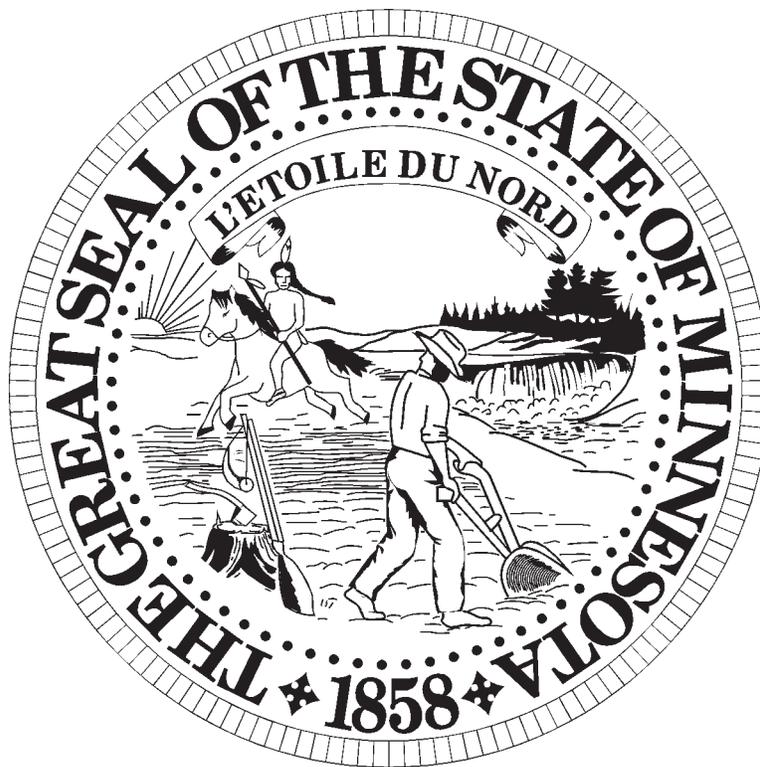


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State Register

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# 26	TUESDAY 27 DECEMBER	Noon Tuesday 20 December	Noon Wednesday 14 December
# 27	TUESDAY 3 JANUARY 2006	Noon Tuesday 27 December	Noon Wednesday 21 December
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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. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. 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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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 in the *State Register*, 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. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

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 #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). 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, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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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.

Department of Labor and Industry

Workers' Compensation Division

Proposed Permanent Rules Relating to Workers' Compensation; Medical Coding and Billing; Fees for Drugs

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules Governing Workers' Compensation Medical Coding and Billing; Maximum Fees for Drugs; *Minnesota Rules* parts 5221.0100; 5221.0405; 5221.0700; and 5221.4070

Introduction. The Department of Labor and Industry intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until Wednesday, January 18, 2006.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Kate Berger at the Minnesota Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155. Comments may also be submitted to Ms. Berger by **telephone** at (651) 284-5295 or by **Fax** at (651) 284-5725. **TTY** users may call the Department of Labor and Industry at (651) 297-4198.

Subject of Rules and Statutory Authority. The proposed amendments to the rules modify the maximum fees that must be paid by workers' compensation payers for drugs prescribed to treat an injured worker. The proposed amendments to the maximum fees apply to drugs dispensed for outpatient use by a hospital or community/retail pharmacy, or by a health care practitioner that dispenses drugs for profit directly to patients. The proposed amendments also: establish requirements for coding and submission of drug charges by pharmacies, hospitals, practitioners and billing entities; require that the pharmacy or practitioner's usual and customary charge must be submitted to the workers' compensation payer; repeal a requirement that health care providers must provide certain documentation to injured workers when prescribing medication; cross-reference definitions in *Minnesota Statutes*, section 151.01 and provisions concerning the use of generic drugs contained in *Minnesota Statutes*, section 151.21; incorporate recent state and federal changes to paper and electronic billing and coding formats used in the general health system; and cross reference *Minnesota Statutes*, section 62Q.75, subd. 3, which governs timely submission of claims.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 176.135, subdivision 7; 176.136, subdivisions 1, 1b (b) and (2); and 176.83, subds. 1, 4 and 15. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. The proposed rule amendments are also available online on the Department of Labor and Industry web site at: <http://www.doli.state.mn.us/wcrulnotice.html>

Comments. You have until 4:30 p.m. on Wednesday, January 18, 2006 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed

Proposed Rules

rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on Wednesday, January 18, 2006. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. 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, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

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

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under Minnesota Rules, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person and is also available online on the Department of Labor and Industry web site at <http://www.doli.state.mn.us/wcrulenotice.html>. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Paper copies of the statement may be obtained at the cost of reproduction from the agency.

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

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

Dated: December 6, 2005

M. Scott Brener, Commissioner

5221.0100 DEFINITIONS.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Code.** “Code” means the alphabetic, numeric, or alphanumeric symbol used to identify a specific health care service, place of service, or diagnosis as follows:

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

C. “HCPCS code” means a numeric or alphanumeric code included in the Centers for Medicare and Medicaid Services’ Common Procedure Coding System. An HCPCS code is used to identify a specific medical service, article, or supply. HCPCS level I codes are the numeric CPT codes listed in the CPT manual, incorporated by reference in part 5221.0405, item D. HCPCS level II codes are alphanumeric codes created for national use. ~~HCPCS level III codes are alphanumeric codes created for statewide use.~~ HCPCS level II and level III codes are listed in the HCPCS manual, incorporated by reference in part 5221.0405, item E.

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

E. “Place of service code” means the code used to identify the type of facility and classification of service as inpatient or outpatient service on the ~~HCFA CMS~~ 1500 claim form or the Uniform Billing Claim Form (UB-92 ~~HCFA CMS~~ 1450), incorporated by reference in part 5221.0405, items B and C.

F. “Procedure code” means a numeric or alphanumeric code used to identify a particular health care service. Procedure codes used in this chapter include CPT codes, HCPCS codes, revenue codes, dental codes, and ~~prescription numbers codes in the National Drug Codes directory.~~

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

[For text of subs 5 to 15, see M.R.]

Proposed Rules

5221.0405 INCORPORATIONS BY REFERENCE.

The following documents are incorporated by reference to the extent cited in this chapter. Many of these documents may be accessed through the Internet by contacting the organization listed.

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

B. The Centers for Medicare and Medicaid Services claim form (HCFA-1500 CMS-1500)(U2)(12-90), and any subsequent revisions. It is not subject to frequent change. It is developed by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services National Uniform Claim Committee, and may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, telephone number (202) 512-1800. It is available through the Minitex interlibrary loan system.

C. The Uniform Billing Claim form (UB-92, HCFA-1450 CMS-1450) developed by the National Uniform Billing Committee, and any subsequent revisions. The Centers for Medicare and Medicaid Services determines the standards for printing this form. It is not subject to frequent change. It may be purchased through the superintendent of documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, PA, 15250, telephone number (202) 512-1800 or from local commercial business office supply stores. It is available through the Minitex interlibrary loan system.

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

E. The alphanumeric Health Care Procedure Coding System (HCPCS manual), January 2004 edition, (previously known as the HCFA Common Procedural Coding System (HCPCS manual), January 1998, 1999, and 2000 editions), and any subsequent revisions. It is subject to frequent change. It is published by the HCPCS subcommittee of Minnesota under the authority of the Centers for Medicare and Medicaid Services and may be purchased from Minnesota's Bookstore, (651) 297-3000 or (800) 657-3757. It is available through the Minitex interlibrary loan system.

F. Minnesota Standards for the Use of the HCFA CMS 1500 Claim Form, third edition effective October 1, 1998, as referenced in the August 31, 1998, edition of the *State Register*, and any subsequent revisions adopted by the Department of Health under *Minnesota Statutes*, sections 62J.52 and 62J.61. It is subject to frequent change. It is published by the Administrative Uniformity Committee in conjunction with the Department of Health pursuant to *Minnesota Statutes*, sections 62J.52 and 62J.61. It is available on the Internet at www.mmaonline.net/auc or it may be purchased from Minnesota's Bookstore, (651) 297-3000 or (800) 657-3757. It is available through the Minitex interlibrary loan system.

G. The Manual for the Standards of Use of the Minnesota UB-92 (HCFA-1450) form Manual, 1994, and any subsequent revisions adopted by the Department of Health pursuant to *Minnesota Statutes*, sections 62J.52 and 62J.61. It is subject to frequent change. It is developed by the Minnesota Uniform Billing Committee incorporating standards established by the National Uniform Billing Committee and the Minnesota Uniform Billing Committee and published in conjunction with the Department of Health pursuant to *Minnesota Statutes*, sections 62J.52 and 62J.61. It is published by and may be purchased from the Minnesota Hospital and Health Care Partnership Association, Education Division, 2550 University Avenue West, Suite 350 S, St. Paul, MN, 55114-1900, (651) 641-1121 or (800) 462-5393. It is available through the Minitex interlibrary loan system.

H. The National Drug Codes directory, published, maintained, and distributed by the federal Department of Health and Human Services, U.S. Food and Drug Administration. The directory is available for viewing or printing free of charge on the Internet at the U.S. Food and Drug Administration's Web site at <http://www.fda.gov/cder/ndc/>. The directory is subject to frequent change and amendments to the directory are also incorporated by reference into this chapter.

5221.0700 PROVIDER RESPONSIBILITIES.

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

Subp. 2. **Submission of information.** Providers except for hospitals must supply with the bill a copy of an appropriate record that adequately documents the service and substantiates the nature and necessity of the service or charge. Hospitals must submit an appropriate record upon request by the payer. All charges billed after January 1, 1994, for workers' compensation health care services, articles, and supplies, except for United States government facilities rendering health care services for veterans must be submitted to the payer on the forms prescribed in subparts 2a, 2b, and 2c, and in accordance with items A to D C.

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

B. Charges must be submitted to the payer in the manner required by subparts 2a, 2b, and 2c within 60 days from the date the health care provider knew the condition being treated was claimed by the employee as compensable under workers' compensation. Failure to submit charges within the 60 days is not a basis to deny payment, but is a basis for disciplinary action against the provider under *Minnesota Statutes*, section 176.103. Failure to submit claims within the time frames specified in *Minnesota Statutes*, section 62Q.75, subdivision 3, may result in denial of payment.

C. When a provider orders a medication for an employee, the provider must also supply the employee with a document accurately describing the medication as ordered and including the words "workers' compensation," or the letters "W.C." on its face. This requirement applies to both prescription and nonprescription medications and may be fulfilled by a handwritten note on the provider's personalized

~~stationary or prescription pad.~~

~~Ⓓ:~~ This part does not limit the collection of other information the provider may be required to report under any other state or federal jurisdiction.

Subp. 2a. ~~**Federal health care financing administration claim form HCFA Centers for Medicare and Medicaid Services CMS 1500 form.**~~ Except as provided in subparts 2b and 2c, charges for all services, articles, and supplies that are provided for a claimed workers' compensation injury must be submitted to the payer on the HCFA CMS 1500 form. Charges for dental services may be submitted on the dental claim form required by *Minnesota Statutes*, section 62J.52, subdivision 3. The HCFA CMS 1500 form must be filled out in accordance with *Minnesota Statutes*, section 62J.52, and directions set forth in the "Minnesota Standards for the Use of the HCFA CMS 1500 Claim Form" manual adopted by the Department of Health under *Minnesota Statutes*, section 62J.61.

Subp. 2b. ~~**Uniform billing claim form UB92 (HCFA CMS 1450).**~~ Hospitals licensed under *Minnesota Statutes*, section 144.50, must submit itemized charges on the uniform billing claim form, UB92, (HCFA CMS 1450). The UB-92 form must be filled out according to *Minnesota Statutes*, section 62J.52, and the "Minnesota UB-92 manual for the standards of use of the UB-92 form" published by the Minnesota Hospital and Health Care Partnership Association.

When the UB-92 form provides only summary information, an itemized listing of all services and supplies provided during the inpatient hospitalization must be attached to the UB-92 form. The itemized list must include:

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

Subp. 2c. ~~**Submission of pharmacy drug charges.**~~

~~A.~~ Itemized charges for all ~~hospital outpatient and independent pharmacy medications provided~~ drugs dispensed for a claimed workers' compensation injury by a licensed community/retail pharmacy must be submitted to the payer on a claim form which includes pharmacy billing form that includes the data elements required by Minnesota Statutes, section 62J.52, subdivision 4, or according to the electronic transaction standards that apply to retail pharmacies specified in Code of Federal Regulations, title 45, part 162, as amended.

~~B.~~ Charges for drugs dispensed by a practitioner as defined in Minnesota Statutes, section 151.01, subdivision 23, who is permitted to dispense drugs under Minnesota Statutes, chapter 151, may be submitted to the payer according to the applicable requirements of any of the following: subpart 2a; Minnesota Statutes, section 62J.535; or one of the billing methods described in item A.

~~C.~~ Charges for drugs dispensed by a hospital may be submitted according to the applicable requirements of any of the following: subpart 2b; Minnesota Statutes, section 62J.535; or one of the billing methods described in item A.

~~D.~~ In addition to the requirements of subpart 3 and part 5221.4070, all bills or claims for reimbursement of drug charges under this part must include the following information:

~~A:~~ (1) the workers' compensation file number (the employee's social security number), if provided by the employee;

~~B:~~ (2) the employee's name and address;

~~C:~~ (3) the insurer's name and address;

~~D:~~ (4) the date of the injury;

~~E:~~ (5) the name of the health care provider who ordered the medication drug;

~~F:~~ if the medication was provided under a contract with, or by referral from a managed care plan certified for workers' compensation by the commissioner of labor and industry under *Minnesota Statutes*, section 176.1351, the name of the managed care plan;

~~G:~~ (6) the name and quantity of each medication drug provided;

~~H:~~ (7) the prescription number for the medication drug;

~~I:~~ (8) the date the medication drug was provided;

~~J:~~ (9) the total charge for each medication drug provided; and

~~K:~~ (10) the name, address, and telephone number of the pharmacy or practitioner that provided the medication drug; and

(11) the pharmacy's or practitioner's usual and customary charge for the drug at the time it is dispensed.

~~E.~~ The terms "community/retail pharmacy," "dispense," "drug," "practitioner," and "usual and customary charge" in this subpart have the meanings given to them in part 5221.4070, subpart 1a.

Subp. 3. **Billing code.**

A. The provider shall undertake professional judgment to assign the correct approved billing code, and any applicable modifiers, in the CPT, HCPCS, NDC, or UB-92 manual in effect on the date the service, article, or supply was rendered, using the appropriate provider group designation, and according to the instructions and guidelines in this chapter. No provider may use a billing code which is assigned a "D," "G," "H," or "I" status in part 5221.4030. Where several component services which have different CPT codes may be described in one more comprehensive CPT code, only the single CPT code most accurately describing the procedure performed or service rendered may be reported.

Dental procedures not included in CPT or HCPCS shall be coded using any standard dental coding system.

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

C. Provider group designation.

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

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(6) Pharmacy services. Procedure codes for ~~medications provided~~ drugs dispensed pursuant to the order of a health care provider, are described in part 5221.4070.

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

5221.4070 PHARMACY.

Subpart 1. **Substitution of generically equivalent drugs.** A generically equivalent drug as defined in must be dispensed according to Minnesota Statutes, section 151.21, subdivision 2, must be dispensed in place of the ordered drug if:

A. ~~the generically equivalent drug is approved by the United States Food and Drug Administration and is also determined as therapeutically equivalent by the United States Food and Drug Administration;~~

B. ~~in the professional judgment of the pharmacist, the substituted drug is therapeutically equivalent to the ordered drug; and~~

C. ~~the charge for the substituted generically equivalent drug is less than the charge for the drug originally ordered.~~

~~However, a substitution shall not be made if the ordering provider has written in his or her own handwriting "Dispense as written" or "DAW" on the prescription, as provided in the Minnesota Drug Selection Act, Minnesota Statutes, section 151.21. The dispensing provider must notify the recipient and the payer when a generically equivalent drug is dispensed. The notice to the recipient may be given orally or by appropriate labeling on the medication's container. The notice to the payer must be in writing on a claim form prescribed in part 5221.0700, subpart 2.~~

Subp. 1a. Definitions. The terms in this part have the following meanings:

A. "Community/retail pharmacy" has the meaning given in *Minnesota Rules*, part 6800.0100, subpart 2.

B. "Dispense" has the meaning given in *Minnesota Statutes*, section 151.01.

C. "Drug" has the meaning given in *Minnesota Statutes*, section 151.01.

D. "Hospital pharmacy" has the meaning given in *Minnesota Rules*, part 6800.0100, subpart 3.

E. "Large hospital" is a hospital with more than 100 licensed beds.

F. "Pharmacy" has the meaning given in *Minnesota Statutes*, section 151.01, and includes:

(1) community/retail pharmacies;

(2) hospital pharmacies; and

(3) persons or entities that the pharmacy has designated by contract or other means to act on its behalf to submit its charges to the workers' compensation payer.

G. "Practitioner" has the meaning given in *Minnesota Statutes*, section 151.01, and includes persons or entities that the practitioner has designated by contract or other means to act on its behalf to submit its charges to the workers' compensation payer.

H. "Usual and customary charge" has the meaning given in part 5221.0500, subparts 1, item B, and 2, item B, subitem (1).

I. "Workers' compensation payer" or "payer" means any of the following entities:

(1) the workers' compensation insurer or selfinsured employer liable for a claim under Minnesota Statutes, chapter 176;

(2) the special compensation fund liable for a claim under Minnesota Statutes, section 176.183, where the employer was uninsured at the time of the injury; or

(3) any other person or entity that the workers' compensation payer has designated by contract or other means to act on its behalf in paying drug charges, or determining the compensability or reasonableness and necessity of drug charges under Minnesota Statutes, chapter 176.

Subp. 2. **Procedure code; usual and customary charge.** The procedure code for a medication is the current HCPCS code which correctly describes the medication as provided or the prescription number.

A. Providers must use the procedure codes adopted under United States Code, title 42, sections 1320d to 1320d8, as amended, that are in effect on the date the drug was dispensed. For drugs dispensed from a community/retail pharmacy, the procedure code is the applicable code in the National Drug Codes directory maintained and published by the federal Department of Health and Human Services. Procedure codes are not required for nonprescription medications over-the-counter drugs.

B. An entity that is designated by the pharmacy or practitioner to submit its charges for a drug to the workers' compensation payer shall not submit a charge that is more than the pharmacy's or practitioner's usual and customary charge for the drug at the time it is dispensed.

Subp. 3. **Maximum fee.**

A. ~~The employer's~~ Except as provided in subparts 4 and 5, the workers' compensation payer's liability for compensable prescription medications provided ~~drugs dispensed~~ for outpatient use by a large hospital pharmacy, clinic practitioner, or an independent community/retail pharmacy shall be limited to the lower of:

(1) the sum of the average wholesale price (AWP) of the medication drug on the date the medication drug was dispensed, and a professional dispensing fee of \$5.14 per medication prescription filled; or

(2) the pharmacy's or practitioner's usual and customary charge for the drug at the time it is dispensed.

B. ~~The employer's~~ Except as provided in subparts 4 and 5, the workers' compensation payer's liability for compensable nonprescrip-

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tion medications over-the-counter drugs dispensed for outpatient use by a large hospital pharmacy, practitioner, or community/retail pharmacy shall be, on the date the drug was dispensed, the lower of:

(1) the actual retail price of the medication drug; or

(2) the sum of the average wholesale price (AWP) of the medication, on the date the medication was dispensed, drug and a professional dispensing fee of \$5.14 per medication prescription filled.

C. ~~The employer's~~ Except as provided in subpart 5, the workers' compensation payer's liability for compensable prescription medications drugs provided for inpatient use, including an inpatient who is being discharged, by a large hospital is limited to 85 percent of the usual and customary charge according to governed by part 5221.0500, subpart 2, item D and *Minnesota Statutes*, section 176.136. The maximum fee for drugs dispensed for use at home, to an inpatient being discharged, is governed by item A or B, or subpart 4, as applicable.

D. ~~The employer's~~ Except as provided in subpart 5, the workers' compensation payer's liability for compensable prescription medications drugs provided by a small hospital is paid at 100 percent of the usual and customary fee according to governed by part 5221.0500, subpart 2, item E and *Minnesota Statutes*, section 176.136.

Subp. 4. Maximum fee for electronic transactions.

A. The maximum fee specified in this item applies only if the requirements of item B or D are met. Except as provided in subpart 5, the workers' compensation payer's liability under items B and D for compensable drugs dispensed for outpatient use by a large hospital pharmacy, a practitioner, or a community/retail pharmacy shall be, on the date the drug was dispensed, the lower of:

(1) the average wholesale price of the drug minus 12 percent, and a professional dispensing fee of \$3.65 per prescription filled;

(2) the maximum allowable cost of the drug according to *Minnesota Statutes*, section 256B.0625, subdivision 13e, as published by the commissioner of human services in the *State Register*, and a professional dispensing fee of \$3.65 per prescription filled; or

(3) the pharmacy or practitioner's usual and customary charge for the drug at the time it is dispensed.

B. The maximum fee specified in item A applies if:

(1) the pharmacy or practitioner electronically requests authorization for payment of the drug from the workers' compensation payer, according to the referral certification and authorization standards that apply to retail pharmacies in *Code of Federal Regulations*, title 45, part 162, subpart M, as amended; and

(2) the workers' compensation payer, electronically and in real time, authorizes payment for the drug according to the referral certification and authorization standards in *Code of Federal Regulations*, title 45, part 162, subpart M, as amended.

C. If the workers' compensation payer authorizes payment of a drug claim under item B, subitem (2), the payer may not later deny or adjust payment of the claim that was specified in the transaction. If the payer does not authorize payment under item B, subitem (2), but later pays for the drug, the maximum fee specified in subpart 3 applies.

D. If the requirements in item B have not been met, the maximum fee specified in item A also applies if all of the following requirements are met:

(1) the pharmacy or practitioner requests electronic authorization according to the referral certification and authorization standards in *Code of Federal Regulations*, title 45, part 162, subpart M, from any paying entity, whether or not under chapter 176;

(2) a workers' compensation payer has given the pharmacy or practitioner 30 calendar days' notice that the payer is able to authorize payment for drugs according to the referral certification and authorization standards in subitem (1) and either of the following has occurred:

(a) the employee notified the pharmacy or practitioner at the time the drug was dispensed that the charges should be submitted to that workers' compensation payer; or

(b) the workers' compensation payer notified the pharmacy before the drug was dispensed that it had accepted liability for the employee's claim;

(3) the pharmacy or practitioner does not electronically request authorization for payment of the drug from the workers' compensation payer according to the referral certification and authorization standards in subitem (1); and

(4) the workers' compensation payer pays for the drug within 30 days after the pharmacy or practitioner submits charges to the payer according to the applicable requirements of part 5221.0700, subpart 2c.

E. The pharmacy or practitioner must transmit reversal transactions electronically for all drugs originally billed electronically to the payer that are not picked up for the employee. Upon receipt of a reversal transaction for a previously approved billing, the payer must be able to cancel the billing if it has not yet been paid or deduct the value of the reversed billing from the next payment to the pharmacy or practitioner if the claim has already been paid. The payer may only deduct the amount of the original payment for the drug. If there is no future payment anticipated, the pharmacy or practitioner must refund the amount to the payer.

Subp. 5. **Other contracts.** Subparts 3 and 4 do not apply where a contract between a pharmacy, practitioner, or network of pharmacies or practitioners, and a workers' compensation payer provides for a different reimbursement amount.

INCORPORATION BY REFERENCE: Part 5221.0405, item B: The Centers for Medicare and Medicaid Services claim form (CMS-1500) (U2) (12-90), developed by the National Uniform Claim Committee, may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, telephone number (202) 512-1800, and is available through the

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Minitex interlibrary loan system.

Item C: The Uniform Billing Claim form (UB-92, CMS-1450) developed by the National Uniform Billing Committee may be purchased through the superintendent of documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, PA, 15250, telephone number (202) 512-1800, from local commercial business office supply stores, or is available through the Minitex interlibrary loan system.

Item E: The Health Care Procedure Coding System (HCPCS manual), January 2004 edition, (previously known as the HCFA Common Procedural Coding System (HCPCS manual), January 1998, 1999, and 2000 editions) may be purchased from Minnesota's Bookstore, (651) 297-3000 or (800) 567-3757 and is available through the Minitex interlibrary loan system.

Item F: Minnesota Standards for the Use of the CMS 1500 Claim Form, third edition effective October 1, 1998, as referenced in the August 31, 1998, edition of the *State Register*. It is published by the Administrative Uniformity Committee in conjunction with the Department of Health and is available on the Internet at www.mmaonline.net/auc, may be purchased from Minnesota's Bookstore, (651) 297-3000 or (800) 657-3757, and is available through the Minitex interlibrary loan system.

Item G: Minnesota UB-92 Manual, 1994, developed by the Minnesota Uniform Billing Committee incorporating standards established by the National Uniform Billing Committee. It is published by and may be purchased from the Minnesota Hospital Association, Education Division, 2550 University Avenue West, Suite 350 S., St. Paul, MN 55114-1900, (651) 641-1121 or (800) 462-5393. It is available through the Minitex interlibrary loan system.

Item H: The National Drug Codes directory, published, maintained, and distributed by the federal Department of Health and Human Services, U.S. Food and Drug Administration. The directory is available for viewing or printing free of charge on the Internet at the U.S. Food and Drug Administration's Web site at <http://www.fda.gov/cder/ndc/>.

Expedited Rules

This section applies when a law requiring or authorizing rules to be adopted states that this section (*Minnesota Statutes* 14.389) must or may be used to adopt the rules. When a law refers to this section, the process in this section is the only process an agency must follow for its rules to have the force and effect of law.

Provisions for a 180-day time limit are in effect (*Minnesota Statutes* 14.19), as well as agencies maintaining a public rulemaking docket (*Minnesota Statutes* 14.366).

Before publication of the final rule in the *State Register*, the agency shall submit the rule to an administrative law judge who has 14 days to approve or disapprove the rule.

If the law, authorizing or requiring the rule be adopted under this section, contains a specific reference to this subdivision, as opposed to a general reference, the notice must include a statement of a public hearing if 100 or more people request a hearing.

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.

Board of Behavioral Health and Therapy

Proposed Expedited Permanent Rules Relating to Continuing Education

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Continuing Education, *Minnesota Rules*, 2150.2500 – 2150.2660

Introduction. The Minnesota Board of Behavioral Health and Therapy intends to adopt rules under the expedited rulemaking process set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until Monday, January 23, 2006.

Agency Contact Person. Comments or questions on the rules must be submitted to: Kari Rechtzigel, Executive Director, at the Board of Behavioral Health and Therapy, 2829 University Avenue SE, Suite 210, Minneapolis, Minnesota 55414, (651) 201-2759, **Fax:** (612) 617-2187, and **e-mail** at kari.rechtzigel@state.mn.us. **TTY** users may call the Board of Behavioral Health and Therapy at 1-800-627-3529.

Expedited Rules

Subject of the Expedited Rules and Statutory Authority. The proposed expedited rules are about continuing education for Licensed Professional Counselors. The statutory authority to adopt the rules is *Minnesota Statutes* section 148B.52(a)(2), which states that the Board shall “establish by rule...requirements for continuing education...” This authority was originally established by *Session Laws 2003*, Chapter 118, section 6. The statutory authority to adopt rules under the expedited rulemaking process set forth in *Minnesota Statutes*, section 14.389, is *Session Laws 2005*, Chapter 147, Article 5 section 25. A copy of the proposed rules is published in the State Register and attached to this notice as mailed. The proposed expedited rules may also be viewed at: www.bbht.state.mn.us.

Comments. You have until 4:30 p.m. on Monday, January 23, 2006, to submit written comment in support of or in opposition to the proposed expedited rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed expedited rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Modifications. The agency may modify the proposed expedited rules if the modifications do not make the rules substantially different as defined in *Minnesota Statutes*, section 14.05, subdivision 2, paragraphs (b) and (c), unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the final rules are identical to the rules originally published in the *State Register*, the agency will publish a notice of adoption in the *State Register*. If the final rules are different from the rules originally published in the State Register, the agency must publish a copy of the changes in the *State Register*. If the proposed expedited rules affect you in any way, you are encouraged to participate in the rulemaking process.

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

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

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

December 19, 2005

Kari K. Rehtzigel, Executive Director

2150.2520 INITIAL REQUIREMENT.

Subpart 1. **Coursework.** Except as provided in subparts 2 and 3, licensees must complete 12 graduate semester credits in counseling or the quarter credit equivalent within the first ~~two~~ four years of licensure. Coursework completed for purposes of this requirement shall comply with items A to E ~~D~~.

~~A. Courses must have been taken postdegree, or as part of the degree program. Predegree courses taken outside of the degree program which have not been accepted by the degree program upon which the licensee's license is based may not be used to satisfy this requirement.~~

~~B. Courses must be completed at a counseling program recognized by the Council for Accreditation of Counseling and Related Education Programs (CACREP) or from an institution of higher education that is accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation (CHEA).~~

~~C. Courses must be taken and passed for graduate credit. Audited courses or courses not otherwise taken for credit may not be used to satisfy this requirement.~~

~~D. Courses must fall within one of the course content areas specified in *Minnesota Statutes*, section 148B.53, subdivision 1, paragraph (b).~~

~~E. In addition to submission of the Affidavit of Continuing Education Compliance, all licensees are required to have transcripts documenting completion of the coursework sent directly to the board from the educational institutions where the coursework was completed.~~

Subp. 2. **Prelicensure credit exception.** Notwithstanding subpart 1, and subject to subpart 4, a licensee may use ~~postdegree~~, prelicensure coursework to satisfy this requirement, so long as the coursework otherwise satisfies the requirements of subpart 1, items A to E ~~D~~.

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

Subp. 4. **Additional requirements.** ~~A licensee who is not required to take and complete a full 12 semester credits or quarter credit equivalent within the first two years of licensure pursuant to subpart 2 or 3 shall, in addition, complete continuing education hours which otherwise satisfy the requirements of parts 2150.2500 to 2150.2660 as follows: In addition to the completing requisite graduate coursework as outlined in subparts 1 to 3, each licensee shall also complete in the first four years of licensure, a minimum of 40 hours of continuing education activities approved by the board as described in part 2150.2540.~~

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- ~~A. licensees who are required to complete nine to 11 semester credits must complete ten continuing education hours;~~
- ~~B. licensees who are required to complete five to eight semester credits must complete 20 continuing education hours;~~
- ~~C. licensees who are required to take one to four semester credits must complete 30 continuing education hours; and~~
- ~~D. licensees who are not required to take any graduate semester credits must complete 40 continuing education hours.~~

2150.2530 SUBSEQUENT REQUIREMENT.

After the first two four years of licensure, all licensees must complete a minimum of 40 hours of continuing education activities approved by the board every two years as described in part 2150.2540.

2150.2560 INDIVIDUAL LICENSEE'S APPLICATION FOR APPROVAL.

Subpart 1. **Requirement.** A licensee may apply individually for approval of any continuing education activities that have not been approved by the board. The licensee must submit the information required in subpart 2 as well as other information the board reasonably requires to evaluate the activity for approval. A licensee may apply for approval of a continuing education activity at any time, except that in order to obtain approval prior to taking the activity, the licensee must apply at least 60 days before the activity is scheduled to begin.

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

2150.2580 ADDITIONAL SOURCES OF CONTINUING EDUCATION CREDIT.

In addition to the activities described in part 2150.2560, an individual may apply for continuing education hours for the activities in items A to E F.

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

E. Taking and passing for credit a graduate level course in counseling from a counseling program recognized by the Council for Accreditation of Counseling and Related Education Programs (CACREP) or from an institution of higher education that is accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation (CHEA). Acceptable documentation is an academic transcript showing graduate credits earned. A licensee may receive 15 continuing education hours per semester credit hour or ten continuing education hours per quarter credit hour.

2150.2590 DOCUMENTATION AND REPORTING COMPLIANCE.

Subpart 1. **Initial reporting requirement.** At the completion of the first four years of licensure, the licensee shall submit, with the renewal application, the Affidavit of Continuing Education Compliance as described in subpart 1a, showing completion of a minimum of 40 approved continuing education hours as required in part 2150.2520, subpart 4. The affidavit shall also list any graduate coursework completed as required by part 2150.2520 and *Minnesota Statutes*, section 148B.54, subdivision 2. For any such graduate courses, the licensee shall arrange to have transcripts showing completion of the requisite graduate credits sent directly to the board from the educational institution. Such transcripts must be received by the board within 60 days of the licensee's renewal date, or the licensee may be subject to administrative suspension until such time as the transcripts are received.

Subp. 1a. Affidavit. Following the initial fouryear reporting period, every two years thereafter, when the licensee applies for renewal of the license, the licensee must complete and submit an Affidavit of Continuing Education Compliance showing that the licensee has completed a minimum of 40 approved continuing education hours since the last renewal. Failure to submit the affidavit when required makes the licensee's renewal application incomplete and void.

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

Subp. 3. **See repealer.**

REPEALER. *Minnesota Rules*, part 2150.2590, subpart 3, is repealed.

Executive Orders

The governor has the authority to issue written statements or orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* § 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order 05-21: Declaring a State of Emergency in the State of Minnesota

I, **TIM PAWLENTY, GOVERNOR OF THE STATE OF MINNESOTA**, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order.

WHEREAS, during the period of November 27-29, 2005, a severe winter storm with high winds, freezing rain, and heavy, wet snow swept across western Minnesota; and

WHEREAS, these storms have inflicted widespread and extensive damage to the public infrastructure including private, non-profit electric cooperatives, as well as to homes and farms; and

WHEREAS, as a result, there is a threat to public safety in the counties of Big Stone, Clay, Lincoln, Mahnomen, Norman, Otter Tail, Stevens, Traverse, Wilkin, and Yellow Medicine; and

WHEREAS, the resources of the affected local governments and private relief agencies are being fully utilized to respond to the emergency; and

WHEREAS, these resources are inadequate to deal with the exigency of the situation;

NOW, THEREFORE, I hereby order that:

A State of Emergency exists in the State of Minnesota and do direct the Department of Public Safety, Division of Homeland Security and Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to determine the need for supplementary disaster aid and to coordinate the provision of any such assistance as necessary under existing state and federal authority.

Pursuant to *Minnesota Statutes* 2004, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota law.

IN TESTIMONY WHEREOF, I have set my hand this 9th day of December, 2005.

Signed: **TIM PAWLENTY, Governor**

Filed According to Law:

Signed: **MARY KIFFMEYER, Secretary of State**

Official Notices

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

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

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under Minnesota Statutes, Chapter 41C for Bare Land in Swedes Forest Township, Redwood County

NOTICE IS HEREBY GIVEN that a public hearing will be held on January 3, 2006, at 9 A.M., Department of Agriculture Building, Agricultural Finance Division, 625 Robert Street North, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of bare land located 1 1/2 miles north, 1 mile east of Belview, MN on County Road 29. Also 2 1/2 miles north, 2 1/2 miles east of Belview, MN on 410th Street; Sections 26 & 33, Swedes Forest Township, Redwood County, Minnesota on behalf of Steven R. Schjenken and Rhonda L. Schjenken, (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$160,000.00.

The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: December 7, 2005

Jim Boerboom, RFA Director

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond Under Minnesota Statutes, Chapter 41C for Purchase of Bare Land in Township 103N, Range 24W North of Railroad Right of Way, Faribault County

NOTICE IS HEREBY GIVEN that a public hearing will be held on January 3, 2006, at 9 A.M., Department of Agriculture Building, Agricultural Finance Division, 625 Robert Street North, Saint Paul, Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of purchase of bare land located west on Highway 109 2 miles, then north on 550th Avenue 1 mile; NW 1/4 Section 6, Township 103N, Range 24W North of Railroad Right of Way, Faribault County, Minnesota on behalf of Joseph Mutschler and Dawn Lutteke, (the Borrower/s). The maximum aggregate face amount of the proposed bond issue is \$168,600.00.

The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due.

All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: December 7, 2005

Jim Boerboom, RFA Director

Department of Human Services Children and Family Services Updated Child Care Fund Sliding Fee Copayment Schedule

Pursuant to *Minnesota Statutes* section 119B, and *Minnesota Rules*, part 3400.0100, Subp. 5 (Publication of state median income and fee schedule in *State Register*), the Department of Human Services hereby gives notice of the updated Sliding Fee Monthly Copayment Schedule. This schedule is based on the FFY 2005 federal poverty guidelines as published in the February 18, 2005 *Federal Register*. The schedule published is for family sizes of two through six and is effective January 1, 2006 until further notice. Please contact the Child Care Assistance Program for the schedule for larger families or for the biweekly copayment schedule for all family sizes. This fee schedule replaces the schedule published June 13, 2005.

Any questions about the updated schedule should be directed to:

Child Care Assistance Program
Department of Human Services
Children and Family Services
444 Lafayette Road North
St. Paul, MN 55155-3834
(651) 297-3843

Two Person Household			Three Person Household		
Federal Poverty Guidelines (FPG)			Federal Poverty Guidelines (FPG)		
175% of FPG (Entrance Limit)			175% of FPG (Entrance Limit)		
Gross Income Range		Monthly Copayment	Gross Income Range		Monthly Copayment
\$0	\$9,622	\$ -	\$0	\$12,067	\$ -
\$9,623	\$12,829	\$ 5	\$12,068	\$16,089	\$ 5
\$12,830	13,471	36	\$16,090	16,894	45
\$13,472	14,112	38	\$16,895	17,698	48
\$14,113	14,754	40	\$17,699	18,503	50
\$14,755	15,395	41	\$18,504	19,307	52
\$15,396	16,037	48	\$19,308	20,112	60
\$16,038	16,678	50	\$20,113	20,916	63
\$16,679	17,320	52	\$20,917	21,721	65
\$17,321	17,961	54	\$21,722	22,525	68
\$17,962	18,603	62	\$22,526	23,330	77
\$18,604	19,244	64	\$23,331	24,134	80
\$19,245	19,886	66	\$24,135	24,939	83
\$19,887	20,527	81	\$24,940	25,743	102
\$20,528	21,169	84	\$25,744	26,548	105
\$21,170	21,810	100	\$26,549	27,352	126
\$21,811	22,452	110	\$27,353	28,157	138
\$22,453	23,093	120	\$28,158	28,961	151
\$23,094	23,735	138	\$28,962	29,766	173
\$23,736	24,376	149	\$29,767	30,570	187
\$24,377	25,018	161	\$30,571	31,375	202
\$25,019	25,659	181	\$31,376	32,179	227
\$25,660	26,301	217	\$32,180	32,984	273
\$26,302	26,942	274	\$32,985	33,788	344

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\$26,943	27,584	291	\$33,789	34,593	365
\$27,585	28,225	308	\$34,594	35,397	386
\$28,226	28,867	325	\$35,398	36,202	408
\$28,868	29,508	353	\$36,203	37,006	443
\$29,509	30,150	395	\$37,007	37,811	495
\$30,151	30,791	418	\$37,812	38,615	524
\$30,792	31,433	455	\$38,616	39,420	571
\$31,434	32,074	481	\$39,421	40,224	603
\$32,075		INELIGIBLE	\$40,225		INELIGIBLE

Four Person Household

Federal Poverty Guidelines (FPG)	\$19,350
175% of FPG (Entrance Limit)	\$33,863

Five Person Household

Federal Poverty Guidelines (FPG)	\$22,610
175% of FPG (Entrance Limit)	\$39,568

Gross <u>Income Range</u>		Monthly <u>Copayment</u>	Gross <u>Income Range</u>		Monthly <u>Copayment</u>
\$0	\$14,512	\$ -	\$0	\$16,957	\$ -
\$14,513	\$19,349	\$ 5	\$16,958	\$22,609	\$ 5
\$19,350	20,317	55	\$22,610	23,740	64
\$20,318	21,284	57	\$23,741	24,870	67
\$21,285	22,252	60	\$24,871	26,001	70
\$22,253	23,219	62	\$26,002	27,131	73
\$23,220	24,187	73	\$27,132	28,262	85
\$24,188	25,154	75	\$28,263	29,392	88
\$25,155	26,122	78	\$29,393	30,523	92
\$26,123	27,089	81	\$30,524	31,653	95
\$27,090	28,057	93	\$31,654	32,784	108
\$28,058	29,024	96	\$32,785	33,914	112
\$29,025	29,992	99	\$33,915	35,045	116
\$29,993	30,959	123	\$35,046	36,175	143
\$30,960	31,927	126	\$36,176	37,306	148
\$31,928	32,894	151	\$37,307	38,436	176
\$32,895	33,862	166	\$38,437	39,567	194
\$33,863	34,829	181	\$39,568	40,697	212
\$34,830	35,797	208	\$40,698	41,828	243
\$35,798	36,764	225	\$41,829	42,958	263
\$36,765	37,732	243	\$42,959	44,089	284
\$37,733	38,699	273	\$44,090	45,219	318
\$38,700	39,667	328	\$45,220	46,350	383
\$39,668	40,634	414	\$46,351	47,480	484
\$40,635	41,602	439	\$47,481	48,611	512
\$41,603	42,569	464	\$48,612	49,741	543
\$42,570	43,537	491	\$49,742	50,872	573
\$43,538	44,504	532	\$50,873	52,002	622
\$44,505	45,472	595	\$52,003	53,133	696
\$45,473	46,439	630	\$53,134	54,263	736
\$46,440	47,407	686	\$54,264	55,394	802
\$47,408	48,374	726	\$55,395	56,524	848
\$48,375		INELIGIBLE	\$56,525		INELIGIBLE

Six Person Household

Federal Poverty Guidelines (FPG) \$25,870
 175% of FPG (Entrance Limit) \$45,273

Gross Income Range	Monthly Copayment
\$0 \$19,402	\$ -
\$19,403 \$25,869	\$ 5
\$25,870 27,163	73
\$27,164 28,456	77
\$28,457 29,750	80
\$29,751 31,043	84
\$31,044 32,337	97
\$32,338 33,630	101
\$33,631 34,924	105
\$34,925 36,217	109
\$36,218 37,511	124
\$37,512 38,804	128
\$38,805 40,098	133
\$40,099 41,391	164
\$41,392 42,685	169
\$42,686 43,978	202
\$43,979 45,272	222
\$45,273 46,565	243
\$46,566 47,859	278
\$47,860 49,152	301
\$49,153 50,446	325
\$50,447 51,739	364
\$51,740 53,033	438
\$53,034 54,326	553
\$54,327 55,620	586
\$55,621 56,913	621
\$56,914 58,207	656
\$58,208 59,500	712
\$59,501 60,794	796
\$60,795 62,087	842
\$62,088 63,381	917
\$63,382 64,674	970
\$64,675	INELIGIBLE

Metropolitan Council

Metropolitan Council Public Hearing: Victoria and St. Bonifacius Area Interceptor Improvements Facility Plan

**Victoria City Hall, Council Chambers
 7951 Rose St.
 Victoria, Minnesota
 Tuesday, January 24, 2006
 7:00 p.m.**

The Metropolitan Council will hold a public hearing on its Victoria and St. Bonifacius Area Interceptor (Sanitary Sewer) Improvements Project Facility Plan. The Draft Facility Plan for this project, prepared by the Metropolitan Council's Environmental Services Division (MCES), outlines recommendations, including:

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· **Replacing two existing MCES lift (pumping) stations and forcemain interceptor sewer pipes in Victoria with deeper, gravity-flow interceptor sewers.** The stations proposed for replacement are MCES's L-22 lift station on the southeast side of Schutz Lake, just west of Rolling Acres Road, and the L-23 lift station at Highway 7 and Baycliffe Drive. Proposed gravity-flow interceptors would run from the area of the L-22 station and go north along Rolling Acres Road and from the area of the L-23 station and go east along Highway 7. Both interceptors would then go north along Smithtown Road and connect with an existing MCES interceptor. In order to construct these interceptors along Smithtown Road at the necessary elevation, MCES proposes to replace the Smithtown Road culvert between Lake Minnetonka and Lake Virginia at a slightly higher grade.

· **Replacing pumps and modifying the wet well at the existing MCES lift station in Waconia (L-70), located along Highway 5 at Waconia's eastern border.** MCES also proposes extending the Waconia forcemain interceptor – from the point where it currently discharges into an existing gravity interceptor near Highway 5 and 80th Street in Victoria, and going northeast along the Hennepin County Light Rail Corridor to the beginning of the proposed new gravity-flow interceptor near Schutz Lake.

· **Rebuilding MCES's existing L-24 lift station, located along Highway 7 near the Minnetrista-St. Bonifacius border.** MCES also proposes replacing the St. Bonifacius forcemain, which runs east along Highway 7 to the area of the existing L-23 lift station at Highway 7 and Baycliffe Drive in Victoria, with a new parallel forcemain.

Construction is expected to take place in 2007-2030, at an estimated cost of \$45 million.

Copies of the Draft Facility Plan for the Victoria and St. Bonifacius Area Interceptor (Sanitary Sewer) Improvements Project will be available for review after December 28, 2005, at:

- St. Bonifacius City Hall, 8535 Kennedy Memorial Dr., St. Bonifacius
- Victoria City Hall, 7951 Rose St., Victoria
- Minnetrista City Hall, 7701 Co. Rd. 110 W., Minnetrista
- Waconia City Hall, 201 S. Vine St., Waconia
- Mound City Hall, 5341 Maywood Rd., Mound
- Spring Park City Hall, 4349 Warren Ave., Spring Park
- Laketown Township Town Hall, 9530 Laketown Road, Laketown Township
- Waconia Township Town Hall, 12777 102nd Street, Waconia Township
- Carver County Library (Waconia Branch), 217 S. Vine St., Waconia
- Hennepin County Library (St. Bonifacius Branch), 8624 Kennedy Memorial Dr., St. Bonifacius
- Metropolitan Council's Data Center, 230 E. Fifth St., St. Paul

All interested persons are encouraged to attend the hearing and provide comments. You also may submit comments, which must be **received** by the Metropolitan Council no later than February 3, 2006:

- Send written comments to: Tim O'Donnell at Metropolitan Council Environmental Services, 230 E. Fifth St., St. Paul, MN 55101
- Fax comments to: Tim O'Donnell at (651) 602-1477
- Record comments on: Metropolitan Council Public Comment Line at (651) 602-1500
- E-mail comments to: data.center@metc.state.mn.us
- Send TTY comments to (651) 291-0904

Upon request, the Council will provide reasonable accommodations to persons with disabilities. Please submit such requests to Tim O'Donnell via mail or fax (see above) or by phone at (651) 602-1269 before January 17, 2006.

**Minnesota Department of Natural Resources
Division of Ecological Services****REQUEST FOR COMMENTS Possible Amendments to Rules Governing Aquatic
Plants and Nuisances *Minnesota Rules*, Chapter 6280**

Subject of Rules. The Minnesota Department of Natural Resources requests comments on possible amendments to rules governing aquatic plants and nuisances. The DNR is considering rule amendments as follows.

The Aquatic Plant Management (APM) statutes and rules allow control of aquatic vegetation, primarily to facilitate riparian landowner access to open water. The laws specify limits on the amount and type of vegetation control allowed and conditions under which permits may be issued for vegetation control.

The 2002 Legislature mandated that the DNR develop a proposal to review its APM Program (*Laws of 2002*, Chapter 351, Section 31). The DNR developed this proposal and subsequently conducted an extensive review of the program over the past two years. This review resulted in a number of recommendations, which have prompted the DNR to consider changes in the rules governing the APM program. Some of the key areas that rule changes are being considered for include: modifying the limits on the amount of near-shore submersed vegetation that an individual property owner can control; providing criteria used to determine when specific aquatic plant management permit conditions are required; specifying criteria and conditions for the variance process to exceed aquatic plant control limits to address the increased threat posed by invasive aquatic plants; specifying the necessary components of a lake vegetation management plan and the criteria used by the DNR to evaluate those plans; and clarifying what types of machines are considered to be “automated plant control devices,” how the maximum control area for these devices will be determined, and what types of near-shore habitat these devices can be operated in.

Persons Affected. The amendments to the aquatic plant management rules will affect some lakeshore owners who wish to control aquatic plants adjacent to their property, local units of government and lake associations with an interest in managing or controlling aquatic plants. The rule amendments will also affect commercial aquatic pesticide applicators, companies that sell automated plant control devices, and consultants and other commercial entities who work with APM.

Statutory Authority. *Minnesota Statutes*, section 103G.615, subd. 3 requires the DNR to prescribe by rule the standards to issue and deny permits to destroy aquatic plants.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m. on February 17, 2006. The DNR does not contemplate appointing an advisory committee to comment on the possible rules; extensive public input on the subject of the rules has been recently obtained through a program review conducted by the DNR.

Rules Drafts. The DNR does not anticipate that a draft of the rule amendments will be available before the publication of the proposed rules.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules once they have been prepared, and requests for more information on these possible rules should be directed to: Steve Hirsch at the Department of Natural Resources, 500 Lafayette Road, St. Paul MN, 55155-4025, (651) 259-5106, **E-mail** steve.hirsch@dnr.state.mn.us. **TTY** users may call the DNR at (651) 296-5484 or 1-800-657-3929.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

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

Dated: December 8, 2005

Gene Merriam, Commissioner
Department of Natural Resources

Official Notices

Minnesota Department of Natural Resources

Division of Lands and Minerals

Notice of Sale of State Metallic Minerals Leases

NOTICE IS HEREBY GIVEN that a sale of leases to explore for, mine and remove metallic minerals in trust fund lands, lands and minerals forfeited for non-payment of taxes, lands and minerals otherwise acquired, and other state-owned land under the jurisdiction of the Commissioner of Natural Resources, and located in portions of Itasca, Koochiching, Lake, Lake of the Woods and Saint Louis Counties, is scheduled to be held on Tuesday, January 24, 2006 at 9:00 a.m. The sale will take place in the East-West Conference Room located on the 4th floor of the DNR Central Office Building, 500 Lafayette Road, Saint Paul, Minnesota.

The Commissioner of Natural Resources will receive sealed bids and applications for leases covering minerals in state lands, in accordance with *Minnesota Rules*, parts 6125.0100 through 6125.0700, which are the metallic minerals rules issued under the authority of *Minnesota Statutes*.

Each bid must be submitted on a form obtained from the Commissioner. Each bid form must be accompanied by a certified check, cashier's check, or bank money order, payable to the Department of Natural Resources in the sum of the following amounts: a) an application fee of \$100.00 for each mining unit bid upon; and b) rental for one full calendar year for each mining unit bid upon. All bids must be received by the Commissioner at the office of the Division of Lands and Minerals, Fourth Floor, DNR Building, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045, before 4:30 p.m. of Monday, January 23, 2006.

On Tuesday, January 24, 2006, at the time specified, the Commissioner or his representative will publicly open the bids and announce the amount of each bid separately. At a subsequent time leases will be awarded by the Commissioner, with the approval of the State Executive Council, to the highest bidder for the respective mining units, but no bids will be accepted that do not equal or exceed the base royalty rates set forth in the rules or that do not comply with all provisions of the rules. The right is reserved to the State, through the Executive Council, to reject any or all bids.

The purpose of Minnesota's metallic minerals rules is to promote and regulate the prospecting for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under the rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals which increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the submission of exploration plans. In addition, the state lessee must comply with all applicable regulatory laws. No land or water areas within the Boundary Waters Canoe Area Wilderness or Voyageurs National Park are included in this or any state mineral lease sale. After the conclusion of the sale, the Commissioner shall request each high bidder to provide evidence the bidder is qualified to hold state mineral leases pursuant to *Minnesota Rules*, part 6125.0410. The rules state that a lease will only be issued to an applicant qualified to do business in Minnesota and qualified to conduct exploratory borings in Minnesota. In addition, the Commissioner may request evidence that the lease applicant is technically and financially capable of performing under the terms of a state mineral lease. The requested evidence must be provided within 45 days of the request from the Commissioner or the bids from that high bidder will be rejected.

Upon the award of a lease, the application fee submitted with the bid will be deposited as a fee for the lease. All bids not accepted will become void, and the application fee and rental payment accompanying such bids will be returned to the respective bidders; provided, however, the application fee and rental payment accompanying a bid shall not be returned if the bidder was the high bidder and subsequently withdrew the bid prior to the awarding of a lease.

Bid forms, instructions on how bids are to be submitted, copies of the rules (*Minnesota Rules*, parts 6125.0100 through 6125.0700) and copies of the Mining Unit Book, listing the land areas designated by the Commissioner as mining units, may be obtained from the Transactions Section, Division of Lands and Minerals, DNR Building, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045. E-mail inquiries may be sent to kathy.lewis@dnr.state.mn.us.

The Mining Unit Book will be available at least thirty days prior to January 24, 2006. Application for each copy of the Mining Unit Book must be accompanied by a check or money order payable to the Department of Natural Resources in the sum of \$28.00 as a fee for such Mining Unit Book plus shipping and applicable State of Minnesota Sales Tax. Unit books will also be available for inspection at the Hibbing and Saint Paul offices of the Division of Lands and Minerals, and on the internet through the DNR website at

www.dnr.state.mn.us/lands_minerals.

Dated: November 22, 2005

William C. Brice, Director
Division of Lands and Minerals
Minnesota Department of Natural Resources

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Department of Agriculture

Notice of Availability of Two Fuel Testing Grants not to Exceed \$50,000 Each

Proposals are Being Accepted by the Minnesota Department of Agriculture for "Ethanol Combustion Efficiency Grants" under *Minnesota Statutes* section 41A.09.

The Minnesota Department of Agriculture is accepting proposals for up to two grants, each in an amount not to exceed \$50,000, to qualified applicants proposing to do research on, but not limited to, ethanol's effect on fuel system materials compatibility and ways to improve the energy efficiency of ethanol fuel blends in motor vehicles while meeting all requirements for control of tailpipe emissions.

Grant funds must be matched at the rate of \$2 of non-state money for each \$3 of state grant money. Proposals must be received by Ralph Groschen at the Minnesota Department of Agriculture, 625 Robert St. N., St. Paul, MN 55155, no later than 4:30 PM January 9, 2006. For questions please **call** or **e-mail** Tania Gunnink at (651) 201-6653, tania.gunnink@state.mn.us.

Minnesota Historical Society

Historic Preservation Grant Application Deadlines

The application deadline for the Minnesota Historical Society's F.Y. 2006 federal Certified Local Government (CLG) matching grants program is 4:30 p.m., Friday, February 17, 2006. Cities with local historic preservation ordinances, commissions, and programs certified by the State Historic Preservation Office and the National Park Service are eligible applicants. It is anticipated that a minimum of \$71,000 will be awarded.

There are seven areas of eligible program activity for this grants cycle. They are: 1.) Comprehensive Planning; 2.) Pre-Development; 3.) Survey; 4.) Evaluation; 5.) Local Designation Forms; 6.) National Register Nomination Forms; and 7.) Public Education. Projects that will receive special priority are those that: promote surveys in areas of known development activity in order to reduce project delays; promote continuing development of data for planning use; reflect the goals and strategies in the 2006 statewide preservation plan; result in local designations; and involve properties associated with the history of heretofore under-documented groups or communities (ethnic or racial minorities for example, but also other groups defining themselves as communities).

Instructions regarding the full range of eligible activities and information on the project selection process and selection criteria are found in the F.Y. 2006 CLG Grants Manual. To request a complete application package or for further information contact Mandy Skypala at (651) 296-5478, E-mail the Grants Office – mandy.skypala@mnhs.org, or write to the Grants Office, Minnesota Historical Society, 345 West Kellogg Blvd., Saint Paul, MN 55102-1906.

This program receives Federal funds from the National Park Service. Regulations of the U.S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally assisted programs on the basis of race, color, national origin, age, or disability. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal assistance should write to: Director, Equal Opportunity Program, U.S. Department of the Interior, National Park Service, P.O. Box 37127, Washington, DC 20013-7127.

State Contracts

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

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

Department of Administration Help Your Business

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Colleges and Universities, Minnesota State (MnSCU)

Minneapolis Community & Technical College

NOTICE OF INTENT to Request Proposals for Coffee Cart Remodel

Project Scope: Renovation of existing Coffee Cart area located on 2nd Floor of T Building at Minneapolis Community & Technical College

Pre-bid conference: There will be a **mandatory pre-bid conference on Thursday, December 15, 2005 at 10:00 AM in Room T.2100 in the T Building at Minneapolis Community & Technical College at 1415 Hennepin Ave, Minneapolis, MN 55403.**

Sealed Proposals to be submitted to:

Mary Prozeller
Minneapolis Community & Tech. College
Suite T.0600
1415 Hennepin Avenue
Minneapolis, MN 55403
Telephone: (612) 659-6808

Due Date & Time: Public opening will take place **Thursday, December 22, 2005 at 10:00 AM at Room T.2100.** Proposals must be received prior to opening. For each bid which totals over \$15,000.00 a Proposal Guarantee (Proposal Bond) in the amount of 5% of the Proposal must accompany each proposal submitted.

To view a copy of the RFP and specifications contact:

Bid Forms, Contract Documents, Drawings and Specifications as prepared by the Project Architect/Engineer, Cuningham Group Architecture, P.A., are on file at the following:

1. Above named Project Architect
2. Builder's Exchange of Minneapolis
1123 Glenwood Avenue
Minneapolis, MN 55405
Tel: (612) 377-9600

- | | |
|--|--|
| <p>3. Builder's Exchange of St. Paul
445 Farrington Street
St. Paul, MN 55103
Tel: (651) 224-7545</p> | <p>4. Reed Construction Data Plan Room
9443 Science Center Drive
Plymouth, MN 55428
Tel: (763) 537-7117</p> |
| <p>5. F. W. Dodge Corporation Plan Room
4530 West 77th Street
Bloomington, MN 55435
Tel: (952) 831-5700</p> | <p>6. National Assoc. of Minority Contractors/Upper MW Plan Rm.
4801 4th Avenue South
Minneapolis, MN 55409
Tel: (612) 827-2211</p> |

To Receive Proposal Documents:

Complete sets only of bid forms, drawings and specifications for use by bidders may be obtained from:

Cunningham Group Architecture, P.A.
201 Main Street SE, Suite 325
Minneapolis, MN 55414
Telephone: (612) 379-6854

A deposit of \$100 is required for each set. No documents will be mailed. Documents must be picked up at the Architect's address. Please contact Project Architect for specification questions.

Colleges and Universities, Minnesota State (MnSCU) Notice of Availability of Request for Proposal (RFP) for Designer Selection for Parking Ramp at St. Cloud State University (State Project No. 05-19)

The Minnesota State Colleges and Universities, acting as the owner for the State of Minnesota through the State Designer Selection Board, is soliciting proposals from interested, qualified consultants for architectural and engineering design services for the above referenced project.

A full Request for Proposals is available on the Minnesota State Colleges and Universities website: www.facilities.mnscu.edu, click on "Solicitation Announcements."

A project informational meeting has been scheduled for Wednesday, December 21, 2005, 11:00 a.m. at the James W. Miller Learning Resources Center on the St. Cloud State University Campus. Contact Steven Ludwig, (320) 308-2286, or **e-mail** at sludwig@stcloudstate.edu to sign up for the meeting.

Proposals must be delivered to Mary Golike, Executive Secretary, State Designer Selection Board, in the State Architect's Office, not later than 1:00 p.m. Wednesday, January 4, 2006. Late responses will not be considered.

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

Department of Commerce Notice of Availability of Contract for a Comprehensive Laboratory and Inspection Information Management System

The Minnesota Department of Commerce is requesting proposals for the purpose of purchasing a comprehensive application that will facilitate the management, processing, and storage of inspection, calibration, and test data. The application will include online records for customers. It will encompass all aspects of complaints, enforcement, calibration, data exchange between modules, and payment processing. The Department is not seeking a custom solution.

Work is proposed to start after February, 2006.

A Request for Proposals will be available by mail or email from this office through January 23, 2006. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After January 13, 2006, the Request for Proposals must be picked up in person or will be emailed only.

The Request for Proposals can be obtained from:

State Contracts

Carol Hockert, Director
Weights and Measures Division
2277 Highway 36, Suite 150
St. Paul, MN 55113
Fax: (651) 639-4014

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than January 23, 2006. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

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

Minnesota Department of Corrections Notice of Request for Proposals (RFP) for Employment Preparation and Transitional Employment Support Services to Sex Offenders

The Minnesota Department of Corrections (DOC) is seeking proposals to provide employment preparation and transitional employment support services to sex offenders prior to and following release from DOC adult correctional facilities. The target population is adult male and female sex offenders with current or past felony sex offense commitments to the DOC who will be released from a DOC adult correctional facility during the contract period of March 1, 2006, through June 30, 2007. There is a possibility of three additional one-year terms contingent upon funding and satisfactory contractor performance.

Total funding for these services may not exceed \$600,000, and this RFP may result in multiple contract awards. Respondents must offer services to offenders released to the specific geographic area of Ramsey and Hennepin Counties, Minnesota.

A copy of the full RFP will be sent free-of-charge upon request. Write, e-mail, or fax request to the contact person below. Proposals must be submitted to the DOC contact listed below. Other personnel are **NOT** allowed to discuss the RFP with anyone, including responders, before the proposal submission deadline. Proposals must be received by the contact person listed below no later than 4:00 p.m. CT, January 23, 2006.

Lynda Davis, Grants and Subsidies Unit
Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, Minnesota 55108-5219
Telephone: (651) 643-2533
E-mail: ldavis@co.doc.state.mn.us

Department of Education Notice of Request for Proposal for a Critical Evaluation of the Minnesota Voluntary Certification Program

The Department of Education is soliciting proposals from qualified vendors to conduct a critical evaluation of the Minnesota Voluntary Certification Program for Library Employees. Created in 1997, the Voluntary Certification Program is intended to improve library service by encouraging library employees to acquire, maintain, and develop knowledge and skills. This critical evaluation will analyze the impact the program has had on Minnesota libraries, ongoing program viability, and establish criteria for improvements and/or change.

Vendors involved in the implementation phase, planning and/or representatives of the Continuing Library, Information, Media Education Committee (CLIME) are not eligible for the evaluation contract.

The Department has estimated the cost of this project should not exceed \$50,000. The anticipated project period is March 13, 2006 through September 29, 2006.

For a complete copy of the Request for Proposal, please contact:

James V. Wroblewski
State Library Services and School Technology, Department of Education
1500 Highway 36 W, Roseville, MN 55113
Phone: (651) 582-8805,
Fax: (651) 582-8752.

Proposals are due no later than 3:00 P.M. Central Time on Thursday, January 12, 2006. Late proposals will not be considered. Fax or
Page 656 *State Register, Monday 19 December 2005* **(Cite 30 SR 656)**

E-mail proposals will not be considered.

This request does not obligate the State to award a contract or complete the work contemplated in this notice. The State reserves the right to cancel this solicitation if it is considered to be in its best interest. All expenses incurred in responding to this notice are solely the responsibility of the responder.

Department of Human Services Notice of Request for Proposals for Alternative Payment for Nursing Facility Services

1995 Laws of Minnesota, Chapter 207, Article 7, Section 32 (hereinafter *Minnesota Statutes* Section 256B.434) authorized the Commissioner of the Department of Human Services to establish a contractual alternative payment system as an alternative way to pay for nursing facility services under the Medical Assistance (MA) Program. In order to implement this legislation, the Department established the "Nursing Home Contract Project." The purpose of the Project was to explore a contract-based reimbursement system as an alternative to the current cost-based system for reimbursement of nursing facility services under *Minnesota Statutes* Section 256B.431.

The *Laws of Minnesota 2005*, First Special Session, chapter 4, article 7, sections 40, 41 and 42, *Minnesota Statutes* 256B.434, Subd. 3, 4 and 19 implemented several changes to APS and Rule 50 facilities. Beginning July 1, 2005, APS contracts may have a term of four years. It also changes the definition of a rate year from July 1 through June 30 to October 1 through September 30. Effective October 1, 2006, property rates will not longer be determined under Rule 50, facilities that do not have an APS contract will not be eligible for rate increases, and APS facilities will be allowed to receive property rate adjustments for building projects between the minimum and the maximum thresholds.

The purpose of this RFP is to solicit proposals from all eligible nursing facilities to enter into contracts with the Department to provide nursing facility services to MA recipients. Facilities selected to participate in this project will be eligible to contract with the Department for a four-year term.

Requests for copies of the complete RFP, "Alternative Payment for Nursing Facility Services," should be directed to Bev Milotzky at (651) 431-2277. The original copy of the proposal in response to the RFP must be submitted to the Nursing Home Contract Project, Department of Human Services, 540 Cedar Street, P.O. Box 64973, St. Paul, Minnesota 55164-0973, no later than 4:00 p.m. on Monday, January 30, 2006.

The State of Minnesota reserves the right to reject any and all proposals submitted.

Department of Human Services Notice of Availability of Contract for Claims Processing Services and Technology

The Minnesota Department of Human Services, through its Health Care Operations Division (State), is seeking Proposals from qualified Responders to provide a paper claims processing solution (Claims Processing Solution Replacement) for current in-house claims processing operations.

This forms processing system must be capable of handling DHS's Health Care Operations (HCO) current claims processing requirements and future growth for the processing of health claim forms. DHS will be consolidating the administrative services later this year including scanning and mailroom operations. Future application of forms processing in other areas of DHS will be evaluated at a later time. Work is proposed to start after February 1, 2005

A Request for Proposals will be available by mail from this office through Friday, December 30, 2005. **A written request (by direct mail or fax) is required to receive the Request for Proposal.** After December 30, 2005, the Request for Proposal must be picked up in person.

The Request for Proposal can be obtained from:

Amy Hinz
Central IT
PO Box 64966
St. Paul, MN 55164-0966
Fax: (651) 431-7403

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than January 9, 2006 at 2:30 p.m. CST. **Late proposals will not be considered.** Fax or e-mailed proposals will **NOT** be considered.

This request does not obligate the State to complete the work contemplated in this notice.

The State reserves the right to cancel this solicitation. All expenses incurred in responding to this notice are solely the responsibility
(Cite 30 SR 657)

State Contracts

of the responder.

Minnesota Pollution Control Agency Request for Proposals for Contractors to Provide Landfill Gas to Energy Systems at the Albert Lea and Louisville Landfills

Tasks under this Contract shall include designing, developing and operating landfill gas-to-energy systems for a minimum of ten (10) years at one or both of the two landfills.

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking proposals from consultants/contractors to design and install a facility to deliver energy or a product; supply any additional horizontal and vertical wells, headers or other equipment required for emissions control for the commercial gathering of landfill gas; negotiate an energy or product sales agreement; perform project management; assume all operating and maintenance responsibility and costs for, at minimum, the landfill gas to energy system; assume all responsibility and costs for replacement of, at minimum, the landfill gas to energy system components installed under this Request for Proposal or in the future; secure and renew all local, state and federal permits and rights-of-way for the construction and operation of the facility; measure and verify energy savings; and provide annual report of profit/loss.

The MPCA desires to contract with these qualified contractors for services from March 31, 2006 through March 30, 2016. No actual work or payment is guaranteed pursuant to the contract.

The MPCA may contract with multiple contractors. The MPCA reserves the right to limit the number of parties to the contract.

A complete Request for Proposal describing the requirements necessary for the contract has been prepared. Requests for the complete Request for Proposal document should be directed to:

Martina Cameron
Minnesota Pollution Control Agency
Operational Support Division
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: 651-296-7755
Fax: 651-297-7709
E-mail: martina.cameron@pca.state.mn.us

Proposers should submit in writing a list of questions they would like addressed. Questions must be mailed, e-mailed or faxed to Martina Cameron and received by 1:00 p.m. on January 4, 2006.

The deadline for receipt of completed proposals is 1:00 p.m. January 31, 2006. Proposals should be submitted to the attention of the above MPCA contact person. Late submittals will not be considered.

Department of Public Safety (DPS) Office of Technical Support Services (OTSS) Request for Proposal (RFP) for Chief Information Security Officer (CISO)

Professional/technical services of an individual are needed to provide the Minnesota Department of Public Safety, Office of Technical Support Services, with a qualified and experienced person to work on site at the OTSS' central office located at 444 Cedar Street, Town Square, St. Paul, Minnesota, to provide services as the Department's CISO for approximately 5 months. The CISO will work with the DPS Chief Information Officer (CIO) to establish an operational information security program at the Department and assist in the selection of permanent security staff. Tasks to include: reviewing, modifying and documenting the new Security Unit functions and responsibilities to effectively respond to the Minnesota Legislative Auditor's 2005 organizational and operational issues; developing the strategy and plans for any additions or changes in the staffing pattern and staffing levels for the department's security unit; reviewing and/or assisting the department in writing position descriptions for the OTSS permanent CISO, information systems auditors, and security technical specialists for the team; preparing the personnel documentation to solicit qualified security unit personnel for OTSS; reviewing and recommending qualified applicants to OTSS to fill OTSS positions; establishing communications links and processes for proactive cross divisional security coordination and incident response; preparing presentation materials and making presentations to the department's IT Governance Group and other related groups as instructed by the department's CIO.

The acting CISO will also be responsible for assisting in the selection, contract development and management of technical consultants' implementation of new security tools including; a new Meta Directory, Intrusion Detection Systems, Identity Management systems,

Application and Security Management systems, and Security auditing and reporting systems.

Minimum skills and experience required by respondents to this RFP include: strong experience in security policy development and implementation, 5-7 years experience in implementing and operating security technology and tools, 5-7 years experience in evaluating and implementing application security, strong organizational skills, 5-7 years program and personnel management experience in the area of IT/IS (information technology/information security) security, strong writing and communication skills, and must be able to prioritize security needs in a limited funding environment.

Resumes are required with three references that may be contacted by DPS. Resumes must outline individual's background and experience, and include examples of similar work done by the individual. Resumes must clearly describe the individual's background and experience that is relevant to this engagement.

This contract is anticipated to begin on January 23, 2006 and be completed on June 30, 2006. However, if funding is extended and if additional work is needed by DPS after June 30, 2006, DPS will retain the option to extend the contract, with the selected contractor's consent, for up to an additional three month period. The value of the contract for subsequent extension period may be adjusted.

Details are contained in a complete RFP, which may be obtained by **e-mailing:** *Connie.Mattson@state.mn.us* All questions concerning this RFP should be emailed to Connie Mattson and should be received by Connie no later than 2:00 PM Central Standard Time on December 28, 2005. Answers to questions will be in e-mailed to all entities requesting a complete RFP. Final date for submitting proposals is 2:00 PM Central Standard Time on January 9, 2006.

Department of Public Safety Bureau of Criminal Apprehension Criminal Justice Information Systems Request for Proposals (RFP) Staff Augmentation for up to six Architects and Analysts

Professional/technical services are needed of up to six individuals to provide the Minnesota Department of Public Safety, Bureau of Criminal Apprehension (BCA), Criminal Justice Information Systems (CJIS) with technical services to work on site at the BCA office located at 1430 Maryland Ave East, St. Paul, MN 55106 throughout this project. Individuals selected from this RFP process will work with CJIS staff to develop technical requirements, and convert business analysis documents to technical analysis documents. The BCA is looking for skills including business architecture, technical architecture, business analysis, technical analysis. These individuals will analyze existing CJIS systems and define the architecture and business processes that will guide the development of new Minnesota CJIS systems. The goal of this effort is to improve the overall effectiveness of the criminal justice system in Minnesota. Minimum skills and experience required by respondents to this RFP include: Strong analytical and facilitation skills, good organizational skills, good Microsoft Word versions 2000 and higher skills, strong writing and communication skills, planning experience, experience with object oriented analysis and design, and experience with service oriented architecture. Resumes are required with three references that may be contacted by CJIS. Resumes must outline individuals' background and experience, and include examples of similar work done by the individual. Resumes must clearly describe the individuals' background and experience that is relevant to this engagement.

CJIS reserves the right to award multiple contracts if needed, and contracts are anticipated to begin on January 30, 2006 and end on December 29, 2006. However, if funding is extended and if additional work is needed by CJIS after December 29, 2006, CJIS will retain the option to extend the contract(s) with the selected contractors, with their consent, for up to an additional one-year period at the same rate agreed to in the original contract.

Details are contained in a complete RFP, which may be obtained by **e-mailing:** *Jerrold.Olson@state.mn.us*.

All questions concerning this RFP should be e-mailed Jerrold Olson at *Jerrold.Olson@state.mn.us*, and should be received by Jerrold Olson no later than 2:30 PM Central Standard Time on December 28, 2005. Questions asked and answers to questions will be in emailed to all entities requesting a complete RFP. Final date for submitting proposals is 2:30 PM Central Standard Time on January 10, 2006.

Department of Transportation (Mn/DOT)

State Contracts

Engineering Services Division

Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities (the “Consultant Pre-Qualification Program”)

This document is available in alternative formats for persons with disabilities by calling Robin Valento at (651) 284-3622 for persons who are hearing or speech impaired by calling the Minnesota Relay Service at (800) 627-3529.

Mn/DOT, working in conjunction with the Consultant Reform Committee, the Minnesota Consulting Engineers Council, and the Department of Administration, has developed 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 anticipates that most consultant contracts for highway-related technical activities will be awarded using this method, however, Mn/DOT also reserves the right to use RFP or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to complete or use the Consultant Pre-qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to see which highway related professional/technical services are available at this time. Following the advertisement of particular category of services, applications will be accepted on a continual basis.

All expenses 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 application forms are available on Mn/DOT’s **web site** at: <http://www.dot.state.mn.us/consult>

Send completed application material to:

Robin Valento
Pre-Qualification Administrator
Minnesota Department of Transportation
Consultant Services
395 John Ireland Boulevard, Seventh Floor North, Mail Stop 680
St. Paul, MN 55155

Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.

Department of Transportation (Mn/DOT)

Engineering Services Division

Notice Concerning Professional/Technical Contract Opportunities

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

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State 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.

Metropolitan Council

Notice of Request for Proposals (RFP) for Financial Advisor

Contract Number 05P124

The Metropolitan Council is requesting proposals for the services of a financial advisor to prepare an analysis for complicated projects and bond sale support.

Issue Request for Proposals	December 12, 2005
Receive Proposals	January 12, 2006
Contract negotiated, executed, NTP	March 15, 2006

All firms interested in being considered for this project and desiring to receive a RFP package are invited to submit a Letter of Interest to:

Harriet Simmons, Senior Administrative Assistant,
Contracts and Procurement Unit
Metropolitan Council
230 East Fifth Street
Mears Park Centre
St. Paul, MN 55101
Phone: (651) 602-1068
Fax: (651) 602-1138
E-mail: harriet.simmons@metc.state.mn.us

Northstar Corridor Development Authority

Notice of Request for Proposals for Project Management Consultant Services for Northstar Commuter Rail Project

NOTICE IS HEREBY GIVEN that the Northstar Corridor Development Authority requests proposals from qualified project management consultants capable of providing project management, administrative and finance support, environmental compliance, and engineering and construction contract administration services for the Northstar Corridor Rail Project. The Northstar Corridor Commuter Rail Project is currently a 40-mile transportation corridor that follows Trunk Highway 10 between the northern Twin Cities region and Big Lake, Minnesota. The proposed Northstar commuter rail project will operate on the mainline freight railroad owned and operated by the BNSF Railway Company ("BNSF").

The successful respondent's work may include the following:

Project Management: Assist with existing, and recommend new, management processes and organizational structures to ensure successful implementation of the Northstar Commuter Rail system. Assist with the continuing refinement of the Northstar Commuter Rail Project Management Process.

Administrative and Finance Support: Support and maintain existing and recommend and assist with the development and implementation of new required financial reporting systems, document control systems and project related agreements.

Environmental Compliance: Assist with oversight of environmental aspects of final design and construction so that required mitigation and remediation are achieved and requirements of permits are met; with developing environmental documentation and approvals necessary for project-required land transactions; and with developing environmental documentation and approvals necessary for project changes,

Non-State Contracts & Grants

including NEPA documentation and compliance.

Engineering and Construction Contract Administration: Assist with managing project cost and schedule risk by implementing work breakdown structure, cost, procurement, scheduling and change control processes; ensure quality; assist with final design and construction compliance; assist with managing right-of-way (ROW) acquisition, utility works relocation, commuter rail vehicle procurement, and contract administration for force account work, construction, equipment and materials contracts. The consultant shall carry out its performance of the primary tasks in coordination with, or under the supervision of the NPO and its agencies or entities at the direction of the NPO.

Work on this project will commence on April 6, 2006 and continue through December 31, 2009 or until Northstar Commuter Rail is operational, whichever is later.

Anticipated project schedule is:

Issue RFP	December 21, 2005
Pre-proposal Conference	January 13, 2006
Questions Due	January 18, 2006
Proposals Due	February 1, 2006
Interviews	Week of February 13, 2006
Selection of Consultant for Contract Negotiations	March 2, 2006
Pre-award Audit and Contract Negotiations	March 3-24, 2006
Contract Approval by NCDA Board	April 6, 2006

All firms interested in receiving an RFP Package **must Pre-Register** using the Anoka County Purchasing - Vendor Registration website at:

<http://www.anokacounty.us/vendors>

or

http://www.anokacounty.us/v1_departments/div-finance-cent-serv/dept-fmcs/purchasing/vendor-signup.asp.

Vendors must check the box entitled "NORTHSTAR CORRIDOR PROJECT MANAGEMENT CONSULTANT SERVICES" in order to pre-register. **Bid Number 2005-28.**

NOTE: RFP will be available for downloading from the above web site on December 21, 2005.

Questions regarding this RFP can be submitted by e-mail or written request to:

Tim Yantos, NCDA Executive Director
Anoka County Administration
2100 3rd Avenue
Anoka, MN 55303
Phone: (763) 323-5692
Fax: (763)323-5682
E-mail: Tim.yantos@co.anoka.mn.us

Please do not contact Tim Yantos to pre-register. Firms must use the Anoka County website to pre-register.

If a firm needs an accommodation, such as an interpreter or printed material in an alternate format (i.e. Braille, large print, or audio), contact Tim Yantos, NCDA Executive Director, at (763) 323-5692, TDD/TYY 763-323-5370.

University of Minnesota Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

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- **A Birders's Guide to Minnesota**, by Kim R. Eckert, \$20.00
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