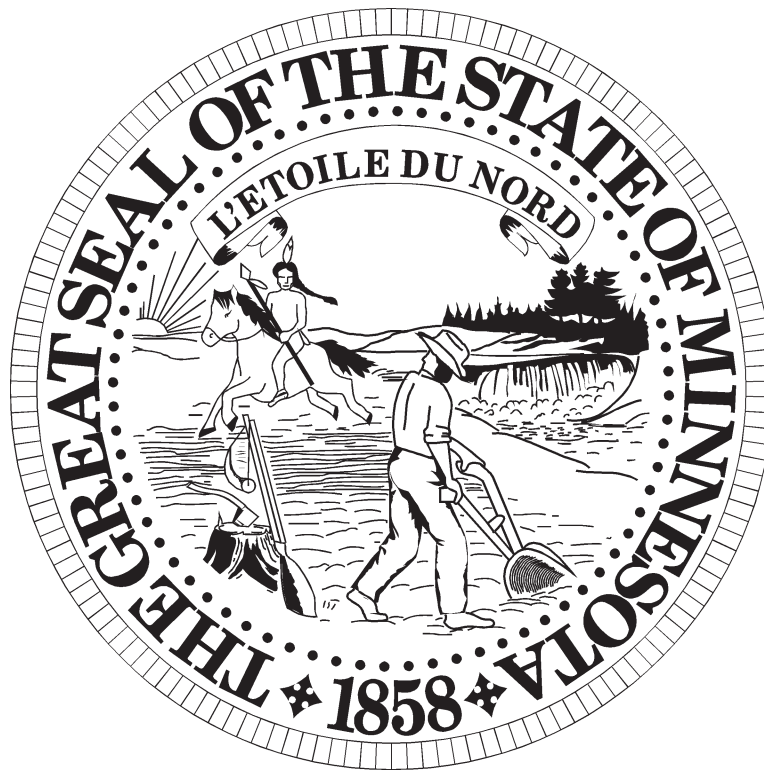


# Minnesota

# 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**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;  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 15 June 2015  
Volume 39, Number 50  
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# Minnesota State Register

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

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

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- Withdrawn Rules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

### Printing Schedule and Submission Deadlines

Vol. 39 Issue Number	PUBLISH DATE ( <b>BOLDFACE</b> 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)
# 51	Monday 22 June	Noon Tuesday 16 June	Noon Thursday 11 June
# 52	Monday 29 June	Noon Tuesday 23 June	Noon Thursday 18 June
<b>Vol. 40 #1</b>	<b>Monday 6 July</b>	Noon Tuesday 30 June	Noon Thursday 25 June
# 2	Monday 13 July	Noon Tuesday 7 July	Noon Thursday 2 July

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## Minnesota Legislative Information

**Senate Public Information Office** (651) 296-0504  
State Capitol, Room 231, St. Paul, MN 55155  
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For additional grants go to the Office of Grants Management (OGM) at:

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Revisor of Statutes - *RULES STATUS*:

[https://www.revisor.mn.gov/rules/rule\\_search.php](https://www.revisor.mn.gov/rules/rule_search.php)

Statewide Integrated Financial Tools (SWIFT) Supplier Portal:

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# Minnesota Rules: Amendments and Additions

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

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

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive (issue #26 cumulative for issues #1-26); issues #27-38 inclusive (issue #39, cumulative for issues #1-39); issues #40-52 inclusive, with final index (#1-52, or 53 in some years). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155, phone: (612) 297-3000, or toll-free 1-800-657-3757. TTY relay service phone number: (800) 627-3529

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

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

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

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

## Minnesota Department of Education (MDE)

### Division of Equity and Innovation

### Proposed Rule Amendment Brought by the Petitioner, City of Brooklyn Center, Under Minnesota Statutes Section 14.091 on Rules Governing Integration, *Minnesota Rules*, Chapter 3535; Revisor's ID Number 4338

#### NOTICE OF HEARING

**Public Hearing.** A public hearing on the above-named rules and the rules proposed by the agency in a Request for Comments published in the *State Register* on February 9, 2015, as specified below, will be held under *Minnesota Statutes* section 14.091. The hearing will take place at the Office of Administrative Hearings located in the Stassen Building, 600 North Robert Street, Saint Paul, MN 55101, starting at 9:30 am on July 8, 2015, and will continue as necessary on July 9 and 10, 2015, until the hearing is completed. The hearing will follow the applicable procedures and rules of the Office of Administrative Hearings. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to attend the hearing and to participate by submitting either written or electronic data, statements, or arguments. Data, statements or arguments may be submitted without appearing at the hearing.

**Administrative Law Judge.** Chief Administrative Law Judge Tammy L. Pust will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **phone:** (651) 361-7830,

# Proposed Rules

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**fax:** (651) 539-0300 and e-mail: [rulecomments@state.mn.us](mailto:rulecomments@state.mn.us). You should direct questions about the rule hearing procedure to the administrative law judge through her administrative assistant, Kendra McCausland, at (651) 361-7870 or [Kendra.McCausland@state.mn.us](mailto:Kendra.McCausland@state.mn.us).

**Subject of Rules and Statutory Authority.** The petitioner's proposed rule amendment is about public school desegregation and integration. The petitioner's proposed rule amendment is authorized under *Minnesota Statutes*, section 14.091. A copy of the petitioner's proposed rule is published in the *State Register* and is attached to this notice as mailed and labeled "Petitioner's Proposed Rule Amendment." The Petitioner's Proposed Rule Amendment is also available on the agency's website at: **Active Rulemaking Projects relating to Integration Rules**. A free copy of the Petitioner's Proposed Rule Amendment is available upon request from the agency contact person.

**Hearing Process.** At the hearing, the agency will make an affirmative presentation of facts establishing the need for and reasonableness of the rule amendment it proposed in a Request for Comments dated January 30, 2015 and published in the *State Register* on February 9, 2015; a copy of the agency's proposed rule amendment is attached to this notice as mailed and labeled "Agency's Proposed Rule Amendment." The agency's presentation will seek to establish that the Agency's Proposed Rule Amendment is necessary and reasonable to adopt as a statement of general applicability and future effect, as defined in *Minnesota Statutes* section 14.02, subd. 4 (2014).

**Agency Contact Person.** The agency contact person is: Kerstin Forsythe Hahn at the Minnesota Department of Education, 1500 Highway 36 West, Roseville, MN 55113, phone: (651) 582-8583, **fax:** (651) 582-8248 and **e-mail:** [Kerstin.forsythe@state.mn.us](mailto:Kerstin.forsythe@state.mn.us).

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views regarding the Petitioner's Proposed Rule Amendment and/or the Agency's Proposed Rule Amendment, either in writing or electronically before or at the hearing. Submit written comments to the administrative law judge at the mailing address above or submit to [rulecomments@state.mn.us](mailto:rulecomments@state.mn.us). All evidence that you present should relate to the Petitioner's Proposed Rule Amendment and/or the Agency's Proposed Rule Amendment. 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 last date of the hearing unless the comment period is extended by the judge. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing also submit a copy of the written views or data to the agency contact person at the contact information listed above.

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

**Modifications.** The administrative law judge may modify the current rule or the rule as proposed by the petitioner or in another manner that the administrative law judge has determined is needed and reasonable. These amendments may be adopted under the expedited rulemaking process in section 14.389. If a hearing is held and amendment of the rule is required the agency must complete the amendment of the rule within 180 days of the administrative law judge's decision following the petitioner's hearing. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the petitioner's proposed rules. The administrative law judge must issue a decision on the petition within 120 days of receiving the petition at the Office of Administrative Hearings. You may ask to be notified of the date when the judge's report will become available, and can make this request in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests of the agency contact at the hearing or in writing to the agency contact person stated above.

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

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

Dated: 10 June 2015

Steve Dibb, Deputy Commissioner  
Minnesota Department of Education

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# Proposed Rules

## 3535.0100 PURPOSE.

The purpose of parts 3535.0100 to 3535.0180 is to recognize that:

The United States Supreme Court has Declared:

Segregation of white and nonwhite children in public schools has a detrimental effect on nonwhite children. The impact is greater when it has the sanction of law, for the policy of separating the races is usually interpreted as denoting the inferiority of the nonwhite group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of nonwhite children and to deprive them of the benefits they would receive in a racially integrated school system.

To separate children from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to be ever undone.

In the field of public education, the doctrine of separate but equal has no place. Separate education facilities are inherently unequal.

Earl Warren, *Brown v. Board of Education* (1954).

The nation has a moral and ethical obligation to fulfill its historic commitment to creating an integrated society that ensures equal opportunity for all of its children. A compelling interest therefore exists both in avoiding racial isolation and achieving a diverse student population.

State and local authorities can consider the racial makeup of schools and adopt general policies to encourage a diverse student body, one aspect of which is its racial composition. In so doing, they are free to devise race-conscious measures to address the problem of segregation in a general way and without treating each student in a different fashion solely on the basis of a systematic, individual typing by race.

The state and local school boards may pursue the goal of bringing together students of diverse backgrounds and races through strategic site selection of new schools; drawing attendance zones with general recognition of the demographics of neighborhoods; allocating resources for special programs; recruiting students and faculty in a targeted fashion; and tracking enrollments, performance, and other statistics by race. These mechanisms are race conscious but do not lead to different treatment based on a classification that tells each student that the student is to be defined by race.

Anthony Kennedy, *Parents Involved v. Community Schools* (2007).

Given the foregoing, the purpose of this rule is to fulfill the duty of the state to:

- A: recognize that the primary goal of public education is to enable all students to have opportunities to achieve academic success;
- B: reaffirm the state of Minnesota's commitment to the importance of integration in its public schools;
- C: recognize that while there are societal benefits from schools that are racially balanced, there are many factors which can impact the ability of school districts to provide racially balanced schools, including housing, jobs, and transportation;
- D: recognize that providing parents a choice regarding where their children should attend school is an important component of Minnesota's education policy;
- E: recognize that there are parents for whom having their children attend integrated schools is an essential component of their children's education;
- F: A. prevent segregation by law, as defined in part 3535.0110, subpart 9, in public schools;
- G: B. encourage districts to provide opportunities for students to attend schools that are racially ~~balanced~~ diverse when compared to other schools within the district;
- H: C. provide a system that identifies the presence of racially isolated districts and encourage adjoining districts to work cooperatively to improve cross-district integration, while giving parents and students meaningful choices; and

# Proposed Rules

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F.D. work with rules that address academic achievement, including graduation standards under chapter 3501 and inclusive education under part 3500.0550, by providing equitable access to resources.

## 3535.0110 DEFINITIONS.

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

Subp. 5. **Racial balance diversity.** “Racial balance diversity” means the increased interaction of protected students and white students within schools and between districts that is consistent with the purposes of parts 3535.0160 to 3535.0180.

[For text of subp 6, see M.R.]

Subp. 7. **Racially isolated school district.** “Racially isolated school district” means a district where the districtwide enrollment of protected students ~~exceeds is greater or less than~~ the regionwide enrollment of protected students ~~of any adjoining district~~ by more than 20 percentage points.

Subp. 8. **School.** “School” means a site in a public school district serving any of kindergarten through grade 12. For purposes of parts 3535.0160 to 3535.0180 only, school does not mean:

~~A. charter schools under Minnesota Statutes, section 124D.10;~~

~~B. A. area learning centers under Minnesota Statutes, section 123A.05;~~

~~C. B. public alternative programs under Minnesota Statutes, section 126C.05, subdivision 15;~~

~~D. C. contracted alternative programs under Minnesota Statutes, section 124D.69;~~

~~E. D. school sites specifically designed to address limited English proficiency;~~

~~F. E. school sites specifically designed to address the needs of students with an individualized education program (IEP); and~~

~~G. F. secure and nonsecure treatment facilities licensed by the Department of Human Services or the Department of Corrections.~~

Subp. 9. **Segregation by law.** “Segregation by law” means the intentional act or acts by the state or a school district that has the discriminatory purpose of causing a student to attend or not attend particular programs or schools within the district on the basis of the student’s race and that causes a concentration of protected students at a particular school ~~have, at least in part, the discriminatory purpose of causing racial segregation within or among school districts. A finding of segregation by law can be made based upon one or more of the following factors:~~

~~A. It is not segregation for a concentration of protected students or white students to exist within schools or school districts:~~

~~(1) if the concentration is not the result of intentional acts motivated by a discriminatory purpose;~~

~~(2) if the concentration occurs at schools providing equitable educational opportunities based on the factors identified in part 3535.0130, subpart 2; and~~

~~(3) if the concentration of protected students has occurred as the result of choices by parents, students, or both.~~

~~A. the creation or modification of school attendance areas, or school district boundaries, that could foreseeably cause or increase segregation;~~

~~B. optional attendance areas, or transfer and recruitment policies and practices, that disproportionately allow white students to avoid racially integrated schools serving the white students’ neighborhood;~~

~~C. a clear and substantial pattern of segregated faculty assignments;~~

~~D. construction or expansion of school facilities that have the foreseeable effect of increasing segregation;~~

~~E. in a school district with a history of segregation by law, the existence of single race schools or schools substantially disproportionate in their racial composition; and~~



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B. E. in addition to the factors in ~~item~~ items A to E, it is not segregation by law for concentrations of enrolled American Indian students to exist within schools or school districts:

(1) if the concentration exists as a result of attempting to meet the unique academic and culturally related educational needs of enrolled American Indian students through programs developed pursuant to the federal government's trust relationship with American Indian tribes or through an agreement with an American Indian tribal government; and

(2) the concentration exists as the result of voluntary choices made by American Indian parents, enrolled American Indian students, or both.

Subp. 10. **Racial isolation or segregation.** "Racial isolation or segregation" occurs in a public school district when the minority composition of the pupils in any school building exceeds the minority racial composition of the student population of the entire district for the grade levels being served by that school building by more than 20 percent.

Subp. 11. **Integration.** "Integration" occurs when children of different races attend school together. Efforts to achieve integration by the use of rigid racial quotas or racially balancing for its own sake are prohibited. However, the legislature has determined that in racially diverse districts and racially diverse metropolitan areas, a context-appropriate flexible mathematical ratio requiring, for example, that no school can be more than 71 percent and no less than 29 percent nonwhite, or alternatively, no more than 50 percent and no less than ten percent nonwhite, can be used as a flexible starting point to determine whether the school or a school district is racially integrated.

Subp. 12. **Sector area collaboration councils.** In order to carry out this rule, the state establishes the sector area collaboration councils in items A to E.

A. Council 1 includes the following entire school districts: Bloomington, Burnsville-Eagan-Savage, Eastern Carver County, Eden Prairie, Edina, Lakeville, Prior Lake-Savage area schools, Richfield, Shakopee, and St. Louis Park. It also includes the Minneapolis-St. Paul International Airport-Fort Snelling area.

It also includes an area with a portion of the Minneapolis school district described as follows:

starting at intersection of Western Minneapolis school district boundary line and I-394, counterclockwise following the school district line South, following the school district boundary line East to Minnesota Highway 55 (Hiawatha Avenue), North and West on Minnesota Highway 55 (Hiawatha Avenue) to I-94, West and North on I-94 to I-394, West on I-394 to Western Minneapolis school district boundary line (point of the beginning).

B. Council 2 includes the following entire school districts: Brooklyn Center, Hopkins, Minnetonka, Orono, Osseo, Robbinsdale, Wayzata, and Westonka.

It also includes an area with a portion of the Minneapolis school district described as follows:

starting at intersection of Western Minneapolis school district boundary line and I-394, East on I-394 to I-94, North on I-94 to Northern Minneapolis school district boundary line, following the school district boundary line counterclockwise to I-394 (point of the beginning).

C. Council 3 includes the following entire school districts: Anoka-Hennepin, Centennial, Columbia Heights, Fridley, Mounds View, Roseville, Spring Lake Park, and St. Anthony-New Brighton.

It also includes an area with a portion of the Minneapolis and St. Paul school districts:

starting at intersection of Northern Minneapolis school district boundary line and I-94, South and East on I-94 counterclockwise to I-35E in St. Paul, North on I-35 to Northern St. Paul school district boundary line, following the school district boundary lines of St. Paul and Minneapolis counterclockwise to I-94 (point of the beginning).

D. Council 4 includes the following entire school districts: Forest Lake, Mahtomedi, North St. Paul-Maplewood, South Washington County, Stillwater area, and White Bear Lake.

It also includes an area with a portion of the St. Paul school district:

starting at intersection of I-35E and Northern St. Paul school district boundary line, South on I-35E to I-94, East on I-94 to U.S. Highway 52 (Lafayette Freeway), South on U.S. Highway 52 (Lafayette Freeway) to Mississippi River, South on Mississippi River to Southernmost St. Paul school district boundary line, following St. Paul school district boundary line counterclockwise to I-35E (point of

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the beginning).

E. Council 5 includes the following entire school districts: Farmington, Hastings, Inver Grove Heights community schools, Rosemount-Apple Valley-Eagan, South St. Paul, and West St. Paul-Mendota Heights-Eagan.

It also includes an area with a portion of Minneapolis and St. Paul school districts:

starting at intersection of I-94 and Minnesota Highway 55 (Hiawatha Avenue) in Minneapolis, South and East on Minnesota Highway 55 (Hiawatha Avenue) to Southern Minneapolis school district boundary line, East following Minneapolis school district boundary line to St. Paul school district boundary line, following St. Paul school district boundary line counterclockwise and East to U.S. Highway 52 (Lafayette Freeway) North on U.S. Highway 52 (Lafayette Freeway) to I-94, West on I-94 to Minnesota Highway 55 (Hiawatha Avenue) in Minneapolis (point of the beginning).

Subp. 13. **Membership of sector area collaboration council.** Each district in a sector area shall appoint individuals to participate in the sector area collaboration council. Each district shall have voting power based on the proportional number of students the district serves. The council shall reflect the diversity of the students in the participating districts. If any of the participating districts have an American Indian parent committee formed under *Minnesota Statutes*, section 124D.78, a representative of those committees shall also be appointed.

## 3535.0130 DUTIES OF COMMISSIONER.

Subpart 1. **Review of data.** The commissioner shall review the data provided by a school district under part 3535.0120 within 60 days of its receipt. If the commissioner determines that there is a racially identifiable school within a district, or if the commissioner receives a complaint alleging that a district is engaged in acts of segregation by law, the commissioner shall request further information to determine whether the racial composition at the school or schools in question results from acts motivated at least in part by a discriminatory purpose. ~~The commissioner's finding of a discriminatory purpose must be based on one or more of the following except that the commissioner shall not rely solely on item D or E, or both~~ First, the commissioner shall review items A to E:

A. the historical background of the acts which led to the racial composition of the school, including whether the acts reveal a series of official actions taken for discriminatory purposes;

B. whether the specific sequence of events resulting in the school's racial composition reveals a discriminatory purpose;

C. departures from the normal substantive or procedural sequence of decision making, as evidenced, for example, by the legislative or administrative history of the acts in question, especially if there are contemporary statements by district officials, or minutes or reports of meetings that demonstrate a discriminatory purpose;

D. whether the racial composition of the school is the result of acts which disadvantage one race more than another, as evidenced, for example, when protected students are bused further or more frequently than white students; ~~and~~

E. whether the racially identifiable composition of the school was predictable given the policies or practices of the district; ~~and~~

F. if upon reviewing the evidence in items A to E, the commissioner determines that the district, motivated in part by a discriminatory purpose, engaged in one or more of the following practices:

(1) created or modified school attendance areas, or school district boundaries, in a manner that could foreseeably cause or increase segregation;

(2) employed optional attendance areas, or transfer and recruitment policies and practices, that disproportionately allow white students to avoid racially integrated schools serving the white students' neighborhood;

(3) demonstrated a clear and substantial pattern of segregated faculty assignments;

(4) constructed or expanded school facilities in a way that had the foreseeable effect of increasing segregation; or

(5) in a school district with a history of segregation by law, operated single race schools or school substantially disproportionate in their racial composition, the commissioner shall find that the district is segregated by law.

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

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# Proposed Rules

## **3535.0150 DEVELOPMENT OF PLAN FOR MANDATORY DESEGREGATION; ENFORCEMENT.**

Subpart 1. **District plan.** If the commissioner determines that segregation by law exists and affects a substantial portion of the district, the district will be declared to be operating a dual system. In response to this finding, the district shall provide a plan within 60 days that proposes how it shall remedy the segregation. The plan shall address the specific actions that were found by the commissioner to contribute to the segregation and will describe how segregation by law will be eliminated “root and branch” and district returned to unitary status. This plan will address how district schools will become racially integrated and how each school within the district will be substantially equivalent in its faculty, staff, transportation, extracurricular activities, and facilities.

If the discrimination does not affect a substantial portion of the district, or if the discrimination involves only segregated faculty assignments, a more narrowly tailored remedy may be proposed.

In either case, the plan shall be developed in consultation with the commissioner. If the commissioner rejects any or all of the plan, the commissioner shall provide technical assistance to help the district revise the plan. However, if the district and the commissioner cannot agree on a plan within 45 days after the original plan was rejected, the commissioner shall develop a revised plan to remedy the segregation by law that the district shall implement in the time frame specified by the commissioner. A finding of segregation by law, or a finding that the district’s initial plan is inadequate, shall be based on written findings of fact and conclusions of law issued by the commissioner.

Subp. 2. **Remedy.** If the commissioner has made a finding of segregation by law, student assignments based on race that are made to remedy the finding of segregation by law are permissible in a plan for mandatory desegregation, so long as they are narrowly tailored to remedy the act of segregation by law.

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

Subp. 4. **Enforcement of desegregation.** If the district fails to submit data required by the commissioner, fails to provide or implement a plan to remedy the segregation by law, or fails to implement a plan developed by the commissioner as provided in subpart 1, the commissioner must:

A. notify the district that its aid shall be reduced pursuant to *Minnesota Statutes*, section 127A.42;

B. refer the finding of segregation by law to the Department of Human Rights for investigation and enforcement; and

C. report the district’s actions to the education committees of the legislature by March 15 of the next legislative session with recommendations for financial or other appropriate sanctions.

## **3535.0160 INTEGRATION OF RACIALLY IDENTIFIABLE SCHOOLS NOT THE RESULT OF SEGREGATION BY LAW.**

Subpart 1. **Notice to district of plan including voluntary measures.**

A. If a racially identifiable school reviewed under part 3535.0130 is not the result of segregation by law, the district shall be notified that it must develop and submit a plan to the commissioner for review that provides options to ~~help~~ integrate the racially identifiable school. The format of the plan shall be determined by the commissioner.

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

Subp. 2. **Community collaboration council.** The district shall establish and use a community collaboration council to assist in developing the district’s plan under this part. The council shall ~~be reasonably representative of~~ reflect the racial diversity of the ~~district~~ district’s students and shall include parents’ representatives that also reflect the diversity of the district’s students. In communities with ten or more American Indian students, representation from the American Indian parent committee under *Minnesota Statutes*, section 124D.78, is required on the community collaboration council. If a district has an existing committee whose composition reasonably reflects the diversity of the district, for example, school site councils or district curriculum advisory councils, that committee may be used to provide the planning required by this part. The community collaboration council shall identify ways of creating increased opportunities for interracial contact, and establish goals for meeting this objective. After identifying these opportunities and goals, the council shall develop a plan for integration at each school that may include, for example, options under subpart 3.

Subp. 3. **District plan.**

A. After receiving the plan required under subpart 2 from its community collaboration council, the district shall provide a plan to the commissioner that describes how the goal of ~~increased opportunities for interracial contact between students~~ integrated schools will be met, and the integration efforts the district plans to implement at each racially identifiable school. The plan shall be written and adopted by the end of the academic year in which the district received notice under subpart 1, or six months later, whichever is longer. The plan shall

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include:

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

B. All plans under this part must be educationally justifiable and contain options for intradistrict integration that may include, for example:

- ~~(1) duplicating programs that have demonstrated success in improving student learning at schools that are racially identifiable;~~
- ~~(2) (1) providing incentives to help ~~balance~~ diversify racially identifiable schools, for example, providing:
  - (a) incentives to low-income students to transfer to schools that are not racially identifiable;
  - (b) transportation; and
  - (c) interdistrict opportunities and collaborative efforts with other districts;~~
- ~~(3) (2) providing incentives to teachers to improve the distribution of teachers of all races at schools across the district, including:
  - (a) staff development opportunities;
  - (b) strategies for attracting and retaining staff who serve as role models; and
  - (c) strategies for attracting and retaining staff who have a record of success in teaching protected students, low-income students, or both;~~
- ~~(4) (3) greater promotion of programs provided at racially identifiable schools designed to attract a wide range of students; and~~
- ~~(5) (4) providing smaller class sizes, greater counseling and support services, and more extracurricular opportunities and other resources at racially identifiable schools as compared to schools that are not racially identifiable or at schools with a higher concentration of low-income students; and~~
- ~~(6) providing programs promoting instruction about different cultures, including options uniquely relevant to American Indian students, including, for example, American Indian language and culture programs under Minnesota Statutes, section 124D.74.~~

The format of the integration plan shall be consistent with, and if possible included into, a district's comprehensive plan.

[For text of subps 4 to 6, see M.R.]

## 3535.0170 INTEGRATION OF RACIALLY ISOLATED SCHOOL DISTRICTS.

### Subpart 1. Evaluation.

A. The commissioner shall annually evaluate the enrollment of protected students in each district to determine whether the district as a whole is racially isolated. If the commissioner determines that a district is racially isolated, as defined in part 3535.0110, subpart 7, the commissioner shall immediately notify the district and its ~~adjoining sector area~~ districts and ~~sector district council~~. The commissioner may also send notice to other districts that are not adjoining if the commissioner determines that it would be geographically feasible for such districts to participate in cross-district planning. Districts that are not adjoining may choose whether to participate in the cross-district planning.

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

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. **Council cooperation and plan.** The ~~multidistrict collaboration~~ ~~sector area~~ council shall identify ways of creating increased opportunities for ~~interacial contact~~ the racial integration of students and establish goals for meeting this objective. After identifying these opportunities and goals, the council shall develop a joint collaboration plan for cross-district integration that may include the incentives contained in subpart 6, item B.

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## Subp. 6. **District plan.**

A. After receiving the plan required in subpart 5 from its council, each district shall review, modify if necessary, and ratify the integration plan. Each district shall provide a plan to the commissioner that describes how the goal of greater opportunities for ~~interracial contact between~~ racial integration of students will be met and that describes the interdistrict integration efforts the district plans to implement. The plan shall be completed and ratified no longer than 12 months after the district receives notice under part 3535.0180, subpart 1. The plan shall include:

- (1) the extent of community outreach that preceded the interdistrict plan;
- (2) cross-district integration issues identified;
- (3) goals of the integration effort; and
- (4) how the goals will be or are being accomplished.

B. All collaboration plans under this part must be educationally justifiable and contain options for interdistrict integration that may include, for example:

- (1) providing cooperative transportation that helps ~~balance~~ diversify racially isolated districts;
- (2) providing incentives for low-income or nonwhite students to transfer to districts that are not racially isolated;
- (3) developing cooperative magnet programs or schools designed to increase racial ~~balance~~ diversity in the affected districts;
- (4) designing interdistrict shared schools with attendance boundaries that cross current district boundaries in order to promote integrated schools;
- ~~(4)~~ (5) designing cooperative programs to enhance the experience of students of all races and from all backgrounds and origins;
- ~~(5)~~ (6) providing cooperative efforts to recruit teachers of color, and encouraging teacher exchanges, parent exchanges, and cooperative staff development programs;
- ~~(6)~~ (7) encouraging shared extracurricular opportunities, including, for example, community education programs that promote understanding, respect, and interaction among diverse community populations; and
- ~~(7)~~ (8) documenting, in districts with ten or more American Indian students, how American Indian students are able to participate in program options uniquely relevant to American Indian students, including, for example, language and culture programs under *Minnesota Statutes*, section 124D.74, and how the students may participate in the district's voluntary integration efforts.

Subp. 7. [See repealer.]

Subp. 8. **Timeline for reports.** Once a ~~multidistrict sector area~~ collaboration plan has been filed with the commissioner, it does not need to be renewed for a period of four years from the date of filing.

## **3535.0180 EVALUATION OF COLLABORATIVE EFFORTS.**

The commissioner shall biennially evaluate the results of collaborative efforts under part 3535.0170 to determine whether the collaboration plan was implemented and whether the action goals have been substantially met. After reviewing the results, the commissioner shall report to the house and senate education committees whether a district implemented its collaboration plan and substantially met its action goals. The commissioner may also make recommendations for appropriate legislative action. If the commissioner determines that the district has not met its goals, the commissioner will notify the district that it shall be ineligible for integration aid and that its state aid may be reduced pursuant to *Minnesota Statutes*, section 127A.42.

**REPEALER.** *Minnesota Rules*, part 3535.0170, subparts 2, 3, 4, and 7, are repealed.

# Proposed Rules

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## Minnesota Public Utilities Commission (PUC)

### Proposed Permanent Rules Governing Utility Proceeding, Practice, Procedure

#### 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 RD4159

#### Proposed Amendment to Rules Governing Utility Proceeding, Practice, and Procedure, *Minnesota Rules* Chapter 7829, excluding part 7829.2550

**Introduction.** The Public Utilities Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on July 17, 2015, a public hearing will be held in the Public Utilities Commission's Large Hearing Room, 121 - 7th Place East, St. Paul, Minnesota 55101, starting at 10:00 a.m. on Monday, August 31, 2015. To find out whether the Commission will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after July 17, 2015 and before August 31, 2015.

**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: Christopher Moseng at Minnesota Public Utilities Commission, 121 - 7th Place East, Suite 350, St. Paul, MN 55101-2147, **phone:** (651) 201-2223, and **e-mail:** [christopher.moseng@state.mn.us](mailto:christopher.moseng@state.mn.us).

**Subject of Rules and Statutory Authority.** The proposed rules are about the conduct of Public Utilities Commission proceedings. The statutory authority to adopt the rules is *Minnesota Statutes*, section 216A.05, subdivision 1. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above.

The proposed rule amendments update the Commission's procedural rules (*Minnesota Rules* Chapter 7829) to eliminate outdated rule language, address statutory changes, articulate and clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions. Generally, these changes include amending the rules to reflect electronic filing practices and to incorporate process improvements that will allow the Commission to operate more efficiently while keeping Commission practice consistent with the public interest and the requirements of due process.

**Comments.** You have until 4:30 p.m. on Friday, July 17, 2015, 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 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 Commission 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 Friday, July 17, 2015. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the Commission will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to 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 address or telephone number listed above.

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## Proposed Rules

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

**Cancellation of Hearing.** The Commission will cancel the hearing scheduled for August 31, 2015, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-2223 after Friday, July 17, 2015, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Commission will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Commission will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara J. Case is assigned to conduct the hearing. Judge Case's legal assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620-0620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7900 and **fax:** (651) 539-0300 or **e-mail:** [denise.collins@state.mn.us](mailto:denise.collins@state.mn.us).

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

The Commission 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.

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

**Adoption Procedure if No Hearing.** If no hearing is required, the Commission may adopt the rules after the end of the comment period. The Commission will submit the rules and supporting documents to the Office of Administrative Hearings for 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.

# Proposed Rules

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

Dated: 3 June 2015

Daniel P. Wolf, Executive Secretary  
Minnesota Public Utilities Commission

## 7829.0100 DEFINITIONS.

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

Subp. 5. [See repealer.]

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

Subp. 10. [See repealer.]

Subp. 11. **Miscellaneous tariff filing.** “Miscellaneous tariff filing” means a request or notice that does not require determination of the utility’s revenue requirement.

A miscellaneous tariff filing includes a filing involving a new service offering; a change in a utility’s rates, services, terms, or conditions of service; a change in a utility’s corporate structure, assigned service area, or capital structure, when conducted separately from a general rate proceeding; filings made under the rules governing automatic adjustment of charges in chapter 7825; or any related matter. ~~The term also includes a language change filing, cost increase filing, and rate reduction filing.~~

The inclusion of a particular type of filing in this list does not require a filing that would not otherwise be required or confer jurisdiction that would not otherwise be present.

Subp. 11a. **Motion filing.** “Motion filing” means a written request for specific commission action by a party within the context of an ongoing proceeding. This does not include recommendations for action made in comments, or in motions made during a proceeding before an administrative law judge.

[For text of subps 12 to 16, see M.R.]

Subp. 17. [See repealer.]

[For text of subps 18 and 19, see M.R.]

Subp. 19a. **Protected data.** “Protected data” means data filed with the commission that is either:

A. not public data or private data on individuals under the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13; or

B. data that is protected from disclosure pursuant to the rules of privilege recognized by law.

Subp. 20. [See repealer.]

Subp. 20a. **Qualified complainant.** “Qualified complainant” means a person authorized by law to make a formal complaint to the commission.

[For text of subps 21 and 22, see M.R.]

Subp. 23. **Utility.** “Utility” means a gas; or electric service provider, or a telephone company subject to the jurisdiction of the commission utility under part 7810.0100, subpart 37.

## 7829.0250 REPRESENTATIONS TO COMMISSION.

A person who signs a pleading, motion, or similar filing, or enters an appearance at a commission meeting, by doing so represents that the person is authorized to do so, has a good faith belief that statements of fact made are true and correct, and that legal assertions are warranted by existing law or by a nonfrivolous argument for the extension or reversal of existing law or the modification or establishment of rules.



## **7829.0400 SERVICE AND FILING REQUIREMENTS.**

Subpart 1. **Filing.** Documents are filed with the commission when they are received in the commission offices during regular business hours. Specific documents may be filed by facsimile transmission or filed when mailed, with the consent of the executive secretary. Documents must be directed to the attention of the executive secretary. Filings must be made in a manner consistent with the filing requirements of *Minnesota Statutes*, section 216.17, subdivision 3, and must be directed to the attention of the executive secretary. If otherwise required to file electronically under *Minnesota Statutes*, section 216.17, subdivision 3, a person may file by facsimile transmission, mail, or personal delivery only with the prior consent of the executive secretary.

Subp. 2. [See repealer.]

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

Subp. 4. **Format.** Filings must identify the nature of the filing as briefly as possible, for example, “Replies to Exceptions to Report of Administrative Law Judge,” and indicate that the matter is before the Minnesota Public Utilities Commission. Filings after the original filing must include the title and commission-assigned docket number of the matter. Paper filings must be on 8-1/2 by 11-inch paper, unless the executive secretary authorizes a nonconforming filing for good cause shown. Electronic filings must be submitted in a text-searchable format, and any scanned documents must include optical character recognition data. Filings made pursuant to parts 7810.8620, 7810.8685, and 7825.3900, as well as schedules provided pursuant to *Minnesota Statutes*, section 216B.16, subdivision 17, paragraph (a), shall also include the required data in an industry standard spreadsheet format supported by the agencies’ electronic filing system.

Subp. 5. **Service; method.** ~~A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Service may be accomplished by first class mail or, by delivery in person, or electronically upon recipients who have agreed to electronic service as provided in *Minnesota Statutes*, section 216.17, subdivision 4, unless otherwise provided by law or commission order. Service may also be accomplished by facsimile transmission, followed by first class mail. Service on the department is complete upon receipt by the department. For all other persons,~~

Subp. 5a. **Service and filing; completion.** ~~A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Unless the executive secretary directs otherwise for specific documents, electronic service is complete upon receipt of confirmation of submission of the document. Filings are filed with the commission when received in the commission offices during regular business hours. Service by mail or facsimile transmission plus mail is complete upon mailing, unless the executive secretary directs otherwise for specific documents except service upon the department, which is complete upon receipt by the department. When a party or participant is represented by an attorney, service upon the attorney is considered service upon the party or participant.~~

[For text of subp 6, see M.R.]

## **7829.0410 MOTION FILINGS.**

Subpart 1. **Form and content.** ~~A party to a proceeding making a motion filing shall make it in writing, state the grounds for the motion, and set forth the requested commission action. A party shall serve a motion filing on the persons listed on the official service list and file it consistent with the electronic filing requirements of *Minnesota Statutes*, section 216.17, subdivision 3. A party shall, as a part of a motion filing, advise other parties that if they wish to oppose the motion they must file and serve on the same list of persons a written response within 14 days. The commission will consider only motion filings signed by a party or the party’s attorney or authorized representative.~~

Subp. 2. **Responses.** ~~A party responding to a motion filing shall serve a response on the persons listed on the official service list and file it consistent with the electronic filing requirements of *Minnesota Statutes*, section 216.17, subdivision 3, within 14 days of service of the motion filing.~~

## **7829.0430 WITHDRAWAL OF FILINGS.**

Subpart 1. **Uncontested withdrawal.** ~~The commission delegates to the executive secretary authority to approve the withdrawal of a filing. Approval will be granted by the executive secretary if the following conditions are met:~~

- ~~A. the party that submitted the filing has requested that the filing be withdrawn;~~
- ~~B. no person has expressed opposition to withdrawal of the filing; and~~
- ~~C. no commissioner or commission staff person has identified a reason that the matter should not be withdrawn.~~

Subp. 2. **Contested withdrawal.** ~~If any person opposes a withdrawal request, the commission will allow a filing to be withdrawn at~~

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the request of the filing party if the commission determines that the proposed withdrawal:

A. does not contravene the public interest;

B. does not prejudice any party; and

C. does not concern a filing that raises issues requiring commission action.

If the commission determines that withdrawal would contravene the public interest or would prejudice a party, the commission may permit withdrawal only subject to conditions that mitigate the harm identified.

## **7829.0500 ~~TRADE SECRET AND PROPRIETARY INFORMATION PROTECTED DATA.~~**

Subpart 1. **Confidentiality protected.** Nothing in this chapter requires ~~the public disclosure of privileged proprietary information, trade secrets, or other privileged information~~ protected data or any disclosure of privileged data.

Subp. 2. **Procedure for excision.** ~~Persons~~ A person filing documents containing ~~proprietary information, trade secrets, protected data~~ or other privileged information shall ~~excise this information in all copies but the original and six copies; file one copy of the document with the protected data redacted. The first page or cover page of a document from which protected data has been excised must be clearly captioned in bold print "PUBLIC DOCUMENT - NOT PUBLIC (OR PRIVILEGED) DATA HAS BEEN EXCISED." The beginning and end of the excised protected data must be identified. One copy of the document without redactions shall be filed, designated as required in subpart 4, and identified as a not public or trade secret document during the electronic submission process.~~

Subp. 3. **Identification of excised material.** When a person classifies an entire document, or a substantial part of a document, as protected ~~information data~~, the person shall file a description of the excised material that includes at least the following information: the nature of the material, its authors, its general import, and the date on which it was prepared.

Subp. 4. **Document containing protected information data.** The first page or cover page of a document containing protected ~~information data~~ must be clearly marked in bold print "~~TRADE SECRET INFORMATION NOT PUBLIC DOCUMENT~~ — NOT FOR PUBLIC DISCLOSURE" or with words of similar import. Every page on which protected ~~information data~~ appears must be similarly marked and the protected ~~information data~~ must be underlined, placed in brackets, or otherwise clearly identified as the ~~information data~~ which is to be protected from disclosure.

Subp. 5. **Statement required.** In all cases where a person or entity files data with the commission that is identified as protected data, an accompanying statement justifying the state agencies treating the data as protected data must also be filed. This justification must include an explanation of how the data is classified under the Minnesota Government Data Practices Act, *Minnesota Statutes, chapter 13*, or is privileged under a rule of privilege recognized by law.

## **7829.0600 GENERAL SERVICE LIST.**

Subpart 1. **Establishing list.** Persons desiring to receive notice of particular types of filings and who are qualified to intervene under part 7829.0800 shall file with the utility a written list of the types of filings they wish to receive, as well as the person's name, address, and an electronic address if they agree to electronic service. The utility shall maintain general service lists of persons who have filed these requests. The utility shall add to each list the persons who intervened in its last general rate case and persons on the official service list for its last filing of the same type.

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

## **7829.0700 OFFICIAL SERVICE LIST.**

Subpart 1. **Content.** The official service list for each proceeding consists of the names, addresses, and electronic addresses of the parties, and ~~the names of the~~ participants who have filed a written request for inclusion on the service list with the executive secretary.

Subp. 2. **Establishment and updating.** The commission shall establish the official service list at the conclusion of the initial comment period, or immediately following an initial filing for which no initial comment period is required, and shall mail a copy of the list to the parties and to participants who have filed written requests for inclusion. A list established before commission action on a petition for intervention must include those persons whose intervention petitions are pending. The commission shall mail an updated official service list to the parties and participants if the official service list is later expanded or reduced. The commission need not mail the official service list in proceedings when the only parties are the department and a petitioner, complainant, or respondent. The commission shall provide

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the official service list electronically rather than by mail to a party who has agreed to electronic service as provided in *Minnesota Statutes*, section 216.17, subdivision 4.

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

Subp. 4. **Name and address change.** A party or participant who wishes to change the name or address of a person receiving service on behalf of the party or participant shall provide written notice of the change to the executive secretary and to persons on the official service list. The commission shall remove a participant from the official service list after two attempts at service are returned as undeliverable.

[For text of subp 5, see M.R.]

## **7829.0800 PETITION TO INTERVENE.**

Subpart 1. **Filing and service.** A person who desires to become a party to a proceeding shall file a petition to intervene within the time set in this chapter. The petition must be served on known parties and those persons on the utility's general service list for the matter, if applicable. A petition to intervene must be signed by the person wishing to become a party, or by the person's attorney or authorized representative.

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

Subp. 3. **Intervention as of right.** The department and the Office of the Attorney General, ~~through its Residential Utilities Division,~~ may intervene as of right in any proceeding before the commission. They become parties upon filing comments under this chapter or upon written notice to the commission of an intent to intervene, and need not file petitions to intervene, except when the rules of the Office of Administrative Hearings require it.

[For text of subps 4 to 6, see M.R.]

## **7829.0850 WITHDRAWAL OF A PARTY.**

A party wishing to withdraw must file a motion, which the commission will consider promptly in the course of the proceeding.

## **7829.1050 UNCONTESTED PROCEEDING SUBCOMMITTEE.**

Subpart 1. **Delegation of uncontested proceedings.** As authorized by *Minnesota Statutes*, section 216A.03, subdivision 8, the commission may establish by order a subcommittee to act on uncontested proceedings. The subcommittee will act on behalf of the commission only when:

A. commission staff determines a proceeding involves no disputed or novel issues; and

B. no party, participant, or commissioner has requested that the proceeding not be delegated to a subcommittee.

The commission will maintain on its Web site a list of all proceedings delegated under this subpart, and will indicate the subcommittee's disposition for each proceeding. Electronic filing of an order reflecting disposition by the subcommittee constitutes receipt by the parties, participants, and commissioners for the purposes of *Minnesota Statutes*, section 216A.03, subdivision 8, paragraph (b).

Subp. 2. **Other subcommittees.** This part does not limit the circumstances under which the commission may delegate functions to a subcommittee.

## **7829.1250 COMMENT PROCEDURE VARIATION.**

Subpart 1. **When applied.** Unless otherwise provided in statute or rule, this part shall apply to all comment periods established in this chapter.

Subp. 2. **Additional comments and comments on supplemental or corrected filings.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development. The commission shall provide opportunity for other parties to respond to additional comments, or to a supplemental or corrected filing, when the additional comment, supplement, or correction raises a new issue.

## **7829.1300 MISCELLANEOUS TARIFF AND PRICE LIST FILINGS.**

Subpart 1. **Summary.** A miscellaneous tariff filing and price list filing must include, on a separate page, a one-paragraph summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** The filing utility shall serve copies of each miscellaneous tariff filing on which commission action is required within

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60 days of filing, and each price list filing increasing the price of a competitive service, on the persons on the applicable general service list, on the department, and on the Residential Utilities Division of the Office of the Attorney General. For other filings, the utility may serve the summary described in subpart 1 on persons on the applicable general service list. The utility shall serve with the filing or the summary a copy of its general service list for the filing.

Subp. 3. **Content of filing subject to specific requirements.** In addition to complying with specific requirements imposed by statute or rule, miscellaneous tariff and price filings subject to specific filing rules must contain at least the following information:

A. the name, address, and telephone number of the utility filing party, without abbreviation;

B. the name, address, electronic address, and telephone number of the attorney for the utility filing party, if the utility filing party is using represented by an attorney;

C. the date of the filing and the date the proposed rate or service change, if any, will go into effect;

D. the statute that the utility believes controls the time frame for processing the filing; ~~and~~

E. the signature, electronic address, and title of the utility employee responsible for the filing; ~~and~~

F. if the contents of the filing are not established by statute or another commission rule, a description of the filing, its impact on rates and services, its impact on any affected person, and the reasons for the filing.

Subp. 4. [See repealer.]

[For text of subp 5, see M.R.]

Subp. 6. **Compliance filings.** Unless otherwise ordered by the commission, utilities shall file a compliance filing within ten days of the effective date of a commission order requiring it.

## **7829.1400 COMMISSION ACTION ON MISCELLANEOUS TARIFF, PRICE LIST FILING; COMMENTS.**

Subpart 1. **Initial comments.** ~~In the absence of a commission order or notice establishing a different comment period, a person wishing to comment on a miscellaneous tariff or price list filing shall do so within 30 days of its filing with the commission. A person wishing to comment on one of the following noncompetitive rate change filings shall do so within 20 days of its filing with the commission: a rate reduction filing, a cost increase filing, or a request for a significant change in a condition of telephone service. A person wishing to comment on a new telephone service, competitive or noncompetitive, shall do so within ten days of its filing with the commission. Comments must be served on the persons on the utility's general service list for the filing, as well as on the filing utility.~~

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

Subp. 3. **Comments to include procedural recommendation.** A person commenting on a miscellaneous ~~tariff or price list~~ filing and recommending its rejection, denial, or modification shall specify whether the person believes the filing requires a contested case proceeding, informal proceeding, expedited proceeding, or some other procedural treatment, together with the person's reasons for recommending a particular procedural treatment.

Subp. 4. **Reply comments.** Unless otherwise directed by the commission, the utility and other persons have ten days from the expiration of the original comment period to file reply comments. Reply comments must be served on the utility and persons who have filed comments on the miscellaneous ~~tariff~~ filing. Reply comments must be limited in scope to the issues raised in the initial comments.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

[For text of subp 8, see M.R.]

Subp. 9. **Requests for contested case proceedings.** Upon receipt of initial comments requesting a contested case proceeding on a miscellaneous ~~tariff filing or price list~~ filing, the commission shall immediately set the matter for consideration on a date after the time

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period for reply comments has run. If the commission finds a contested case proceeding is required, the commission shall refer the matter to the Office of Administrative Hearings pursuant to part 7829.1000, and the utility shall file its direct testimony in question and answer form within 20 days of the commission's notice and order for hearing.

## **7829.1500 INFORMAL COMPLAINT.**

Persons engaged in disputes with utilities may submit informal complaints by letter or other writing, by telephone, electronically, or in person. Commission staff shall accept these complaints and shall prepare a memorandum setting forth the substance of each complaint and identifying the customer, the service address, and the utility.

## **7829.1700 FORMAL COMPLAINT.**

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

Subp. 2. **Mailing and filing.** A formal complaint must be mailed to the respondent, the department, and ~~the Residential Utilities Division~~ of the Office of the Attorney General, as well as filed with the commission. Formal complaints may also be filed in a manner consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3. If filed electronically, a formal complaint does not need to be mailed to the state agencies.

## **7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.**

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

Subp. 2. **Answer.** On concluding that it has jurisdiction over the matter and that investigation is warranted, the commission shall serve the complaint on the respondent, together with an order requiring the respondent to file an answer either stating that it has granted the relief the complainant requests, or responding to the allegations of the complaint. The answer must be filed with the commission and served on the complainant, the department, and ~~the Residential Utilities Division~~ of the Office of the Attorney General within 20 days of service of the complaint and order.

Subp. 3. **Reply.** Replies are not required unless the answer alleges that respondent has granted the relief sought by complainant. In that case, the complainant shall file a reply within 20 days admitting or denying that relief has been granted. If the complainant fails to file the reply, the commission shall dismiss the complaint. Copies of the reply must be served on the respondents, the department, and the Residential Utilities Division of the Office of the Attorney General.

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

## **7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT; COMMENTS.**

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

Subp. 2. **Initial comments.** A person wishing to comment on a formal complaint shall do so within 30 days of the date of a commission order requiring an answer to the complaint. Comments must be served on the complainant, respondent, department, ~~Residential Utilities Division~~ of the Office of the Attorney General, and any other known parties.

Subp. 3. **Reply comments.** A commenting party has ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments and must be served on the complainant, respondent, department, ~~Residential Utilities Division~~ of the Office of the Attorney General, and any other known parties.

[For text of subps 4 and 5, see M.R.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

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

## **7829.2000 ELECTRIC SERVICE AREA COMPLAINT.**

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

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Subp. 2. **Service and filing.** A service area complaint must be served on the respondent, department, and ~~Residential Utilities Division of the Office of the Attorney General~~, as well as filed with the commission.

## 7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT; COMMENTS.

Subpart 1. **Answer.** Within ten days of service of a service area complaint, a respondent shall file an answer with the commission and serve it on the complainant, department, and ~~Residential Utilities Division of the Office of the Attorney General~~.

Subp. 2. **Initial comments.** A person wishing to comment on a service area complaint shall do so within ten days of the date the person was served. Comments must be served on the complainant, respondent, department, ~~Residential Utilities Division of the Office of the Attorney General~~, and any other known parties.

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

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

[For text of subp 6, see M.R.]

## 7829.2300 CLASSIFICATION PETITION.

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

Subp. 2. **Service.** A utility filing a classification petition shall serve copies of the petition on the department and ~~Residential Utilities Division of the Office of the Attorney General~~. The utility shall serve the petition or the summary described in subpart 1 on those persons on the applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 3. **Challenges to form and completeness.** A person wishing to challenge the form or completeness of a classification petition shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, ~~Residential Utilities Division of the Office of the Attorney General~~, persons on the general service list for the filing, and any other known parties.

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

Subp. 5. **Initial comments.** A person wishing to comment on a classification petition shall file initial comments within 20 days of the filing. Initial comments must include a recommendation on whether the filing requires a contested case proceeding, expedited proceeding, or some other procedural treatment, together with reasons for recommending a particular procedural treatment. Initial comments must be served on the utility, department, ~~Residential Utilities Division of the Office of the Attorney General~~, persons on the general service list for the filing, and any other known parties.

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

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

[For text of subps 10 to 12, see M.R.]

Subp. 13. **Extending disposition period.** The commission may extend the eight-month time frame ~~set forth~~ in subpart 12 with the agreement of all parties or upon a finding that the case cannot be completed within the required time and that there is a substantial probability that the public interest would be harmed by enforcing the eight-month time frame.

## 7829.2400 FILING REQUIRING DETERMINATION OF GROSS REVENUE.

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

Subp. 2. **Service.** A utility filing a general rate change request shall serve copies of the filing on the department and ~~Residential Utilities Division of the Office of the Attorney General~~. The utility shall serve the filing or the summary described in subpart 1 on the persons on the applicable general service list and persons who were parties to its last general rate case or incentive plan proceeding.

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

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Subp. 4. **Challenge to form and completeness.** A party wishing to challenge the form or completeness of a general rate case filing shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, ~~Residential Utilities Division of the~~ Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 5. **Rejection of filing.** The commission shall reject a filing under this part ~~that is~~ found to be substantially out of compliance with *Minnesota Statutes*, section 216B.16 or 237.075, or other requirement imposed by rule, statute, or previous commission order. A filing under this part not rejected within 60 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 6. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. ~~Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings control intervention rights.~~

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

## 7829.2500 CERTIFICATE OF NEED FILING.

Subpart 1. **Compliance.** Certificate of need applications must comply with the requirements of *Minnesota Statutes*, sections 216B.2421 and 216B.243; *Minnesota Rules*, chapters ~~7849, 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400;~~ and any other requirements imposed by rule or statute.

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

Subp. 3. **Service.** A certificate of need applicant shall serve copies of the filing on the department and ~~Residential Utilities Division of the~~ Office of the Attorney General. The applicant shall serve the filing or the summary described in subpart 2 on those persons on an applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 4. [See repealer.]

[For text of subp 5, see M.R.]

Subp. 6. **Solicitation of comments on filing compliance.** The commission shall request comments on the filing's compliance with *Minnesota Statutes*, sections 216B.2421 to 216B.243, and *Minnesota Rules*, chapters 7851, 7853, and 7855, ~~and parts 7849.0010 to 7849.0400;~~ when it determines that comments would be helpful in evaluating the filing's substantial compliance with the requirements of those statutes and rules. The commission may delegate the authority to request these comments to the executive secretary.

Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part that is found to be substantially out of compliance with *Minnesota Statutes*, sections 216B.2421 to 216B.243; *Minnesota Rules*, chapters ~~7849, 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400;~~ and any other requirements imposed by rule or statute. A filing under this section not rejected within 15 days of filing must be considered accepted as in substantial compliance with applicable filing requirements.

Subp. 8. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. ~~Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings shall control intervention rights.~~

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

## 7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.

Subpart 1. **Filings required, service requirements.** At least three months before filing a certificate of need application for any pipeline under chapter ~~7849, 7851, 7853, or 7855,~~ the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed pipeline. Applicants shall serve their proposed plans on the following persons:

- A. the Office of Energy Security of the Department of Commerce;
- B. ~~the Residential and Small Business Utilities Division of the~~ Office of the Attorney General; and
- C. the Army Corps of Engineers.

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

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## **7829.2700 PROCEDURE AFTER ADMINISTRATIVE LAW JUDGE REPORT.**

Subpart 1. **Exceptions to administrative law judge's report.** Except in cases subject to statutory deadlines, parties shall file and serve on the other parties any exceptions to an administrative law judge's report within 20 days of its filing unless otherwise specified by the commission. In cases subject to statutory deadlines, exceptions must be filed and served within 15 days of the filing of the report.

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

Subp. 3. **Oral argument.** Parties ~~must will~~ be granted an opportunity for oral argument before the commission ~~as required under Minnesota Statutes, section 14.61 prior to its decision~~.

## **7829.2900 DECISION AND ORDER.**

The executive secretary shall serve a decision and order of the commission on all parties and participants in the proceeding who are on the official service list.

## **7829.3000 PETITION AFTER COMMISSION DECISION.**

Subpart 1. **Time for request.** A party or a person aggrieved and directly affected by a commission decision or order may file a petition for rehearing, amendment, vacation, reconsideration, or reargument within 20 days of the date the decision or order is served by the executive secretary. This subpart does not affect any statutory limit on the time allowed for a petition for judicial review that may run concurrently.

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

Subp. 3. **Service.** A petition for rehearing, amendment, vacation, reconsideration, or reargument, and an answer, reply, or comment, must be served on the parties and participants in the proceeding ~~to which they relate~~.

[For text of subps 4 to 7, see M.R.]

## **7829.3150 UNTIMELY FILINGS.**

Subpart 1. **When filings may be excluded.** On its own motion or at the request of any party or participant, the commission may exclude a filing from the record:

A. when the filing was not made within a time period established by rule, notice, or commission order; and

B. upon a commission determination that the value of the document to the commission's deliberative process is outweighed by prejudice to a party, participant, or the public interest caused by the untimeliness. Documents in the agencies' electronic filing system excluded under this part shall remain in the agencies' electronic filing system, but shall be marked as "excluded from record by commission order" in search results.

Subp. 2. **Required statement.** A person filing a document outside a time period established by rule, notice, order, or statute shall clearly mark the document as "late filed" and include a statement explaining why the filing was untimely and why it should not be excluded by the commission.

Subp. 3. **Documents offered less than one day before consideration.** A party or participant offering a document less than one full business day prior to, or at, the commission meeting to consider issues relevant to the document, must provide ten paper copies to commission staff and sufficient paper copies for the offering party to distribute to all parties and to be available to members of the public in attendance. The offering party or participant must electronically file the document within one business day following the commission meeting if it was not electronically filed prior to the meeting.

## **7829.4000 EMERGENCY CIRCUMSTANCES.**

Subpart 1. **Declared emergency or pandemic.** If the executive secretary determines that an in-person meeting of the commission is not practical or prudent because of a health pandemic or an emergency declared under *Minnesota Statutes*, chapter 12, commissioners may participate by telephone or other electronic means. If at least one commissioner intends to participate remotely, the commission shall provide the public notice required by *Minnesota Statutes*, section 13D.021, subdivision 4.

Subp. 2. **Remote participation.** If the required public notice has been given, the commission shall afford any absent commissioner or commissioners an opportunity to participate in a commission meeting by telephone or other electronic means in a manner consistent with *Minnesota Statutes*, section 13D.021. The commission shall ensure that all commissioners, regardless of their location, can hear all discussion, testimony, and votes. Unless the meeting is closed for reasons authorized by statute, the commission shall ensure that members



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## Proposed Rules

of the public who are present at the regular meeting location or monitoring remotely can hear all discussion, testimony, and votes. Commission votes shall be conducted via roll call.

**RENUMBERING INSTRUCTION.** The provisions of *Minnesota Rules* listed in Column A shall be renumbered to those listed in Column B. The revisor of statutes shall also make necessary cross-reference changes in *Minnesota Rules* consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
7829.2300, subpart 5	7829.2350, subpart 1
7829.2300, subpart 6	7829.2350, subpart 2
7829.2300, subpart 7	7829.2350, subpart 3
7829.2300, subpart 10	7829.2350, subpart 4
7829.2300, subpart 11	7829.2350, subpart 5
7829.2300, subpart 12	7829.2350, subpart 6
7829.2300, subpart 13	7829.2350, subpart 7
7829.3100	7829.1275
<u>7829.3150</u>	<u>7829.0420</u>

**REPEALER.** *Minnesota Rules*, parts 7829.0100, subparts 5, 10, 17, and 20; 7829.0400, subpart 2; 7829.1300, subpart 4; 7829.1400, subparts 5, 6, and 7; 7829.1900, subparts 6, 7, and 8; 7829.2100, subparts 4 and 5; 7829.2300, subparts 8 and 9; and 7829.2500, subpart 4, are repealed.

## Adopted Rules

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

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

## Minnesota Pollution Control Agency (MPCA) Adopted Permanent Rules Relating to Wastewater Laboratory Certification

The rules proposed and published at *State Register*, Volume 39, Number 26, pages 951-959, December 29, 2014 (39 SR 951), are adopted as proposed.

# Revenue Notices

The Department of Revenue began issuing Revenue Notices in July of 1991. Revenue Notices are statements of policy made by the department that provide interpretation, detail, or supplementary information concerning a particular statute, rule, or departmental practice. The authority to issue Revenue Notices is found in *Minnesota Statutes*, Section 270C.07.

**KEY:** Underlining indicates additions to existing language. ~~Strikeouts~~ indicate deletions from existing language.

## Minnesota Department of Revenue (MDOR)

### Revenue Notice # 15-01: Sales and Use Tax – Admissions – Season or Installment Plan Tickets

#### Introduction

The sale of the “privilege of admission” to places of amusement, recreation areas and athletic events is taxable under *Minnesota Statutes*, section 297A.61, subdivision 3(g)(1). Under this statute, purchasers pay sales tax when the privilege of admission is sold, regardless of when the venue is accessed or event is held.

Often the privilege of admission is sold on a seasonal basis, entitling the purchaser the right to access a venue, place of amusement, athletic event or recreation area or attend a series of performances or events throughout the course of a season. Sales may also be made on an installment basis, entitling the purchaser to pay over a period of time.

#### Department Position

Whether the privilege of admission is sold individually or on a seasonal or installment basis, the taxable event is when the sale of the privilege is made, regardless of when the venue is accessed or event is held. The sales tax must be reported and remitted as required under *Minnesota Statutes*, sections 289A.18, subdivision 4, and 289A.20, subdivision 4(a).

For cash basis retailers the sales tax must be reported and remitted when payment is received.

For accrual basis retailers the total amount of sales tax must be reported and remitted when the sale is made regardless if the sale is paid for on the date of sale or on an installment basis. Thus, if a sale is made on an installment basis, all of the sales tax must be reported and remitted at the time of the first installment payment.

This Revenue Notice does not apply to admissions to which an exemption for governments or nonprofit organizations applies under *Minnesota Statutes*, section 297A.70 because they are exempt admissions.

Publication Date: June 15, 2015

Ryan Church, Deputy Commissioner  
Minnesota Department of Revenue

# Official Notices

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

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

## Minnesota Department of Human Services (DHS) Health Care Administration Public Notice of Revision to the Premium Scale for the MinnesotaCare Program

This notice is published pursuant to Minnesota Laws 2015, chapter 71, article 11, section 57, which requires public notice of the revised premium scale for the MinnesotaCare program no later than June 15, 2015.

The 2015 Minnesota State Legislature amended Minnesota Statutes 2014, section 256L.15, subdivision 1, effective August 1, 2015, to increase enrollee premiums for the MinnesotaCare program based on program enrollment as of June 2015. The increase in premiums must be sufficient to increase the projected revenue of the Health Care Access fund by at least \$27,800,000 for the biennium ending June 30, 2017.

In accordance with this legislative change, the MinnesotaCare premium scale has been revised as specified below:

If household income is equal to or greater than this percent of FPG*:	And is less than this percent of FPG:	The individual premium amount is:
0%	35%	\$0
35%	55%	\$4
55%	80%	\$6
80%	90%	\$8
90%	100%	\$10
100%	110%	\$12
110%	120%	\$14
120%	130%	\$15
130%	140%	\$16
140%	150%	\$25
150%	160%	\$37
160%	170%	\$44
170%	180%	\$52
180%	190%	\$61
190%	200%	\$71

If household income is equal to this percent of FPG: 200%	The individual premium amount is: \$80
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\*Federal poverty guideline

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## Official Notices

Premiums are increased for MinnesotaCare enrollees with household incomes equal to or greater than 150% of the federal poverty guideline (FPG) and less than or equal to 200% of the FPG. Premiums for MinnesotaCare enrollees with household incomes below 150% of the FPG are not affected by this legislative change.

The revised premium scale is effective for people determined eligible for MinnesotaCare on and after July 1, 2015. The change is effective for current MinnesotaCare enrollees for the coverage month of August 1, 2015.

For more information about this change, please contact Diogo Reis at [diogo.reis@state.mn.us](mailto:diogo.reis@state.mn.us).

## Minnesota Department of Labor and Industry (DLI) Labor Standards Unit Notice of Correction to Highway Heavy Prevailing Wage Rates for Cement Masons

Corrections have been made to the Highway Heavy Prevailing Wage Rates certified 10/20/2014 for:

- **Labor Code 706 (Cement Masons)** in Regions 4, 7, and 8.

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

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

Ken B. Peterson, Commissioner  
Department of Labor and Industry

## Minnesota Department of Natural Resources (DNR) Division of Fish and Wildlife Notice of Fish and Wildlife Habitat Stamp Art Contests

### Background about the Fish and Wildlife Habitat Stamp Art Contests.

*Minnesota Statutes 97A.045 and Minnesota Rules 6290* permit the Commissioner of the Department of Natural Resources (DNR) to conduct contests for selection of designs for Fish and Wildlife Habitat Stamps.

**NOTICE IS HEREBY GIVEN** that **entry dates for five habitat stamp contests** conducted by the DNR are as follows:

1. Year **2016 Trout and Salmon Stamp Contest**. Entries will be accepted beginning Monday, August 3, 2015 and continuing until 4:00 P.M. Friday, August 14, 2015 at the Minnesota Department of Natural Resources, Division of Fish and Wildlife, 500 Lafayette Road, Box 20, St. Paul Minnesota, 55155-4020. The judging will take place Thursday, August 20, 2015, at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota. Brook Trout designs are not eligible this year.

2. Year **2016 Migratory Waterfowl Stamp Contest**. Entries will be accepted beginning Monday, August 17, 2015, and continuing until 4:00 P.M. Friday, August 28, 2015, at the Minnesota Department of Natural Resources, Division of Fish and Wildlife, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, September 3, 2015, at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota, 55155-4020. The American Wigeon is the only eligible species for depiction on the 2016 Minnesota Waterfowl Stamp.

3. Year **2016 Pheasant Habitat Stamp Contest**. Entries will be accepted beginning Monday, September 7, 2015, and

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# Official Notices

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continuing until 4:00 P.M. Friday, September 18, 2015 at the Minnesota Department of Natural Resources, Division of Fish and Wildlife, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, September 24, 2015, at the Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota, 55155-4020.

4. Year **2016 Walleye Habitat Stamp Contest**. Entries will be accepted beginning Monday, October 5, 2015, and continuing until 4:00 P.M. Friday, October 16, 2015, at the DNR Division of Fish and Wildlife, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, October 22, 2015 at the Minnesota DNR Office, 500 Lafayette Road, St. Paul, Minnesota, 55155-4020.

5. Year **2017 Turkey Habitat Stamp Contest**. Entries will be accepted beginning Monday, December 07, 2015, and continuing until 4:00 P.M. Friday, December 18, 2015, at the Minnesota DNR, Division of Fish and Wildlife, 500 Lafayette Road, Box 20, St. Paul, Minnesota, 55155-4020. The judging will take place Thursday, Jan 7, 2016 at the Minnesota DNR Office, 500 Lafayette Road, St. Paul, Minnesota, 55155-4020.

All entries for the contest must be accompanied by the appropriate application materials. Contest application packages, which include all entry forms and specifications, are available by writing: Minnesota DNR Information Center, 500 Lafayette Road, St. Paul, Minnesota, 55155-4020; or by calling the DNR at (651) 296-6157. The contest application and information are also available on the DNR website at: <http://www.dnr.state.mn.us/contests/stamps.html>.

Dated: 7 May 2015

Steve Merchant, Division of Fish and Wildlife  
Department of Natural Resources

## Minnesota Sentencing Guidelines Commission Notice of Public Hearing to Consider Amendments to the Sentencing Guidelines

**THE MINNESOTA SENTENCING GUIDELINES COMMISSION WILL HOLD A PUBLIC HEARING** on Wednesday, July 15, 2015, at 2:00 p.m. in Room 200, at the State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155. The public hearing is being held to consider proposed amendments to the Minnesota Sentencing Guidelines and Commentary resulting from new and modified legislation, non-legislative amendments, and technical amendments. The following briefly describes the nature and effect of the proposed changes.

**New legislation.** It is proposed to rank the new felony offense of wrongful employment at a child care center, over \$5,000 and \$5,000 or less, at severity levels 3 and 2, respectively (*2015 Minnesota Laws*, chapter 78, § 59).

**Modified legislation.** It is proposed to amend, or not to amend, the Guidelines to conform to changes to the following crimes: fourth-degree assault (extending protections to employees supervising and working directly with mentally-ill and dangerous patients, *2015 Minnesota Laws*, chapter 23, § 1); engaging in, hiring, or agreeing to hire a minor to engage in prostitution (*2015 Minnesota Laws*, chapter 65, art. 6, §§ 11-12); fifth-degree criminal sexual conduct (*2015 Minnesota Laws*, chapter 65, art. 6, § 14); certain persons not to have firearms (to include ammunition, *2015 Minnesota Laws*, chapter 65, art. 3, §§ 16-20, 26, 33); firearm silencer (to be entitled “firearm suppressor,” *2015 Minnesota Laws*, chapter 65, art. 3, §§ 19-20); financial transaction card fraud (to include trafficking of supplemental nutrition assistance benefits, *2015 Minnesota Laws*, chapter 78, § 60); reckless driving (new gross misdemeanor offense proposed to be treated like non-traffic gross misdemeanors for purposes of criminal history score, *2015 Minnesota Laws*, chapter 65, art. 6, § 3); and terroristic threats (to be entitled “threats of violence,” *2015 Minnesota Laws*, chapter 21, art. 1, § 109, subd. 10).

**Non-legislative amendments.** It is proposed to rank medical assistance fraud over \$35,000 at severity level 6; to add language in Guidelines § 2.D.1 and commentary clarifying the application of the Guidelines upon the revocation of stay of adjudication; to add language in Guidelines § 2.D.1 and commentary classifying a sentence executed pursuant to an offender’s right to demand execution as not a dispositional departure; and to amend the nonexclusive list of mitigating factors in Guidelines § 2.D.3.a and commentary to include particular amenability to probation.

**Technical amendments.** It is proposed to update offense titles for damage to property in Guidelines § 5; and to delete expired

statutory language related to expunged records in Guidelines comment 2.B.03.

A copy of the proposed amendments is available free of charge on the agency's website at: [mn.gov/sentencing-guidelines](http://mn.gov/sentencing-guidelines) or by contacting the Minnesota Sentencing Guidelines Commission by mail at 309 Administration Building, 50 Sherburne Avenue, St. Paul, MN 55155, or telephone at (651) 296-0144. Persons with hearing or speech disabilities may contact us via their preferred Telecommunications Relay Service. If you need special accommodations to attend, please contact the Minnesota Sentencing Guidelines Commission as soon as possible. This notice is available in alternative formats upon request. All interested persons are encouraged to attend the hearing and offer comments. Persons wishing to speak may register in advance by contacting the Commission's office at the above address or telephone number, or by e-mail at: [sentencing.guidelines@state.mn.us](mailto:sentencing.guidelines@state.mn.us).

The Commission will hold the record open for five days after the public hearing to accept written comment. On Wednesday, July 22, 2015, the Commission will meet at 2:00 p.m. in Room 225 at the Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155, to formally adopt or reject the proposed amendments. If adopted, amendments become effective August 1, 2015.

## **Minnesota Department of Transportation (Mn/DOT) Notice to Bidders: Suspensions/Debarments as of January 12, 2015**

### **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

**NOTICE IS HEREBY GIVEN** that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective January 12, 2015 until January 12, 2018:

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

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

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

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be advertised in the SWIFT Supplier Portal or alternatively, in the *Minnesota State Register* if the procurement is not being conducted in the SWIFT system.

## Minnesota State Academies

### Notice of Availability of Contract for Mental Health Services and Supports for Students Who Attend the Minnesota State Academies

The Minnesota State Academies is requesting proposals for the purpose of Mental Health Services.

Work is proposed to start after **July 13th, 2015**.

A Request for Proposal will be available by mail from this office through **June 26th, 2015**. A written request (by direct mail or fax) is required to receive the Request for Proposal.

The Request for Proposal can be obtained from:

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

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **1:30 PM Central Daylight Time July 6<sup>th</sup>, 2015**. **Late proposals will NOT be considered.** Fax or e-mailed proposals will 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)

### Minnesota State University Moorhead

### Request for Proposal (RFP) for Media Buying Services

Minnesota State University Moorhead is requesting proposals from media buying agencies. The proposer will be expected to provide MSUM with the following services from July 1, 2015 through June 30, 2017 with the possibility of three one-year extensions. Services required include Media Planning, Media Buying, Auditing, Invoicing, and Billing. The contract begins July 1, 2015.

The RFP may be downloaded at [www.mnstate.edu/RFP](http://www.mnstate.edu/RFP) Proposals should be submitted electronically by **3:00 p.m. CT on Friday, June 19, 2015** to: David Wahlberg, Executive Director of Marketing and Communications; **e-mail address:** [david.wahlberg@mnstate.edu](mailto:david.wahlberg@mnstate.edu). Please use either Word or PDF format only.



Institution: *Minnesota State University Moorhead*

**Name:** David Wahlberg  
**Title:** Executive Director Marketing and Communications  
**Address:** 1104 7th Ave South  
Owens Hall 203D  
Moorhead, MN 56563

**Information Contact:** David Wahlberg [david.wahlberg@mnstate.edu](mailto:david.wahlberg@mnstate.edu) or (218) 477-2175 (available June 15-19 only).

This request for proposal does not obligate Minnesota State University Moorhead to award a contract or complete the project, and Minnesota State University Moorhead reserves the right to cancel the solicitation if it is considered to be in its best interest.

## **Minnesota State Colleges & Universities Riverland Community College Request for Proposal for Food Service Contract**

Riverland Community College is seeking proposals from interested, qualified vendors for the purpose of providing food service on its Austin and Albert Lea campuses. The full Request for Proposal is located at [www.riverland.edu/RFP](http://www.riverland.edu/RFP) or call/e-mail Brad Doss (507) 433-0523, [brad.doss@riverland.edu](mailto:brad.doss@riverland.edu). Any questions regarding the RFP shall be submitted to Brad Doss via email. Other department personnel are not allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

The deadline for proposals is June 29, 2015 at 2:00 PM.

Submit sealed proposals to: Brad Doss  
Chief Financial Officer  
Riverland Community College, RM A209  
1900 8th Ave NW  
Austin, MN 55912

This RFP shall not obligate Riverland to award a contract.

Riverland Community College reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

## **Minnesota State Colleges and Universities (MnSCU) System Office, Academic and Student Affairs Request for Proposals for Identifying a Vendor Who Specializes in Assessment for Course Placement Instruments**

The System Office on behalf of MnSCU is requesting proposals to provide assessment for course placement. The purpose of this Request for Proposal (RFP) is to identify a suite of common course placement assessments for our system colleges and universities. The System Office on behalf of the Minnesota State Colleges and Universities intends to enter into a master contract with the successful vendor(s).

Annually, our institutions assess thousands of students in the areas of mathematics, reading comprehension, written English and English as a second language. MnSCU is seeking a solution that will effectively identify the level of academic preparedness in these four areas and provide valid and reliable course placement information to appropriately place students into courses. Our institutions also utilize diagnostic assessments in these areas to identify a student's specific academic strengths and weaknesses in order to provide targeted

# State Contracts

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interventions and curricular offerings to improve college readiness rates for students.

This RFP is soliciting proposals for a suite of assessments for course placement to be used by all institutions within the MnSCU system. Respondents should be prepared to submit a proposal which addresses the needs of MnSCU as a consortium of higher education institutions.

All responses to this RFP must be received no later than 2:00 P.M. Central Standard Time on July 10, 2015 and should be delivered to:

Minnesota State Colleges and Universities, System Office  
Kelli Lyng, Administrative Assistant  
MnSCU System Office - Division of Academic and Student Affairs  
Wells Fargo Place  
30 - 7th Street East, Suite 350  
St. Paul, MN 55101-7804

Inquiries about this RFP must be directed to:

Jessica Espinosa, Coordinator of College Transitions  
**Telephone:** (651) 201-1651  
**E-mail:** [jessica.espinosa@so.mnscu.edu](mailto:jessica.espinosa@so.mnscu.edu)

For a complete copy of the RFP and required submission materials, please visit the RFP website at:

<http://www.asa.mnscu.edu/studentaffairs/academicreadiness/rfp/index.html>

## Minnesota State Colleges and Universities (MnSCU) System Office - Human Resources Division Request for Proposals for Systemwide Applicant Tracking Services

**NOTICE IS HEREBY GIVEN** that the system office Human Resources Division is requesting proposals to assist in delivering a systemwide online applicant tracking program for use by colleges and universities for hiring unclassified staff. Classified staff are hired through the Minnesota Management and Budget job posting system as mandated by state statute. The System Office has contracted on behalf of its colleges and universities for an applicant tracking system. Under the current contract, each college and university and the system office has set up, works in, and maintains its own separate production environment. College and university staff have varying levels of expertise in use of the system, and make different decisions about the use of the functionality.

State law now requires MnSCU to re-bid the contract at this time. The System Office is soliciting proposals from vendors that address each of the following scenarios:

1. Each institution and the System Office maintains its own distinct production environment.
2. All MnSCU entities work in one production environment.

For a copy of the full Request for Proposals, please visit [http://www.hr.mnscu.edu/talent\\_management/Recruiting.html](http://www.hr.mnscu.edu/talent_management/Recruiting.html) or contact:

Anita Rios  
Minnesota State Colleges and Universities  
30 - 7<sup>th</sup> Street East, Suite 350  
St. Paul, MN 55101  
**Telephone:** (651) 201-1846  
**E-mail:** [anita.rios@so.mnscu.edu](mailto:anita.rios@so.mnscu.edu)

Sealed proposals must be received according the instructions appearing in the Request for Proposals no later than **Thursday, July 2, at 3:00 p.m. CDT**. Fax and e-mail responses **will NOT** be considered. Proposals received after this date and time will be returned to the responder unopened.

This Request for Proposal (RFP) does not obligate the Minnesota State Colleges and Universities (MnSCU) system, its Board of

Trustees or the System Office to award a contract or complete the proposed project and each reserves the right to cancel this RFP if it is considered to be in its best interest.

### Minnesota Department of Health (MDH) Health Economics Program Contract for Recent Trends in Minnesota Prescription Drug Utilization and Spending

Based on conversations with stakeholders and ongoing changes in the composition of prescription drugs, MDH recognizes the importance of developing a better understanding of Minnesota spending trends for prescription drugs and variations across payers and over time.

Using the directive to study variations in cost, quality, access and disease burden (*Minnesota Statutes* 62U.04 subd. 11), the State of Minnesota is seeking a contractor that will use the Minnesota All-Payer Claims Database (MN APCD) to assess the completeness and fidelity of the prescription drug data and analyze prescription drug utilization and spending trends in Minnesota. The analysis will include the impact of changes in composition of prescription drug use, including through the broader use of specialty drugs, on total prescription drug utilization and spending. For the purpose of this solicitation, specialty drugs are defined as drugs and biologics that have high monthly costs and are often associated with complex manufacturing and administration processes. The selected contractor will provide the Minnesota Department of Health (MDH) with a written report that includes (1) an analysis of changes in prescription drug utilization and spending by drug class, care setting, disease state, and payer; (2) an analysis of trends in specialty drug utilization and spending in Minnesota; and (3) a preliminary analysis of completeness and quality of prescription drug claims data in the MN APCD, including recommendations for improvements. This report will inform an issue brief to be written by MDH.

Work is proposed to start on July 23, 2015.

A Request for Proposals will be available from this office on June 1, 2015. A copy of the Request for Proposals can be requested by contacting the Health Economics Program of the Minnesota Department of Health by **telephone** at (651) 201-5957, or by **e-mail** at: [mike.burian@state.mn.us](mailto:mike.burian@state.mn.us)

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address below no later than 3:00 p.m., Central Time, on June 22, 2015. **Late proposals will NOT be considered.** Fax or emailed proposals will **NOT** be considered.

Mike Burian  
Health Economics Program  
Minnesota Department of Health  
Golden Rule Building  
85 East 7th Place, Suite 220  
St. Paul, MN 55101

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 Legislature Legislative Coordinating Commission Request for Bid for Financial Audit for Fiscal Year 2015

The Minnesota Legislative Coordinating Commission (LCC) is requesting bids to audit the financial statements of the Commission for the fiscal year ending June 30, 2015. The audit is to be performed by an independent certified public accounting firm licensed to do business

# State Contracts

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in the State of Minnesota. The LCC's expenditures for fiscal year 2015 will be approximately \$10 million.

The full text of the Request for Bid can be obtained from the LCC Web site at <http://www.lcc.leg.mn/lcc/RFPs.htm> or by contacting:

Diane Henry-Wangenstein, Assistant Director  
Legislative Coordinating Commission  
Room 72, 100 Rev. Dr. Martin Luther King, Jr. Blvd  
St. Paul, Minnesota 55155  
**Phone:** (651) 296-1121 (Voice)  
**E-mail:** [diane.henry@lcc.leg.mn](mailto:diane.henry@lcc.leg.mn)

**Proposals must be received by Tuesday, July 21 at 4:00 p.m., CDT. Late proposals may NOT be accepted.** All expenses incurred in responding to this notice shall be borne by 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](http://www.dot.state.mn.us/consult)

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

## Non-State Public Bids, Contracts & Grants

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

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

### City of Coleraine

#### Request for Bids for the New Trout Lake Emergency Center

City of Coleraine is seeking bids from qualified firms (*Minnesota Statutes* 16C.285, subd.3) for the new Trout Lake Emergency Center project that will house the police and fire departments.

On June 15, 2015, after 1:00 pm, a PDF Electronic copy of the plans and bidding requirements is available from Houwman Architects. @ [nickhouwman@yahoo.com](mailto:nickhouwman@yahoo.com), or call (218) 929-9171. A hard copy of the plan set and the bid form is available for \$50 from the architects office.

A **MANDATORY** bid meeting will be held on site on June 16<sup>th</sup>, 2015 at 10 am on the job site. The plan set denotes the location.

Sealed bids be received no later than 2:00 p.m. on July 1<sup>st</sup>, 2015 to the City Hall and publicly opened by the City at the Coleraine City Hall, 302 Roosevelt Ave., Coleraine, MN. An electronic PDF format bid will be accepted under the same conditions when sent to: [sbluntach@cityofcoleraine.com](mailto:sbluntach@cityofcoleraine.com)

Bids will be reviewed by the city and awarded to lowest responsible bidder by July 6<sup>th</sup>, 2015. The City reserves the right to reject any and all bids. No bid may be withdrawn for a period of thirty (30) days.

### Dakota County

#### Notice of Request for Proposal (RFP) For Child Support Consulting Services

**NOTICE IS HEREBY GIVEN** that Dakota County, through its Community Services Administration Department and the Dakota County Attorney, seek to engage an experienced management consultant to provide advice to the management of the Dakota County Child Support Program related to team building in a matrix management environment. The management group includes one manager and five supervisors in the Child Support Agency who report to the Community Services Administration Department and one managing and five line attorneys who report to the County Attorney.

Dakota County provides child support services to the public through the combined efforts of its Child Support Agency and County Attorney's Office. County staff in both departments works cooperatively to carry out the program, which is governed by complex and detailed federal and state statutes, regulations and court rules.

The Child Support Agency employs 61 individuals. The manager is a deputy director of one of the County's largest departments (Employment and Economic Assistance).

The County Attorney's Office (Child Support Division) is managed by an Assistant County Attorney.

Child Support services included the following:

1. Establishment of parentage of children born to unmarried parents.

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## Non-State Public Bids, Contracts & Grants

2. Establishment and modification of obligations to pay basic child support, medical support and child care support.
3. Enforcement of child support obligations through a variety of enforcement methods.

Child Support is a Federal Program. The Minnesota Department of Human Services' (DHS) Child Support Division (CSD) supervises the child support program for the state of MN. County child support agencies administer the state run program.

To access the complete RFP online, or to acquire additional information about Dakota County visit our website at:  
<http://www.co.dakota.mn.us/Government/DoingBusiness/BidProposalsInformation/Pages/default.aspx>

Contact: Debi DeFoe, Contract Specialist  
Dakota County Community Services Division  
1 Mendota Road West, Suite 500  
West St. Paul, MN 55118-4773  
**Phone:** (651) 554-5756  
**E-mail:** [debi.defoe@co.dakota.mn.us](mailto:debi.defoe@co.dakota.mn.us)

Debi DeFoe, will accept written questions until Tuesday June 16 at 12:00 p.m. at the address listed above or via e-mail at [debi.defoe@co.dakota.mn.us](mailto:debi.defoe@co.dakota.mn.us). See proposal for details.

**Deadline for proposals is 4:00 p.m. CDT on Tuesday, June 23, 2015.** No late proposal will be considered.

## Metropolitan Airports Commission (MAC) Minneapolis-St. Paul International Airport Notice of Call for Bids for 2015 Miscellaneous Construction

**MAC Contract No.:** 106-1-271  
**Bids Close At:** 2:00 PM on June 16, 2015

**Notice to Contractors:** Sealed Bid Proposals for the project listed above will be received by the MAC, a public corporation, at the office thereof located at 6040 - 28th Avenue South, Minneapolis, Minnesota 55450, until the date and hour indicated. This project provides for the completion of various small maintenance and repair projects, including: apron and floor repairs at Airport Fire Station No. 2; repair of a MAC Communications Handhole; repair of lift station access hatches; installation of guardrail; insulation of an oil-water separator; modification of fire foam monitors; removal of a tank containment basin; abandonment of a snow melter; and removal of an abandoned fuel tank.

**NOTE:** You can sign up on our Web site ([www.metroairports.org](http://www.metroairports.org)) to receive email notifications of new business opportunities or go directly to [https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?qsp=CODE\\_RED](https://public.govdelivery.com/accounts/MNORGMAC/subscriber/topics?qsp=CODE_RED) and choose this and other topics about which you are interested.

**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 TKDA, the Minnesota Builders Exchange, Dodge Data & Analytics, and NAMC-UM Plan Room. Bidders desiring bidding documents may secure a complete set from TKDA; 444 Cedar Street, Suite 1500; St. Paul, MN 55101; **phone:** (651) 292-4400; **fax:** (651) 292-0083. Make checks payable to: TKDA. Deposit per set (refundable): \$50.00. Requests for mailing sets will be invoiced for mailing charges. Deposit will be refunded upon return of bidding documents in good condition within 10 days of opening of bids.

# Non-State Public Bids, Contracts & Grants

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**MAC Internet Access of Additional Information:** A comprehensive Notice of Call for Bids for this project will be available on June 1, 2015, at MAC's web address of <http://www.metroairports.org/Airport-Authority/Business-Opportunities/Solicitations.aspx> (construction bids).

## Pipestone County Museum Notice of Request for Bids for Pipestone County Museum Masonry, Window, Roofing and Sheet Metal Repair - DOCUMENT 001113

**NOTICE IS HEREBY GIVEN** that qualified bidders may submit bids for project as described in this Document. Submit bids according to the Instructions to Bidders.

Project Name: Pipestone County Museum Masonry, Window, Roofing and Sheet Metal Repair  
Project Location: 113 S. Hiawatha Ave., Pipestone, MN 56164.  
Owner: Pipestone County Museum, 113 S. Hiawatha Ave., Pipestone, MN 56164. **Phone:** (507) 825-2563.  
Architect: MacDonald & Mack Architects, 400 South Fourth Street, Suite 712, Minneapolis, MN 55415.  
**Phone:** (612) 341-4051  
Project Description: Project consists of Masonry, window, roofing, gutter, downspout and sheet metal repairs at the Museum  
Construction Contract: Bids will be received for the following Work:

### **BID SUBMITTAL AND OPENING**

Owner will receive sealed lump sum bids until the bid time and date at the location given below. Owner will consider bids prepared in compliance with the Instructions to Bidders issued by Owner, and delivered as follows:

Bid Date: July 6, 2015 - Bid Time: 2:00 p.m. local time.  
Location: Pipestone County Museum, 113 S. Hiawatha Ave., Pipestone, MN 56164.  
Bids will be thereafter publicly opened and read aloud.

### **BID SECURITY**

Bid security shall be submitted with each bid in the amount of 5 percent of the bid amount. No bids may be withdrawn for a period of **60** days after opening of bids. Owner reserves the right to reject any and all bids and to waive informalities and irregularities.

### **QUESTIONS**

All questions regarding the project should be directed to the Architect. Bidders' Questions: Architect will provide responses to bidders' questions received up to 2:00 p.m. local time on June 30, 2015. Response to questions will be in the form of Addendums to the bid and must be noted on the bid form.

### **DOCUMENTS**

Procurement and Contracting Documents: Obtain after June 1, 2015, by contacting **Architect**. Documents will be provided to prime bidders only; only complete sets of documents will be issued. Documents will be e-mailed to prime bidders. No deposit required.

### **ACCESS**

Access to the building can be provided to the bidders by contacting the Owner and arranging a time to meet at the building.

### **TIME OF COMPLETION AND LIQUIDATED DAMAGES**

Successful bidder shall begin the Work on receipt of the Notice to Proceed and shall complete the Work within the Contract Time. **Work is subject to liquidated damages.**

### **BIDDER'S QUALIFICATIONS**

Bidders must be properly licensed under the laws governing their respective trades and be able to obtain insurance and bonds required for the Work. **A Performance Bond, separate Labor and Material Payment Bond, and Insurance in a form acceptable to Owner will be required of the successful Bidder.**



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# Non-State Public Bids, Contracts & Grants

## NOTIFICATION

This Advertisement for Bids document is issued by Todd Grover, MacDonald & Mack Architects.

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E-mail: <http://www.minnesotasbookstore.com>

Order Online at: [www.minnesotasbookstore.com](http://www.minnesotasbookstore.com)

### ***Home Care Laws & Rules - new edition***

Published by the Department of Health, 6"x 9", Perfect bound, 235-pages, Stock No. 97, \$20.95 + tax

### ***Lawful Gambling Manual - NEW***

Gambling Control Board, 8.5" x 11", Loose leaf, shrink-wrapped, 3-hole punched, 304-pages, Stock No. 13964, \$34.95 + tax

### ***Learning Objectives for Professional Peace Officer Education***

Features techniques of criminal investigation and testifying to include traffic, law enforcement, use of firearms, interrogation tactics, and more. Produced by the P.O.S.T Board. **Stock Number:** 414. **Price:** \$18.95. **Pages:** 109. **Binding:** Looseleaf-no binder. Fits in this binder (Stock No. 398).

### ***Liquor Laws & Rules - NEW***

Published by the Department of Public Safety, 6"x9", perfect bound, 102-pages, Stock No. 126, \$18.95 + tax

### ***Minnesota Food Code (reprint)***

Published by the Dept of Health & Dept of Agriculture, 6" x 9", Perfect bound, 162-pages, 1998 (includes 2003 Rule Amendments), Stock No. 143, \$15.95 + tax

### ***Minnesota Session Laws***

Two volumes (3,193 pages) includes laws passed during the 2013 regular session as well as the 2012 first special session. A set (state copy) is now on display in the store. NO QUANTITY DISCOUNTS. **Stock No. 989. Cost: \$52 + tax, includes shipping.**

### ***Motor Vehicle & Traffic Laws - NEW***

Published by the Department of Public Safety, 6"x9", loose leaf, three-hole punched, 408-pages, Stock No. 116, \$32.95 + tax

### ***2014 Motor Vehicle Tax Manual - NEW***

Published by the Department of Public Safety, 8-1/2"x11", Loose leaf, three hole punched, shrinkwrapped, 214-pages, Stock No. 415, \$19.95 + tax

### ***Notary Laws - NEW***

Published by the Secretary of State, 6"x9", saddle stitched, 22-pages, Stock No. 103, \$11.00 + tax

### ***Nursing Home & Boarding Care Laws - NEW***

Published by the Minnesota Health Department, 6"x 9", perfect bound, pages-184, Stock No. 108, \$20.95 + tax.

### ***Nursing Laws - NEW***

Published by the Board of Nursing, 6"x9", Saddle Stitched, 32-pages, Stock No. 119, \$11.00 + tax



**Several convenient ways to order:**

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

**PREPAYMENT REQUIRED. Prices and availability subject to change.**

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

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

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