12:00 pm Central Time. More information about this call can be found at:

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

A copy of the complete request for proposal may be accessed online October 6, 2014, on the State Innovation Model RFPs page at http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=SIM_RFPs.

For more information contact Lisa Moon at lisa.moon@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 Department of Administration (Admin) Notice of Availability of Master Contract for Arbitrators, Mediators, and Facilitators

The Minnesota Department of Administration is requesting proposals from qualified and experienced individuals to serve as arbitrators, mediators, and facilitators within a master contract program to be utilized by state agencies, local units of government, and cooperative purchasing venture (CPV) members.

The master contract period is anticipated to begin in November 2014 and continue for two years, with an option to extend for up to three additional years.

To obtain a copy of this Request for Proposals, make your request by e-mail to Doug Heeschen at: doug.heeschen@state.mn.us. The RFP will be available through October 30, 2014. Only emailed requests will be accepted.

Proposals in response to this RFP must be submitted to:

Department of Administration
Doug Heeschen, Materials Management Division
Room 112 State Administration Building
50 Sherburne Avenue
Saint Paul, MN 55155

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than 4:00 p.m. Central Time on October 30, 2014. **Late proposals will NOT be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

Minnesota State Colleges and Universities (MnSCU) State Department of Administration (Admin) State Designer Selection Board Project No. 14-08 (RE-SOLICITATION) Notice of Availability of Request for Proposal (RFP) for Designer Selection for St. Cloud State University – Student Health & Academic Renovation

The State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of St. Cloud State University, through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

State Contracts

A full Request for Proposals is available on the Minnesota Department of Administration's website at <http://mn.gov/admin/government/construction-projects/sdsb/sdsb-projects.jsp> (click 14-08).

Any questions should be directed by e-mail only, to John Frischmann at jmfrischmann@stcloudstate.edu. Project questions will be taken by this individual only. Questions regarding this RFP must be received by **Tuesday, October 14, 2014** no later than **12:00 noon** Central Time.

Proposals must be delivered to Talia Landucci Owen, Executive Secretary, State Designer Selection Board, Real Estate and Construction Services, Room 309, Administration Building, 50 Sherburne Ave., St. Paul, MN 55155, **phone:** (651) 201-2372 not later than **12:00 noon on Monday, October 20, 2014**. Late responses will not be considered.

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

Minnesota State Colleges and Universities (MnSCU)

Board of Trustees

Request for Proposal (RFP) for Owners Representative (OR) Services for Staples Campus Rightsizing Renovation Project, Central Lakes College, Staples, Minnesota

NOTICE IS HEREBY GIVEN that the State of Minnesota, acting through its Board of Trustees of the Minnesota State Colleges and Universities, on behalf of Central Lakes College (CLC), is soliciting applications for Owners Representative (OR) Services for the design and construction of the Staples Campus Rightsizing Renovation Project. The services will proceed through all phases of design (schematic design, design development and construction documentation) and will proceed with construction phase. Construction cost is anticipated to be approximately \$2,596,000.

To review the complete RFP documents see: <http://finance.mnscu.edu/facilities/design-construction/announcements/>

A question and answer period is specified and answers will be posted by addendum.

Responses must be received in the building and at the room as noted in the RFP document no later than Monday, October 20, 2014 at 2:30 pm CST.

A question and answer period will be provided. Questions must be e-mailed only to Kari Christiansen, e-mail: kchristiansen@clcmn.edu no later than 4:00 pm CST on Tuesday, October 14, 2014. Answers will be posted via Addendum no later than 3:00 pm CST on Wednesday, October 15, 2014.

Minnesota Board of Dentistry

Notice of Availability of Contract for Computer-Based Professional License Examinations Vendor

The State intends to contract with a vendor (hereafter referred to as the Contractor) to develop and administer proctored, computer-based examinations to qualified candidates. The State will expect the Contractor to administer examinations at assessment centers operated by the Contractor, or at equally secure centers available for the Contractor's use. The State estimates that the Contractor will administer approximately 860 jurisprudence examinations and 400 licensure examinations per year. If the Contractor intends to partner with another firm to separate the examination development from the administration of the exam, details of that partnership must be clearly outlined in the proposal(s).

State Contracts

The Contractor will charge fees directly to examination candidates. Revenue from the fees will fund all aspects of the Contractor's work, including examination development, examination administration, reporting, operations, and examination maintenance. The Contractor's examination fees will be set by the contract. With respect to additional tasks and services proposed by the Contractor, the State may choose to pay the Contractor directly, or authorize the Contractor to recover costs through fees.

The contract is expected to run from November 7, 2014 through June 30, 2016, with an option to extend up to one additional year in increments determined by the State. The November 7, 2014 effective date assumes that the Contractor will have the existing computer-based examinations available for candidates by March 1, 2015. The contract will require that by October 1, 2015 the Contractor will have developed sufficient numbers of test items such that pools of questions of satisfaction to the State for the examinations will be integrated into the exam for randomized selection.

A Request for Proposals will be available by e-mail from this office through September 29, 2014. The Request for Proposals can be obtained from:

Minnesota Board of Dentistry
Attn: Sheryl Herrick
2829 University Ave SE, Suite 450
Minneapolis, MN 55414
Phone: (612) 548-2123
Fax: (612) 617-2260
E-mail: Sheryl.Herrick@state.mn.us

The RFP will also be posted on the Board's website (www.dentalboard.state.mn.us) throughout the submission period.

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the postal or e-mail address above no later than 3:30 p.m., Central Time, Monday, October 20, 2014. **Late proposals will NOT be considered.**

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

Minnesota Department of Human Services (DHS) Nursing Facility Rates and Policy (NFRP) Division Notice of Request for Information (RFI) to Improve the Quality of Life/Care for Nursing Facility Residents

NOTICE IS HEREBY GIVEN that the Minnesota Department of Human Services (DHS) through its Nursing Facility Rates and Policy Division (State), is seeking proposals from interested parties that seek to improve the quality of life and/or quality of care for nursing facility residents.

These proposals are being solicited under the authority of the DHS Civil Monetary Penalty (CMP) Committee. Selection of proposals for consideration is not a guarantee of any grant or contract award for the proposing entity.

For more information, or to obtain a copy of the Request for Information, contact:

Munna Yasiri
Compliance and Intergovernmental Relations Director
Nursing Facility Rates & Policy Division-0973
MN Department of Human Services (DHS)
444 Lafayette Road North
St. Paul, MN 55155-0973
Phone: (651) 431-2264
E-mail: munna.yasiri@state.mn.us

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

State Contracts

Proposals submitted in response to this Request for Information must be received at the address above no later than **4:00 p.m., Central Time, October 5, 2015. Late proposals will not be considered.** Faxed or e-mailed proposals will **not** be considered.

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

Legislative Branch

Legislative Coordinating Commission

Contract Available for Providing Legislative Sign Language Interpreter Services

The Minnesota Legislative Coordinating Commission is requesting proposals from qualified individuals and organizations interested in providing legislative sign language interpreting services during calendar years 2015-2016 to individuals who are hard of hearing, deaf, or deafblind.

For a copy of the full text of the RFP, please go to <http://www.lcc.leg.mn/RFPs.htm> or contact:

Diane Henry-Wangenstein, Assistant Director
Minnesota Legislative Coordinating Commission
Room 72 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-1298
Phone: (651) 296-1121 (voice)
E-mail: diane.henry@lcc.leg.mn

All proposals must satisfy the criteria as outlined in the full text of the RFP. At a minimum, proposals must include a plan which details how services will be provided and must clearly state the contractor's proposed hourly rates and other charges for services provided.

Proposals must be received by Thurs, Oct 23, at 4:00 p.m. Late applications may NOT be accepted. All expenses incurred in responding to this notice shall be borne by the responder.

Minnesota State Lottery

Request for Proposals for Sponsorship Agreements

Description of Opportunity

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

Proposal Content

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

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

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

Lottery booth, from sales-generating promotions with Lottery retailers or from joint programs with the sponsor's media partners.

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

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

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

Questions

Questions concerning this Solicitation should be directed to:

Jason LaFrenz, Marketing Director
Minnesota State Lottery
2645 Long Lake Road
Roseville, MN 55113
Telephone: (651) 635-8230
Toll-free: 1-888-568-8379 ext. 230
Fax: (651) 297-7496
TTY: (651) 635-8268
E-mail: jasonla@mnlottery.com

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

Response Delivery

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

Minnesota State Academies

Notice of Availability of Contract for Psychological Services

The Minnesota Department of **The Minnesota State Academies** is requesting proposals for the purpose of **Psychological Services**. Work is proposed to start after **November 17th, 2014**.

A Request for Proposal will be available by mail or email from this office through **October 27th, 2014**. **A written request (by direct mail, email or fax) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

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

Proposals submitted in response to the Request for Proposals in this advertisement must be received by **October 31st, 2014** at the address above no later than **1:00 PM Central Daylight Time**. **Late proposals will not be considered.** Fax or emailed proposals will be considered.

State Contracts

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

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

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects.

Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

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

Send completed application material to:

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

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

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

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

Minnesota Department of Transportation (MnDOT) Request for Proposals (RFP) for Solar Array Installation and Lease

In 2007, the Minnesota Legislature enacted *Minnesota Statutes* Ch. 216H, which requires a state plan to work toward the reduction of greenhouse gasses. MnDOT has authority under *Minnesota Statutes*, Sec. 161.433 to lease highway right of way owned in fee where the use of the property will not impair or interfere with the use and safety of the highway. This pilot project will explore opportunities and risks, including legislative barriers that may exist, of leveraging highway right of way assets for alternative uses, specifically solar panel technologies.

MnDOT requests responses for an entity to enter into a lease agreement for the installation of a solar array on right-of-way land where such use will not impair or interfere with the use and safety of the highway. The proposed solar installations must be one (1) megawatt or greater in size. The rental for the property used must be a market-based fair rental rate as required by State statute.

The goal of this project is to lease one or more sites for the purposes of: 1) demonstrating the feasibility of using MnDOT right of way for solar power generation; and 2) developing criteria for selecting and using right of way for the purpose of installing one (1) megawatt or greater solar arrays.

Responses to this advertisement become public information under the Minnesota Government Data Practices Act. This request does not obligate MnDOT to complete the work contemplated in this notice, and MnDOT reserves the right to cancel this RFP. All expenses incurred in responding to this notice shall be borne by the responder.

The full RFP can be viewed on the Consultant Services Web Page at www.dot.state.mn.us/consult under the P/T Notices Section. If you have any questions regarding this advertisement, or are having problems viewing the RFP on the Consultant Services Web Page, you may contact:

Ryan Gaulke, Contract Administrator
E-mail: ryan.gaulke@state.mn.us
Telephone: (651) 366-3057

Note: THIS RFP WILL BE CONDUCTED IN TWO STAGES. STAGE I RESPONSES WILL BE DUE ON NOVEMBER 3, AT 2:00PM CENTRAL STANDARD TIME.

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/>.

Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for Plumbing Infrastructure Rehabilitation - 2014

MAC Contract No.:

106-2-741

Bids Close At:

2:00 p.m. October 21, 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. Work includes replacement of piping, valves, lift pumps and other miscellaneous plumbing upgrades.

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

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

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Michaud Cooley Erickson; at the Minnesota Builders Exchange; McGraw Hill Construction; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reproductions; 2781 Freeway Boulevard, Suite 100; Brooklyn Park, MN 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Michaud Cooley Erickson. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on September 29, 2014, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids.)

Metropolitan Airports Commission (MAC) Proximate to the Minneapolis-Saint Paul International Airport Notice of Call for Bids for General Office Building EOC Improvements

MAC Contract No.:

106-3-510

Bids Close At:

2:00 p.m. October 14, 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. Work includes selective demolition, minor interior construction, interior finishes, mechanical, and electrical work, including audio visual systems and telecommunications backbone and horizontal cabling.

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

Non-State Public Bids, Contracts & Grants

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 Builders 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. Deposit per set (refundable): \$100. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on September 29, 2014, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids.)

Metropolitan Airports Commission (MAC) Minneapolis-Saint Paul International Airport Notice of Call for Bids for 2014 Public Seating Replacement

MAC Contract No.:

106-2-746

Bids Close At:

2:00 p.m., October 21, 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. The work consists of General and Electrical remodeling work as well as receipt, assembly, and installation of Owner-purchased seating.

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

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

Availability of Bidding Documents: Bidding documents are on file for inspection at the office of Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN, 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on October 6, 2014, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids.)

Non-State Public Bids, Contracts & Grants

Metropolitan Airports Commission (MAC)

Minneapolis-Saint Paul International Airport

Notice of Call for Bids for 2014 Restroom Upgrade Program

MAC Contract No.:

106-2-721

Bids Close At:

2:00 p.m., October 21, 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. The work consists of General, Mechanical, and Electrical remodeling work on the C and E Concourses and in the main terminal.

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 Architectural Alliance, at the Minnesota Builders Exchange; McGraw Hill Construction; and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from: Franz Reprographics; 2781 Freeway Boulevard, Suite 100; Brooklyn Center, MN, 55430; **phone:** (763) 503-3401; **fax:** (763) 503-3409. Make checks payable to: Architectural Alliance. Deposit per set (refundable): \$150. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

MAC Internet Access of Additional Information: A comprehensive Notice of Call for Bids for this project will be available on October 6, 2014, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids.)

Minnesota Valley Transit Authority (MVTA)

REQUEST FOR PROPOSAL- On-Premise Voice over IP (VOIP) Telephone System

NOTICE IS GIVEN that on **Friday, October 31, 2014**, at 3 PM, the Minnesota Valley Transit Authority (MVTA) will accept proposals for On-Premise Voice over IP (VOIP) Telephone Systems at the Customer Service Desk at the Burnsville Transit Station located at 100 Highway 13 East, Burnsville, MN 55337. The RFP is available at www.mvta.com/procurement.html.

The MVTA is planning to replace the dated phone system servicing its multiple locations with a modern and unified system. In doing so, the MVTA seeks to address several challenges in the current environment, including but not limited to:

- Limited or inadequate functionality in current system;
- Limited or inadequate support from vendors (including technical, hardware & software support);
- Difficulties in servicing old equipment (obtaining replacement parts, lack of expertise, etc...)

The goal of this project is to replace our existing telephony systems with a state of the art communications solution with these objectives:

- Comprehensive solution from industry leading manufacturer and vendors
- Reliable and scalable platform
- Cost effective total solution including product, installation, maintenance and support
- Centralized administration and management of hardware and software
- Easy to use phones, applications, and features with superior voice quality
- Transparent features and dialing between phones regardless of location
- Centralized auto attendants and voice messaging to all users
- Centralized scheduled, ad-hoc, and dial-out conferencing services for internal and external users

Non-State Public Bids, Contracts & Grants

- Choice of regular voice mail or unified messaging for all users
- Standards-based integration with other telephony applications
- Integration with corporate email

In order to address these challenges and others, the MVTA has initiated an agency-wide project to adequately plan for, select, and implement an On-Premise VoIP telephone system. Section 2.0, Project Scope, outlines the features and functionality desired in a future telephone system as well as the professional services activities to be a part of roll-out.

Direct inquiries to Tyre Fant, RFP Administrator at tfant@mvta.com.

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address. 7.125% MN
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