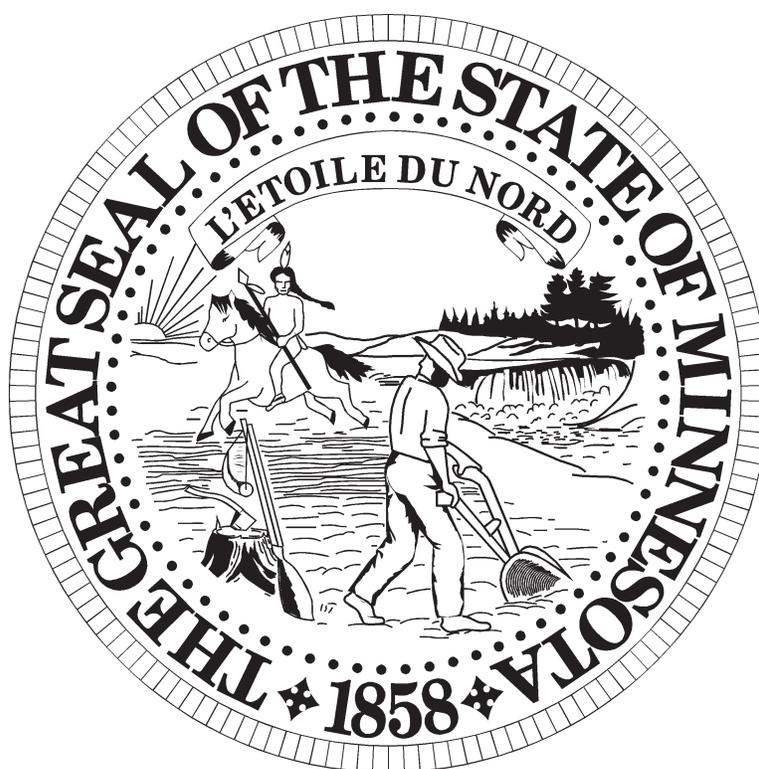


State of Minnesota

State Register



**Rules, Executive Orders, Appointments,
Commissioners' Orders, Revenue Notices, Official Notices, Grants,
State Contracts & Loans, Non-State Bids, Contracts & Grants**

Published every Monday (Tuesday when Monday is a holiday)

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State Register

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The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- rules of state agencies
- commissioners' orders
- state grants and loans
- executive orders of the governor
- revenue notices
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- appointments
- official notices

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Vol. 33 Issue Number	PUBLISH DATE (BOLDFACE shows altered publish date)	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts	Deadline for Proposed, Adopted and Exempt RULES
# 4	Monday 28 July	Noon Tuesday 22 July	Noon Wednesday 16 July
# 5	Monday 4 August	Noon Tuesday 29 July	Noon Wednesday 23 July
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Minnesota Rules: Amendments & Additions

Rules Index - Vol. 33, # 1-4: Monday 28 July 2008 196

Proposed Rules

Human Services Department (DHS)

Proposed Permanent Rules Relating to Community Action Programs..... 198

Adopted Rules

Health Department (MDH)

Adopted Permanent Rules Relating to Wells and Borings..... 211

Public Utilities Commission (PUC)

Adopted Permanent Rules Relating to Energy Utility Billing Errors..... 215

Expedited Emergency Rules

Department of Natural Resources (DNR)

Adopted Expedited Permanent Game and Fish Rules: Big Game, Wild Turkey, Prairie Chicken, and Goose Hunting..... 215

Revenue Notices

Department of Revenue

Revenue Notice # 08-09: Petroleum Tax – Administration Issues – Surcharge Administration and Qualifying Service Station Credit..... 217

Official Notices

Get the Most from Official Notices..... 217

Comprehensive Health Association

Notice of Meeting of the Actuarial Committee on August 5, 2008..... 218

Health Department (MDH)

Division of Health Policy

Intent to Adopt Exempt Rules Regarding a Uniform, Standard Companion Guide for Health Care Claim Payment Remittance Advice Electronic Transactions..... 218

Division of Environmental Health,

Indoor Environments and Radiation Section:

Request for Comments on Possible Amendment to Rules Governing Radioactive Materials..... 219

Human Services Department (DHS)

Aging and Adult Services Division:

Minnesota Board on Aging Special Meeting August 15, 2008..... 220

Health Care Purchasing and Delivery Systems Division,

Health Care Administration:

Authorization List of All Drugs That Have Been Added Requiring Authorization as a Condition of Minnesota Health Care Programs (MHCP) Payment..... 220

Authorization List of All Drugs That Have Been Added Requiring Authorization as a Condition of Minnesota Health Care Programs (MHCP) Payment..... 221

Natural Resources Department (DNR)

Division of Ecological Resources:

Request for Comments on Possible Amendment to Rules Governing Aquatic Plant Permit Fees..... 221

Division of Waters:

Request for Comments on Possible Amendment to Rules Governing Public Waters Permits..... 222

Pollution Control Agency (MPCA)

Environmental Analysis and Outcomes Division:

Request for Comments on Planned Amendments to Rules Governing Water Quality..... 223

Racing Commission

Request for Comments on Possible Amendment to Rules Governing Horse Racing, Horse Medication..... 226

Teachers Retirement Association

Meeting of the Board of Trustees August 19, 2008..... 227

Transportation Department (Mn/DOT)

Office of Civil Rights:

Notice of Intent to Solicit Outside Information and Opinion on Proposed Disadvantaged Business Enterprise (DBE) Program Annual Overall Goal for Federal Fiscal Year 2009..... 227

State Grants & Loans

Grant Applicants..... 228

Corrections Department (DOC)

Availability of Funds for Culture-Specific Community Reintegration Programs..... 228

Department of Revenue

Request for Proposals for Grants to Provide Taxpayer Assistance Services to Low Income and Disadvantaged Minnesota Residents..... 229

State Contracts

How to Work with Contracts..... 230

Administration Department (Admin)

State Designer Selection Board:

Availability of Request for Proposal (RFP) for Designer Selection for: Armed Forces Reserve Center at the Arden Hills Army Training Site (AHATS) in Arden Hills, Minnesota..... 230

Minnesota Multistate Contracting Alliance for Pharmacy:

Request for Information (RFI) from Parties Interested in Offering or Presenting Information to MMCAP about Medical and Surgical Supplies Programs that May Be Beneficial for MMCAP to Incorporate or Adopt for the Benefit of Its Member Facilities..... 231

WSCA/NASPO Contract Administration:

Pre-Solicitation Notification..... 232

Real Estate & Construction Services Division:

Notice of State Real Property for Sale..... 233

Minnesota State Colleges and Universities (MnSCU)

Anoka Technical College:

Request for Bid on Chiller and Cooling Tower Replacement..... 233

Central Lakes College, Brainerd and Staples Campus Health Services:

Request for Proposal to Offer Limited Registered Nurse Health Services..... 234

Office of the Chancellor/System Office:

Request for Proposal for Credit Card (aka Purchasing Card)..... 234

Request for Proposal for Hosted Student and Alumni Electronic Mail and Productivity System (Revised RFP)..... 235

Request for Proposal for Prospective Student Marketing/Constituent Relationship Management (CRM)..... 235

Dakota County Technical College:

Request for Proposals for Colleges Recruitment Videos & Virtual Viewbook... 236

Lake Superior College:

Formal Request for Bid for New Single Engine Fixed Wing Aircraft..... 236

Saint Paul College:

Sealed Bids Sought for Espresso Cart..... 237

St. Cloud State University:

Sealed Proposals Sought for Consulting Services - Comprehensive Facilities Plan..... 238

St. Cloud Technical College:

Call for Bids for 2008/09 House Project Building Materials and Cantius V House Project Building Materials..... 238

Winona State University:

Request for Proposals to Construct and Launch a New Web Site..... 239

Commerce Department

Contract Re-opened, Deadline Extended: Availability of Contract to Develop Geographical Information System Maps of Broadband Service..... 239

Transportation Department (Mn/DOT)

Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")..... 240

Professional/Technical Contract Opportunities..... 240

Non-State Bids, Contracts & Grants

Dakota County Community Services

Request for Proposal for Electronic Home Monitoring and Related Services... 241

University of Minnesota (U of M)

Subscribe to Bid Information Service (BIS)..... 242

Minnesota's Bookstore

242

Contracts information is available from the Materials Management Helpline (651) 296-2600, or Web site: www.mmd.admin.state.mn.us

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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, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

Rules Index: Vol. 33 - # 1 - 4:

Monday 7 July 2008 - Monday 28 July 2008

Labor and Industry Department - Construction Codes and Licensing Division

1323 (proposed)..... 5
7676; 7678 (proposed repealer)..... 5

Agriculture Department

1505.0751 (adopted)..... 8
1505.0010; .0020; .0030; .0040; .0050; .0070; .0080; .0090; .0100;
.0110; .0120; .0130; .0140; .0150; .0160; .0170; .0180; .0190;
.0200; .0210; .0220; .0230; .0240; .0250; .0260; .0270; .0280;
.0290; .0300; .0310; .0320; .0330; .0340; .0350; .0380; .0390;
.0400; .0410; .0420; .0430; .0440; .0450; .0460; .0470; .0480;
.0490; .0500; .0510; .0520; .0530; .0540; .0541; .0542; .0543;
.0544; .0545; .0546; .0550; .0560; .0570; .0580; .0590; .0600;
.0752; .0754 s. 2; .0756 s. 2; 1510.0330; 1562.0700; .0700 s. 2;
.0800, (repealed)..... 8

Human Services Department

3350.0010; .0020; .0030; .0040; .0050; .0060; .0070; .0090;
.0100; .0110; .0120; .0130; .0140; .0160; .0170; .0190;
.0200 (proposed)..... 198
3350.0030 s. 7; .0040 s. 4; .0060 s. 4; .0080; .0150;
.0170 s. 2 (proposed repealer)..... 198
3350.0010 becomes 9571.0010;
3350.0020 becomes 9571.0020;
3350.0030 becomes 9571.0030;
3350.0040 becomes 9571.0040;
3350.0050 becomes 9571.0050;
3350.0060 becomes 9571.0060;
3350.0070 becomes 9571.0070;
3350.0090 becomes 9571.0080;
3350.0100 becomes 9571.0090;

3350.0110 becomes 9571.0100;
3350.0120 becomes 9571.0110;
3350.0130 becomes 9571.0120;
3350.0140 becomes 9571.0130;
3350.0160 becomes 9571.0140;
3350.0170 becomes 9571.0150;
3350.0180 becomes 9571.0160 (proposed renumbering)... 198

Education Department

3501.1000; .1020; .1030; .1040; .1050; .1110; .1120; .1130;
.1140; .1150; .1160; .1170; .1180; .1190 (proposed)..... 161

Education Department - School Administrators Board

3512.0100; .0200; .0300; .0400; .0400; .0510; .0700; .0800;
.1200; .1300; .1500; .1600; .1700; .2000; .2100; .2400;
.2500; .2600; .2700; .3500; .5200 (proposed)..... 113
3512.3500, as part 3512.0505 (proposed renumbering
and cross references)..... 113
3512.0300, s. 6; .0400, s. 2; .0500; .0600; .1100; .1400,
(proposed repealer)..... 113

Education Department

3525.0210; .0300; .0400; .0550; .0700; .0750; .0755; .0800;
.0850; .0855; .0860; .0865; .0870; .1100; .1310; .1325; .1327;
.1329; .1331; .1333; .1335; .1337; .1339; .1341; .1343; .1345;
.1348; .1350; .1352; .1354; .1400; .1550; .2325; .2335; .2340;
.2350; .2440; .2445; .2450; .2455; .2550; .2720; .2810; .2900;
.3010; .3100; .3600; .3700; .3900; .4010; .4110; .4420; .4700;
.4750; .4770 (withdrawn)..... 167
3525.0210 s. 2, 3, 5, 6, 7, 8, 9, 13, 17, 18, 26, 29, 30, 36, 38, 46,
47; .0800 s. 1, 3, 4, 6, 7, 8, 9; .2435; .2710; .2810 s. 3, 4, 5;
.2900 s. 5; .3900 s. 3 (repealer withdrawn)..... 167

Minnesota Rules: Amendments and Additions

Health Department

4725 (adopted)..... 211

Labor and Industry

5200.0300; .0320; .0370; .0420 (adopted exempt)..... 130

Natural Resources Department

6232.0350 (adopted expedited emergency)..... 168

6232.0900; .2550; .2560 (adopted expedited emergency)... 132

6232.1400; .3800; .4500 (adopted expedited emergency).....215

6237.0600; .0700 (expedited emergency repealed)..... Vol. 32 SR 2203, 2316; Vol 33 SR 11

Pollution Control Agency

7001.0150; .0501; .0520; .0550; .0560; .0570; .0580; .0590; .0600; .0610; .0620; .0630; .0635; .0650; .0690; .0700; .0710; .0730;
 7045.0020; .0065; .0071; .0075; .0090; .0102; .0120; .0121; .0125; .0127; .0131; .0133; .0135; .0139; .0141; .0143; .0155; .0208; .0213; .0214; .0255; .0270; .0292; .0294; .0300; .0302; .0365; .0371; .0395; .0450; .0452; .0458; .0478; .0482; .0484; .0486; .0490; .0498; .0502; .0504; .0508; .0514; .0518; .0524; .0526; .0528; .0532; .0534; .0536; .0638; .0539; .0540; .0542; .0543; .0544; .0550; .0552; .0556; .0564; .0584; .0586; .0588; .0594; .0596; .0600; .0608; .0610; .0612; .0616; .0620; .0626; .0628; .0629; .0630; .0632; .0634; .0638; .0643; .0645; .0649; .0652; .0655; .0665; .0686; .0692; .0800; .0805; .0855; .0865; .0875; .0885; .1390 (proposed)..... 41

7045.0020 s.45a; .0075 s.8, 10; .0135 s. 1, 2, 2a, 3, 4; 0139 s.2; 0141 s. 2-23; .0143 s. 2-7, 9-10, 12-15, 17, 20-21, 23, 25, 27; .0544 s.2, 3; .1300; .1305; .1309; .1310; .1315; .1320; .1325; .1330; .1333; .1334; .1335; .1339; .1350; .1355; .1358; .1360; .1380 (proposed repealer)..... 41

Labor and Industry Department

- Construction Codes and Licensing Division

7676; 7678 (proposed repealer)..... 5

1323 (proposed)..... 5

Public Utilities Commission

7820.3700; .3800; .3900; .4000 (adopted)..... 215

Racing Commission

7869.0100; 7871.0070; .0080; 7872.0100; 7873.0185; .0240;

7875.0100; .0200; 7876.0110; 7877.0130; .0170; .0180;

7879.0200; 7883.0100; .0140; .0150; .0160; .0170;

7884.0120; .0210; .0230; .0260; .0270; 7890.0100;

.0110; .0130; .0140; .0160 (adopted)..... 1511

7883.0140 s. 20, 29 (repealed)..... 1511

Human Services Department

9505.2160; .2165; .2175; .2180; .2185; .2190; .2195; .2197;

.2200; .2205; .2207; .2210; .2210; .2215; .2220; .2230; .2238;

.2240; .2245 (adopted)..... 127

9505.2165, s. 11; .2210, s. 3 (repealed)..... 127

Proposed Rules

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

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

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

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

Department of Human Services

Proposed Permanent Rules Relating to Community Action Programs

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, And Notice of Hearing If 25 or More Requests For Hearing Are Received

Proposed Amendment to Rules Governing Community Action Agencies and Community Action Programs, *Minnesota Rules*, parts 3350.0010-3350.0200; Repealed: *Minnesota Rules*, parts 3350.0030, subpart 7; 3350.0040, subpart 4; 3350.0060, subpart 4; 3350.0080; 3350.0150; and 3350.0170, subpart 2

Introduction. The Minnesota Department of Human Services intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Wednesday, August 27, 2008, the department will hold a public hearing in room 3148, Minnesota Department of Human Services, 444 Lafayette Road N., St. Paul, Minnesota 55155, starting at 9:00 a.m. on Friday, September 12, 2008. To find out whether the department will adopt the rules without a hearing or if it will hold the hearing, you should contact the department contact person after August 27, 2008 and before September 11, 2008.

Department Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the department contact person. The department contact person is: Marsha West at Minnesota Department of Human Services, P.O. Box 64941, St. Paul, MN 55164-0941; **phone:** (651) 431-3612; **e-mail:** Marsha.West@state.mn.us; **FAX:** (651) 431-7523. **TTY** users may call the Minnesota Department of Human Services through Minnesota Relay at 711 or (800) 627-3529. For Speech-to-Speech, call (877) 627-3848.

Subject of Rules and Statutory Authority. The proposed rules are about community action programs. The statutory authority to adopt the rules is *Minnesota Statutes*, section 256.01, subdivision 4 (2). A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the department contact person listed above. You may also download a copy of the rules from the Minnesota Department of Human Services by visiting this web site and scrolling down to the section titled "Available Documents": http://www.dhs.state.mn.us/dhs16_137077

Comments. You have until 4:30 p.m. on Wednesday, August 27, 2008, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the department contact person

Proposed Rules

by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the department hold a hearing on the rules. You must make your request for a public hearing in writing and must be received by the department contact person by 4:30 p.m. on Wednesday, August 27, 2008. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the department cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

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

Alternative Format/Accommodation. Upon request, the department can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the department contact person at the address or telephone number listed above.

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

Cancellation of Hearing. The department will cancel the hearing scheduled for Friday, September 12, 2008, if the department does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the department will notify you before the scheduled hearing whether the hearing will be held. You may also call the department contact person at (651) 431-3612 after Wednesday, August 27, 2008 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Kathleen D. Sheehy is assigned to conduct the hearing. Judge Sheehy can be reached at the Office of Administrative Hearings, 600 North Robert Street, PO Box 64620, Saint Paul, 55164-0620, telephone: (651) 361-7848, and FAX: (651) 361-7936.

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

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

Proposed Rules

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the department's contact person. The proposed amendments to *Minnesota Rules*, parts 3350.0010-3350.0200 affect community action programs which include current grantees eligible to receive community action grants from the Department of Human Services. These grantees are twenty-eight (28) community action agencies and eleven (11) Indian tribal governments. There are no expected cost increases related to amending the rule language. You may review or obtain copies of the statement of need and reasonableness by contacting the department's contract person. You may also download the statement of need and reasonableness from the Minnesota Department of Human Services by visiting this web site and scrolling down to the section titled "Available Documents": http://www.dhs.state.mn.us/dhs16_137077

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

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

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

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

Dated: June 9, 2008

Cal R. Ludeman, Commissioner
Minnesota Department of Human Services

3350.0010 PURPOSE.

~~Parts 3350.0010 to 3350.0200 establish~~ This chapter establishes procedures for the designation and recognition of community action agencies, and for the granting of CSBG and MEOG funds for to recognize and fund community action programs. Programs Entities eligible for funding are those operated by agencies which receive and maintain both designation and recognition. to receive, recognize, and operate community action programs include community action agencies, Indian tribal governments, and migrant and seasonal farmworker organizations.

3350.0020 DEFINITIONS.

Subpart 1. **Scope.** ~~As used in parts 3350.0010 to 3350.0200, the following terms~~ The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Act.** "Act" means *Minnesota Statutes*, sections 256E.30 to 256E.32, ~~as amended.~~

Subp. 3. **Applicant.** "Applicant" means a community action agency, ~~including an Indian reservation tribal government, or the Midwest Farmworker Employment and Training, Inc., a migrant and seasonal farmworker organization,~~ which applies annually for a grant under the act from the department to fund a community action program.

Subp. 4. **Cessation.** "Cessation" means a voluntary end to the performance of all community action program services by a community action agency in a service area as provided for in part 3350.0050 and the removal of the agency's designation for the entire area ~~which that~~ does not create the right of appeal.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of ~~Employment and Economic Development~~ Human Services.

Subp. 6. **Community.** "Community" means the people to be served by the community action agency, Indian tribal government, or migrant and seasonal farmworker organization in its service area.

Subp. 7. **Community action agency (CAA).** "Community action agency" ~~or "CAA"~~ means an entity ~~which that~~:

A. has the authority to receive funds under *Minnesota Statutes*, section 256E.30, to support community action programs as

described in *Minnesota Statutes*, section 256E.32;

B. has previously been determined eligible under federal law and regulations or is eligible under federal law and regulations; and

C. has previously been designated and recognized or is designated as provided under part 3350.0030 and recognized as provided under part 3350.0040.

Subp. 8. **Community action program.** “Community action program” means activities consistent with ~~the objectives of~~ *Minnesota Statutes*, section 256E.32.

Subp. 9. **Community services block grant** ~~(CSBG)~~. “Community services block grant” ~~or “CSBG”~~ means federal funds authorized by ~~Public Law 97-35, title 6, subtitle B, as amended~~ *United States Code*, title 42, chapter 106, sections 9901-9926, and disbursed to ~~CAAs~~ grantees by the formula in the act.

Subp. 10. **Denial.** “Denial” means the department’s rejection of a proposed application for grant funds due to the applicant’s failure to meet the requirements of part 3350.0170, subpart 6.

Subp. 11. **Department.** “Department” means the Minnesota Department of ~~Employment and Economic Development~~ Human Services.

Subp. 12. **Designation.** “Designation” means selection of an entity as a service area’s exclusive ~~CAA~~ community action agency by a governing body after a public hearing has been held.

Subp. 13. **Designee.** “Designee” means an entity nominated by a governing body to become a ~~CAA~~ community action agency.

Subp. 14. **Governing body.** “Governing body” means the elected governmental authority of a political subdivision, as defined in subpart 19, which has the power to designate a ~~CAA~~ community action agency.

Subp. 15. **Grant.** “Grant” means an allocation of Minnesota ~~economic opportunity grant or CSBG~~ community action grant or community services block grant funds or both to an applicant in support of a community action program described in the application, approved by the department, and embodied in a grant contract.

Subp. 15a. **Grant contract.** “Grant contract” means a written instrument that defines the legal relationship between the department and a grantee when the principal purpose of the relationship is to transfer Minnesota community action grant funds or community services block grant funds or both to the grantee to support a community action program. The grant contract must contain the following contract clauses:

A. how often the grantee must submit client and fiscal performance reports and financial status reports;

B. audit requirements as specified by state and federal law;

C. that any alteration to the grant contract and its attachments must be made in writing and executed by the same parties who executed the original grant contract, or their successors in office; and

D. how long records must be kept by the grantee according to state and federal law.

Subp. 16. **Grantee.** “Grantee” means ~~any CAA, including a community action agency, an Indian reservation tribal government, or the Midwest Farmworker Employment and Training, Inc., a migrant and seasonal farmworker organization,~~ whose application to receive Minnesota ~~economic opportunity~~ community action grant money or ~~CSBG~~ community service block grant money, or both, has been approved by the department.

Subp. 17. **Local unit of government.** “Local unit of government” means counties, Indian ~~reservation~~ tribal governments, cities, and townships.

Subp. 18. **Minnesota economic opportunity community action grant (MEOG).** “Minnesota ~~economic opportunity~~ community action grant” ~~or “MEOG”~~ means state appropriated funds disbursed to grantees by the formula in the act.

Subp. 19. **Political subdivision.** “Political subdivision” means a local unit of government ~~which~~ that has jurisdiction over the entire area served by a ~~CAA~~ community action agency. Under no circumstances will the governmental unit be smaller than a county unless the service area of the ~~CAA~~ community action agency coincides with the jurisdictional boundaries of the local unit of government.

Subp. 20. **Recognition.** “Recognition” means a process of:

A. review by the department to assure compliance with applicable state and federal law and the designation procedures ~~as provided~~ in part 3350.0040, subpart 1;

B. referral to the governor of the department’s request for recognition ~~as provided~~ in part 3350.0040, subpart 3; and

C. approval by the governor of the request for recognition.

Subp. 21. **Service area.** “Service area” means the geographic boundaries in which a community action agency is designated to operate.

Subp. 22. **Subgrantee.** “Subgrantee” means any entity ~~with which~~ that a grantee contracts to perform some or all of the community action program services authorized under a grant.

Subp. 23. **Termination.** “Termination” means the involuntary and permanent elimination of or reduction in available grant money to a ~~CAA~~ grantee ~~that gives rise to a CAA’s grantee’s right of appeal under part 3350.0060, subpart 5, and which may also coincide with the removal of a CAA’s community action agency’s designation or recognition.~~

Subp. 24. **Withholding.** “Withholding” means the department’s reservation of funds available under ~~an approved application~~ a grant as provided in part 3350.0100 until corrective action by a ~~CAA~~ grantee has successfully remedied a defect identified by the department.

Proposed Rules

3350.0030 DESIGNATION OF COMMUNITY ACTION AGENCIES.

Subpart 1. **Authority to designate.** The designation of a ~~CAA~~ community action agency ~~must be~~ made by the political subdivision or combination of political subdivisions having jurisdiction over the entire area to be served. A designation must be made by the governing body of a political subdivision whose boundaries are at least coextensive with the proposed service area. The power to designate may not be delegated.

Subp. 2. **Notice and documents.** Before a designee may be designated as a ~~CAA~~ community action agency by a political subdivision, the governing body of the political subdivision having the requisite authority must prepare and file with the department a notice of intent to designate and eligibility documents applicable to the designee. The notice of intent to designate must state how the designee meets the requirements for an eligible entity established under the ESBG Community Services Block Grant Act. Eligibility documents are the following:

- A. evidence of designee's incorporation or proposed efforts toward incorporation, if applicable;
- B. evidence of tax exempt status or proposed efforts toward achieving tax exempt status, if applicable;
- C. assurance of compliance with the act, including requirements for the composition of the designee's existing or proposed board of directors;
- D. ~~a detailed map of all geographic areas and political subdivisions in the proposed service area as well as all immediately adjacent areas and subdivisions in the same county or counties which are excluded from~~ statement that describes the proposed area to be served; and
- E. a proposed mission statement.

Subp. 3. **Notice of public hearing.** After the notice of intent to designate and the eligibility documents have been filed with the department, the governing body must hold a public hearing on the proposed designation. Notice of the hearing must be given according to items A to D.

A. At least 30 calendar days before the hearing date, the governing body must send a copy of the notice of intent to designate and information on the date, time, location, and subject matter of the public hearing to all local units of government within the designee's intended service area. During the 30 days before the hearing, the affected local units of government will have an opportunity to respond in writing to the proposed designation. All comments received will be included in the official record of the hearing.

B. During the 30-day period and at least ten calendar days before the hearing, the governing body must also publish a notice of public hearing in a daily newspaper of general circulation at the county seat of each county in the designee's proposed service area. The published notice must describe the time, date, location, and subject matter of the public hearing.

C. The governing body must inform the department of the public hearing at least 30 calendar days before the hearing date.

D. ~~Furthermore,~~ Within the 30-day period and at least ten calendar days before the public hearing, the department must mail notice of the public hearing to all low-income households identified in the proposed service area. ~~This mailed notice must be mailed information on contain~~ the date, time, location, and subject matter of the public hearing. ~~The governing body will inform the department of the public hearing at least 30 calendar days before the hearing date. The department will notify low-income households identified in the proposed service area of the public hearing.~~ Identified low-income households are those specified on the previous ~~CAA's~~ community action agency's list or lists of clients.

Subp. 4. **Public hearing.** A public hearing must be held 30 calendar days before designation may occur. If the area to be served by the designee includes more than one county, a public hearing in conformity with ~~the procedures of~~ this part must be held in each county to be served.

Subp. 5. **Hearing procedure.** The governing body will appoint a presiding officer to conduct the public hearing. The governing body, however, may not appoint one of its current members as the presiding officer. The presiding officer will not have a vested interest in the outcome of the proposed designation and will ensure that all persons involved in the hearing are treated fairly and impartially. At the public hearing, the representative of the designee and a representative of the governing body will make an affirmative presentation of facts establishing the designee's qualifications, expertise, and experience in providing community action program services to low-income people. Furthermore, the designee's representative will describe the mission of the community action program, the focus and direction of proposed services, and the goals for outreach to and participation by low-income people. The designee may rely upon facts presented by others on the record during the hearing to support its proposed designation. At the hearing, any interested person will be given the opportunity to present testimony and to ask questions of the designee's representative and of the governing body's representative. Furthermore, any interested party may submit written comments or exhibits.

Subp. 6. **Official record.** An official record of the hearing consisting of an electronic recording and minutes of the proceedings ~~will~~ must be kept. The official record ~~will~~ must also include all testimony, written comments, and exhibits received pertaining to the proposed designation. The hearing record ~~will~~ must remain open to receive written comments and exhibits for 20 calendar days following the date of hearing.

Subp. 7. [See repealer.]

Subp. 8. **Official resolution.** Once the ~~summary official record~~ of the public hearing is received and 30 calendar days have passed from the date of the hearing, the governing body may act to designate the designee as a ~~CAA~~ community action agency. The governing body ~~will~~

~~must~~ pass a resolution designating the designee as a CAA community action agency if after review of the ~~summary and~~ official record the governing body finds that:

- A. the opinion of the community was fairly and impartially expressed;
- B. the opinion of low-income people in particular was actively encouraged, representatively sampled, and fairly expressed during the whole process;
- C. the designee established the qualifications, expertise, and experience necessary to be an effective CAA community action agency; and
- D. the designee's proposed mission, services, and goals were supported by testimony and written comments received as a result of the public hearing process.

Subp. 9. **Review by department.** Before provisional recognition may occur in part 3350.0040, subpart 1, the governing body must have submitted to the department for review copies of the following documents:

- A. eligibility documents required in subpart 2;
- B. official resolution of the governing body designating the designee;
- C. notices of public hearing and a list of all publications and dates of publication of notices of hearing;
- D. list of all local units of government sent copies of the notice of intent to designate and the notice of public hearing, including any responses received;
- E. affidavit of service of the notice of public hearing upon low-income households identified in the service area; and
- F. ~~official hearing record and summary~~ of the hearing.

Subp. 10. **Costs.** ~~All~~ Costs attributable to the designation process, including ~~all~~ costs associated with public hearings other than contested case hearings, are the responsibility of the governing body.

3350.0040 RECOGNITION OF COMMUNITY ACTION AGENCIES.

Subpart 1. **Provisional recognition.** The department will provisionally recognize a designation if the department establishes compliance with applicable state law, federal law, all the designation requirements of part 3350.0030, and, where applicable, with the change of designation requirements of part 3350.0050. Provisional recognition may occur within 60 calendar days of the department's receipt of the documents required in part 3350.0030, subpart 9, an approved transition plan, where applicable, as specified in part 3350.0050, subpart 4, and the most current copies of the following:

- A. articles of incorporation and bylaws;
- B. Internal Revenue Service certificate of 501(c)(3) tax exempt status and Minnesota Department of Revenue certificate of tax exempt status where applicable to nonprofit CAAs community action agencies; and
- C. list of board of directors ~~which, including their addresses and telephone numbers, that~~ indicates officers and committee memberships, ~~tenure on the board,~~ and the sector each director represents ~~as required by the act.~~ If the department finds noncompliance it ~~will~~ must inform both the governing body and the designee within the 60-day period and, if possible, offer remedies for achieving compliance.

Subp. 2. **Governor's recognition.** After the ~~applicable~~ requirements in subpart 1 have been met and the department has provisionally recognized a designation, the department will request recognition by the governor.

Subp. 3. **Maintenance of recognition records.** To maintain recognition, a CAA community action agency ~~must annually ensure that the department has the most current copies of~~ maintain the following records and make current copies available to the department as requested:

- A. articles of incorporation with any amendments and bylaws with any amendments;
- B. Internal Revenue Service certificate of 501(c)(3) tax exempt status and Minnesota Department of Revenue certificate of tax exempt status where applicable to nonprofit CAAs community action agencies;
- C. list of board of directors which indicates officers and committee memberships, tenure on the board, and the sector each director represents as required by the act;
- D. board minutes of the past year and latest annual corporate report;
- E. organizational chart, personnel policies, data privacy policies, affirmative action plan, voter registration plan, and client service appeals policy; and
- F. ~~narratives of the planning process and evaluation process processes~~ described in parts 3350.0130 and 3350.0140, ~~respectively.~~

Subp. 4. ~~[See repealer.]~~

Subp. 5. **Merging of designated and recognized community action agencies.** Two or more community action agencies previously designated by one or more governing bodies and recognized by the state may seek approval to merge their organizations. The boards of directors of the community action agencies seeking to merge must:

- A. notify the department of their intent to merge;
- B. submit to the department a transition plan for the composition of the board of directors, the leadership and staffing of the merged agency, and the uninterrupted continuation of services; and

Proposed Rules

C. provide documentation showing that the board of directors of each community action agency involved in the proposed merger supports the merger.

Subp. 6. **Review and approval of merger transition plan.** The department has 60 days from the date of receipt of the transition plan to either approve or disapprove the plan. The department may request additional information and meetings with the boards of directors or their representatives and with the leadership of the agencies. The department will consider the proximity of the service areas and the priorities listed in part 3350.0050, subpart 2, when it reviews proposed merger plans. If the transition plan is not approved, the department must provide written comments and the options for remedy of the department's concerns. The boards of directors may submit a subsequent transition plan consistent with the department's comments.

3350.0050 CESSATION AND CHANGE OF DESIGNATION.

Subpart 1. **Circumstances for cessation.** A governing body may change its designation of a CAA community action agency to serve the area under its jurisdiction after a request to cease all community action program operation in the entire area has been received from the designated CAA community action agency.

Subp. 2. **Priority among possible designees.** A governing body may choose a designee under this part, in descending order of priority, by:

A. requesting an existing CAA which community action agency that is located and is providing services in a contiguous area to expand its program operations into the service area;

B. if no requesting an existing CAA in a contiguous area agrees to expand its operations, requesting community action agency closest to the service area or an existing CAA closest to the service area or an existing CAA community action agency within reasonable proximity to the service area to expand its program operations into the service area, if no existing community action agency in a contiguous area agrees to expand its operations; and

C. where no CAA accepts the request to operate in the service area nominating any entity eligible or potentially eligible to be designated under federal law and regulations and to be recognized under part 3350.0040, when no community action agency accepts the request to operate in the service area.

Subp. 3. **Procedure.** The governing body must follow the procedure ~~provided~~ in part 3350.0030 in order to change designation and must also prepare a transition plan for continuation of community action program services. The governing body must submit the transition plan to the department simultaneously with the notice of intent to designate. In addition to the notice requirements in part 3350.0030, subpart 3, the governing body must also serve copies of the notice of intent to designate and the notice of public hearing upon any existing CAA community action agency concurrently operating in the same political subdivision and all subgrantees in the service area. Upon request, copies of the designee's eligibility documents and the transition plan must be made available by the governing body to any interested party.

Subp. 4. **Additional review by the department.** In addition to the review requirements in part 3350.0030, subpart 9, the department must also review the transition plan for service delivery in the interim before the governor's recognition as provided in part 3350.0040, subpart 2. The department has 30 calendar days from the date of receipt of the transition plan to either approve or disapprove of the plan. If the transition plan is not approved, the governing body may not proceed to designate a CAA community action agency under the procedure of part 3350.0030. Without an approved transition plan in operation, the department will not forward to the governor a request for recognition as provided in part 3350.0040. If the transition plan is not approved, the governing body may submit a subsequent transition plan consistent with the department's comments. Along with the transition plan, the department must also receive evidence of service of additional notice on interested parties as required in subpart 3.

3350.0060 TERMINATION FOR CAUSE.

Subpart 1. **Cause.** A CAA's community action agency's funding, as well as its designation or recognition, will be terminated for cause. An Indian tribal government's or a migrant seasonal farmworker organization's funding will be terminated for cause. There may be multiple causes which apply. Termination for cause includes the following:

A. actions threatening imminent danger to health or safety of members of the community;

B. unresponsiveness to service needs of low-income people or hindrance of participation by low-income people as provided in subpart 4; failure to involve low-income people in planning, oversight, and evaluation of programs and services;

C. willful violation of the terms of the grant contract by the CAA grantee including;

(1) failure to maintain financial procedures, reports, and audits according to part 3350.0160, subparts 1 and 2;

(2) failure to maintain recognition according to part 3350.0040, subpart 3; and

(3) failure to follow the requirements of federal and state laws;

D. failure to remedy a short-term defect after withholding or funding termination as provided in part 3350.0100, subpart subparts 2 and 4; or

E. failure to remedy a long-term defect after funding termination as provided in part 3350.0100, subpart 2; or

F. E. denial of an application as provided in part 3350.0170, subpart 6.

Subp. 2. Termination by governing body of community action agency designation. After notification to the department, a governing body may terminate for cause a CAA's designation. However, a governing body may only terminate a CAA's designation under subpart 1, item A or B. If a CAA's designation is terminated and the CAA's appeal rights have also been exhausted, funding must be terminated by the department. Where the department intervenes as a party in a contested case concerning termination of designation, funding by the department may be immediately terminated. After adopting termination as official action, the governing body must serve the notice of termination upon the CAA to be terminated. The notice must specifically explain the cause for the termination of designation and how funding may be affected. Included with the notice of termination must be a description of the CAA's appeal rights as provided for in subpart 5. The governing body must also send to the department a copy of the notice of termination. Upon request from the department, the CAA must provide its current list or lists of identified low-income households to the department. Identified low-income households are those specified on the CAA's list or lists of clients. The department will notify identified low-income households of the termination. With the copy of the notice of termination, the governing body may also submit to the department a transition plan for phasing out currently provided services and for substituting services in the interim until a successor CAA is recognized. The department must approve the plan as well as the interim agency providing community action program services. If the governing body has not submitted a transition plan with the copy of the notice of termination, it must do so by the close of any contested case hearing that may be held. If no contested case hearing is held, the governing body must submit the transition plan to the department at least simultaneously with the notice of intent to designate a successor CAA. A governing body may terminate a community action agency's designation for cause under subpart 1, item A or B.

A. The governing body must follow the steps in subitems (1) to (4):

(1) adopt termination as the official action;

(2) notify the department of its intent to terminate the community action agency's designation;

(3) serve notice of termination upon the community action agency to be terminated and provide a copy to the department. The notice of termination must:

(a) explain the cause for termination;

(b) describe how the community action agency's funding may be affected; and

(c) provide a description of the community action agency's appeal rights according to subpart 5; and

(4) prepare a transition plan for phasing out currently provided services and for substituting services in the interim until a successor community action agency is recognized. The transition plan must be provided to the department no later than the close of the contested case hearing on the appeal of the terminated community action agency or, if no hearing is held, filing with the department the notice of intent to designate a successor community action agency. The department must approve the plan as well as the interim community action agency providing community action program services.

B. The department will notify low-income households of the termination. Upon request from the department, the community action agency must provide its current list or lists of identified low-income households to the department. Identified low-income households are those specified on the community action agency's list or lists of clients.

C. If a community action agency's designation is terminated and the community action agency's appeal rights have also been exhausted, the department must terminate funding. Where the department intervenes as a party in a contested case concerning termination of designation, funding by the department may be immediately terminated.

Subp. 3. Termination by the department of community action agency funding or recognition. The department may terminate for cause a CAA's community action agency's funding or recognition or both under subpart 1. However, the department may not terminate a CAA's recognition or funding under subpart 1, item B. Wherever appropriate, the department will proceed to withholding under part 3350.0100 before acting to terminate the funding or recognition of a CAA. However, where withholding is not an option, the department may proceed directly to termination under this part. Where termination concerns a CAA's funding, the department may terminate all or part of current or future funding. If the department terminates all future funding, it must also terminate a CAA's recognition. Similarly, if the department terminates a CAA's recognition it must also terminate funding. The department must serve the notice of termination upon the CAA to be terminated. The notice of termination must specifically explain the cause for the termination and specify the type and degree of termination, including the effect on funding. Included with the notice of termination must be a description of the CAA's appeal rights as provided for in subpart 5. The department must also send to the governing body a copy of the notice of termination. Upon request from the department, the CAA must provide its current list or lists of identified low-income households to the department. Identified low-income households are those specified on the CAA's list or lists of clients. The department will notify identified low-income households of the termination.

A. The department may terminate all or part of current or future funding for a community action agency. If the department terminates all future funding, it must also terminate a community action agency's recognition. If the department terminates a community action agency's recognition it must also terminate funding.

B. If the department decides to terminate a community action agency's funding or recognition, it will serve notice of termination

Proposed Rules

upon the community action agency to be terminated and provide a copy to the governing body. The notice of termination must:

- (1) explain the cause for termination
- (2) describe how the funding may be affected; and
- (3) provide a description of the community action agency's appeal rights according to subpart 5.

C. The department will notify identified low-income households of the termination. Upon request from the department, the community action agency must provide its current list or lists of identified low-income households to the department. Identified low-income households are those specified on the community action agency's list or lists of clients

Subp. 4. [See repealer.]

Subp. 4a. **Termination by department of Indian tribal government or migrant and seasonal farmworker organization funding.** The department may terminate for cause an Indian tribal government's or migrant and seasonal farmworker organization's funding under subpart 1. The department may terminate all or part of current or future funding for an Indian tribal government or migrant and seasonal farmworker organization.

A. If the department decides to terminate an Indian tribal government's or migrant and seasonal farmworker organization's funding it will serve notice of termination upon the Indian tribal government or migrant and seasonal farmworker organization to be terminated and provide a copy to the tribal council or the migrant and seasonal farmworker organization's board of directors. The notice of termination must:

- (1) explain the cause of termination;
- (2) describe how the funding may be affected; and
- (3) provide a description of the Indian tribal government's or migrant and seasonal farmworker organization's appeal rights according to subpart 5.

B. The department will notify identified low-income households of the termination. Upon request from the department, the Indian tribal government or migrant and seasonal farmworker organization must provide its current list or lists of identified low-income households to the department. Identified low-income households are those specified on the Indian tribal government's or migrant and seasonal farmworker organization's list or lists of clients.

Subp. 5. **Appeal procedure.** If, after receipt of the notice of termination, a CAA grantee is aggrieved, the CAA grantee may request a contested case hearing from the department within 30 calendar days of the receipt of the notice. If the CAA's grantee's request for a contested case hearing is not received by the department during the 30-day period the CAA grantee loses its right of appeal under this subpart. The hearing will be initiated and conducted according to parts 1400.8505 to 1400.8612 unless the grantee objects within ten business days. If the grantee objects, the hearing will be conducted according to parts 1400.5010 to 1400.8401. The request for a contested case hearing before an administrative law judge as provided in Minnesota Statutes, sections 14.57 to 14.62, must be in writing. The contested case hearing will be initiated and conducted according to parts 1400.5100 to 1400.8500. As provided for in part 1400.6200 or 1400.8570, the department will have the right to intervene as a party in a contested case hearing on termination of designation by a governing body.

Subp. 6. **Federal appeal rights.** Federal appeal rights may also exist for an aggrieved CAA grantee under the CSBG Community Services Block Grant Act, Public Law 97-35 United States Code, title 42, chapter 106, section 9915, subsection (b).

Subp. 7. **Successor.** If a CAA's community action agency's designation or recognition is terminated, the governing body will follow the priority guidelines in part 3350.0050, subpart 2, and the procedure in part 3350.0030 to designate a successor.

Subp. 8. **Costs.** Only costs directly attributable to the contested case hearing process in subpart 5 are the responsibility of the department. The costs associated with the procedure for termination provided for in subpart 4 are the responsibility of the governing body.

3350.0070 ALLOCATION OF FUNDS.

Subpart 1. **Formula.** The department will allocate funds under the act according to the formula in Minnesota Statutes, section 256E.30, subdivision 2.

Subp. 2. **Poverty level population.** For purposes of the formula in subpart 1, the poverty level population will be based on Department of Commerce, Bureau of the Census, statistics, as revised.

3350.0090 DUE DATES FOR MONTHLY, PERIODIC, AND FINAL REPORTS.

Each monthly report specified in part 3350.0080 is due ten calendar days after the end of the month. Each final status report specified in part 3350.0080 is due no later than 30 calendar days after the end of the program year. Each periodic report under part 3350.0080 is due 30 calendar days after the date specified in the CAA's contract. If monthly, periodic, or final reports are delinquent more than five calendar days from their due dates or, though submitted, remain incomplete or inaccurate more than five calendar days from their due dates, the department may proceed to withhold available funds from a CAA under part 3350.0100, subpart 1, item A. Monthly, periodic, and annual reports are due on the dates specified in the grant contract. If reports are delinquent, incomplete, or inaccurate, the department must proceed to withhold available funds from a grantee under part 3350.0100.

3350.0100 WITHHOLDING OF CASH DISBURSEMENTS.

Subpart 1. **Circumstances for withholding.** The department will withhold cash disbursements available for drawdown under an approved application if a CAA a grant, wherever appropriate, in lieu of termination under part 3350.0060 if a grantee is not:

- A. complying with the reporting requirements of the grant as required by its grant contract with the department, including the timely submission of complete and accurate monthly, periodic, and final reports as required in part 3350.0080, of complete and accurate annual audits as required in part 3350.0160, subpart 2, and of complete and accurate annual evaluation reports as required in part 3350.0150;
- B. following its submitted and approved work plan or budget or both;
- C. fulfilling the terms of its grant contract; or
- D. maintaining recognition as provided in part 3350.0040, subpart 3.

Subp. 2. **Notice, conversion option, and termination of withholding.** Before withholding cash disbursements, the department will notify the CAA grantee of its defective action or omission, inform the CAA grantee of potential withholding and specify a reasonable date by which corrective action should occur. The specified date must be at least ten working days from the date of the CAA's grantee's receipt of the notice of withholding. If the defect is not remedied satisfactorily by the date specified in the notice, the department will begin to withhold available funds after that date. During any time within 90 calendar days following the department's actual withholding of funds, the CAA may, at its option, convert the withholding to a termination under part 3350.0060, subpart 1, item D, with right to a contested case hearing. A CAA must request in writing both a conversion to termination and a contested case hearing. After receipt of a CAA's request for conversion to termination and contested case hearing, the department will initiate contested case proceedings as provided in Minnesota Statutes, sections 14.57 to 14.62. The department will also send the CAA a notice of termination and comply with the other procedural requirements of part 3350.0060, subpart 3. The department will terminate funding for the period of time between the date identified in the notice of withholding and the date on which the short-term defect is actually remedied. If the CAA has not exercised its right of conversion during 90 days of withholding and if the defect has not been remedied during 90 days of withholding, the department will proceed under part 3350.0060, subpart 1, item E, to terminate the CAA's available funding for a period covering the total of (1) the time during which funds have been withheld and (2) the time remaining before the subsequent June 30. The department will first issue a final notice ten calendar days before proceeding to termination under part 3350.0060. If following a period of funding termination for failure to remedy a long-term defect the CAA has still not successfully remedied the identified defect, the department will deny subsequent applications by the CAA under part 3350.0170, subpart 6, item D, until corrective action has occurred. However, if the defect constitutes failure to maintain recognition under subpart 1, item D, the department will proceed according to part 3350.0040, subpart 4. Upon remedying the defect, the department will reimburse the grantee for the time period between the date of the withholding in the notice to the date the defect was remedied if the grantee submits a cash request, with documentation, that clearly substantiates that expenses were used by the grantee to perform services according to the grant contract.

Subp. 3. **Conversion option.** During any time within 90 calendar days following the department's actual withholding of funds, the grantee may, at its option, convert the withholding to a termination under part 3350.0060, subpart 1, item C, with right to a contested case hearing. A grantee must request in writing both a conversion to termination and a contested case hearing. After receipt of a grantee's request for conversion to termination and a contested case hearing, the department must initiate a contested case hearing and the department must initiate contested case proceedings as provided in part 3350.0060, subpart 5. The department will also send the grantee a notice of termination and comply with the other procedural requirements of parts 3350.0060, subpart 3 or 4.

Subp. 4. **Notice and termination.** If the grantee has not exercised its right of conversion during 90 days of withholding and if the defect has not been remedied during 90 days of withholding, the department will proceed under part 3350.0060, subpart 1, item D, to terminate the grantee's available funding for a period covering the total of:

- A. the time during which the funds have been withheld; and
- B. the time remaining before the grant expires.

The department must first issue a final notice ten calendar days before proceeding to termination under part 3350.0060. If following a period of funding termination for failure to remedy a defect, the grantee has still not successfully remedied the identified defect, the department will deny subsequent applications by the grantee under part 3350.0160, subpart 6, item D, until corrective action has occurred.

3350.0110 PROGRAM GUIDELINES AND ELIGIBLE ACTIVITIES.

Subpart 1. **Program guidelines.** Each community action program must:

- A. be of benefit to low-income persons;
- B. represent progress toward the elimination of poverty;
- C. utilize resources from other programs operating in the service area; and
- D. be of sufficient scope and size for maximum effectiveness and efficiency.

Subp. 2. **Eligible grant activities.** A variety of activities as determined by the local planning process may be included in a community action program funded by a grant. Eligible activities are those designed to help low-income persons to:

- A. secure and retain meaningful employment;

Proposed Rules

- B. attain an adequate education;
- C. obtain and maintain adequate housing and a suitable living environment;
- D. make better use of available income;
- E. obtain emergency assistance through loans or grants;

F. meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance;

G. remove obstacles and solve problems which block the achievement of self-sufficiency;

H. achieve greater participation in the affairs of the community; and

I. make more effective use of other programs related to the purposes of the CSBG Community Services Block Grant Act.

Subp. 3. **Federal prohibitions.** Activities ineligible for funding with CSBG community services block grant money are those listed in the annual CSBG community services block grant state plan. A copy of the annual CSBG community services block grant state plan is available by request from the Department of Employment and Economic Development, 332 Minnesota Street, Suite E200, Saint Paul, Minnesota 55101+ Human Services, Office of Economic Opportunity, P.O. Box 64962, St. Paul, MN 55164-0962.

3350.0120 PARTICIPATION BY LOW-INCOME PERSONS.

Grantees must ~~consider the~~ ensure maximum feasible participation of low-income ~~people~~ persons in the local planning process of part 3350.0130, the annual work plan of part 3350.0170, subpart 1, ~~and the evaluation process of part 3350.0140; and the annual evaluation report of part 3350.0150.~~ Each ~~CAA grantee~~ grantee must devise specific opportunities for involvement of low-income people in proposing, planning, approving, and evaluating the activities of community action programs.

3350.0130 LOCAL PLANNING PROCESS.

Each ~~CAA will~~ grantee must develop and maintain a written plan for submission to the department as ~~a requirement for maintenance of recognition under part 3350.0040, subpart 3~~ part of its grant application. The ~~plan's narrative will~~ plan must include a description of how the local planning process will be implemented, how the ~~CAA grantees~~ grantee will publicize major planning activities to encourage community participation, and how the ~~CAA grantee~~ grantee will involve low-income ~~people~~ persons in the planning process. Each ~~annual~~ work plan submitted as part of a grant application under part 3350.0170, subpart 1, must be consistent with, and complementary to, this local planning process. The local planning process of a ~~CAA will include~~ grantee includes the following ~~steps~~ activities:

A. develop a mission statement which defines the overall ~~CAA grantee's~~ grantee's purposes and which represents the views and opinions of the ~~CAA's grantee's~~ grantee's board of directors ~~or tribal council~~, low-income groups, and representatives of the community;

B. ~~assess short- and long-range~~ identify and analyze community needs in order to respond to the poverty in the community and its causes;

C. ~~catalog the~~ assess available resources from both the public and private sectors which are available to solve the causes of poverty;

D. establish priorities ~~after analyzing the extent and causes of poverty and after evaluating the capability of the CAA and other available resources to ameliorate the causes of poverty~~ and set goals for the program year;

E. set realistic goals as a basis for action which are consistent with established priorities;

F. ~~E.~~ develop innovative strategies, including, but not limited to, service strategies, which encompass community acceptance, funding availability, direct benefits to low-income people, high impact on problems of poverty, and organizational capability to implement the specified goals;

G. ~~F.~~ develop clear and concise objectives that describe how to attain the CAA's goals identify programs to achieve the specified goals;

H. ~~G.~~ list sequential activities under each objective to describe the efforts at community coordination and identification of resource needs including assignment of CAA staff and training ~~or technical assistance in the community~~ select the program or combination of programs to be undertaken during a program year; and

I. ~~H.~~ select performance indicators to measure progress toward achieving the established objectives and to form the basis for community action program reporting and evaluation analyze evaluation and monitor information to influence the structure of future programming.

3350.0140 EVALUATION PROCESS.

Each CAA will develop a standardized written process for evaluating its own community action program and describe the process in a narrative form. The narrative description must show how the results of the evaluation will influence the CAA's future planning and how the CAA will involve low-income persons in the evaluation process. The evaluation process as embodied in the narrative must be approved by the CAA's board of directors. The evaluation process narrative must be submitted to and approved by the department in order to maintain CAA recognition under part 3350.0040, subpart 3. Each grantee must develop and maintain a written process for evaluating its

own community action program using the results of the evaluation to influence the grantee's future planning. The grantee must involve low-income persons in the evaluation process. The written evaluation process must be approved by the grantee's board of directors or tribal council. The written evaluation process must be maintained and available to the department upon request in order to maintain community action agency recognition under part 3350.0040, subpart 3.

3350.0160 ADMINISTRATION OF GRANTS.

Subpart 1. **Grantee financial control system.** Grantees must establish and use a financial control system ~~which that~~ complies with federal and state reporting and fiscal procedures ~~and the grant contract. The federal and state requirements are contained in Department of Jobs and Training Subgrantee Administrative Requirements No. 1, as revised or superseded. This document is incorporated by reference, and is not subject to frequent change. It is available from the State Law Library.~~

Subp. 2. **Grantee audit.** Each grantee must follow the audit requirements contained in ~~the attachment to its contract~~ the grant contract with the department. ~~Audits must be completed and the required reports submitted no later than six calendar months after the end of the grantee's fiscal year. If audits are delinquent more than five calendar days from their due dates or, though submitted, remain incomplete, noncomplying, or inaccurate more than five calendar days from their due dates, the department may proceed to withhold available funds from a CAA under part 3350.0100, subpart 1, item A.~~

Subp. 3. **Alterations.** A grantee must obtain prior written approval from the department before changing its work plan and budget as described in its ~~approved application~~ grant contract.

3350.0170 GRANT APPLICATIONS.

Subpart 1. **Forms and documents.** All Forms necessary for completion of the application will accompany the ~~annual~~ guidelines mailed to all grantees. Assistance in completing the forms may be requested directly from the department at its central office. ~~Each CAA A grantee will submit to the department an annual a work plan and budget on forms supplied by the department as part of the grant application process. Each work plan for the subsequent year will include a narrative comprised of the following:~~

- ~~A: prioritized list of community needs;~~
- ~~B: design for accomplishing identified goals, objectives, and activities;~~
- ~~C: coordination strategy showing the establishment of working relationships with other providers in the service area; and~~
- ~~D: description of any delegated activity, including copies of subgrantee contracts.~~

Subp. 2. ~~[See repealer.]~~

Subp. 3. **Waiver of application deadline.** Upon written request, the department may waive the application deadline ~~provided in subpart 2~~ and allow an applicant to submit its grant application after that date. A request for a waiver must be signed by the chair of the applicant's board of directors ~~or chair of the tribal council~~ and contain justification of ~~the local need~~ for a waiver. The request for a waiver must be received by the department on or before ~~June 30~~ the original application deadline. The department will respond to the request in writing. ~~If The department is persuaded by the local need, it will grant a waiver and establish another deadline for receipt of the application. Local need is demonstrated if a CAA, through no fault of its own, cannot meet the application deadline because of the following: if the grantee has shown good cause for why the application deadline was not met. If the department has determined that the grantee has shown good cause for missing the application deadline, the department will establish another deadline for receipt of the application.~~

~~A: key staff responsible for the submission of the application are on medical leave or other leave, have retired or are no longer employed, and replacement staff cannot reasonably complete the application in the time remaining; or~~

~~B: a natural disaster such as a tornado, fire, or flood or a material change in circumstances such as a labor strike or the loss of a building lease has adversely affected or completely halted program operations.~~

Subp. 4. **Approval of application.** The department will review all submitted applications. When the department approves an application for a grant, it will provide written notification of approval to the applicant. Requests for cash cannot be processed until an application has been approved. After applications have been approved, the department and the applicant will enter into a grant contract. ~~The grant contract is effective on the date when the Minnesota Department of Finance signature is affixed to the contract.~~

Subp. 5. **Late, incomplete, or noncomplying application.** ~~If A previously funded grantee has not submitted~~ must submit an application within 45 calendar days of the application or the waiver deadline established by ~~waiver in subpart 3 or within 45 calendar days of the deadline provided in subpart 2 where a waiver was not granted;~~ the department, ~~or the department~~ will deny the application under subpart 6. If a submitted application remains incomplete or noncomplying for 30 calendar days after the department's request for a revision of the application, supplementary information, or other required documents or 45 calendar days from an applicable deadline, whichever period is greater, the department will deny the application under subpart 6.

Subp. 6. **Denial of application.** Before the department denies an application, it will, as soon as possible, provide written notification of the deficiency leading to a possible denial and, where appropriate, request a revision of the application, supplementary information, or other required documents. An application will be denied if any of the following occur:

- A. application is submitted after the deadlines in subpart 5;

Proposed Rules

B. applicant submits an incomplete application;

C. applicant submits a noncomplying application where:

(1) applicant's annual work plan activities are:

(a) inconsistent with community action program activity as defined in the act and part 3350.0110;

(b) not demonstrative of participation by low-income persons as required by part 3350.0120; or

(c) inconsistent with the local planning process in part 3350.0130;

(2) applicant cannot demonstrate adequate fiscal management capabilities as required in part 3350.0160; or

(3) applicant's budget does not support, or is inconsistent with, the work plan activities; or

D. applicant, after a period of funding termination, has not remedied a ~~long-term~~ defect that first led to withholding under part 3350.0100, subpart 2. The department's denial of an application based on items A, B, and C is cause for termination of available funds for ~~an entire program year~~ two years under part 3350.0060, subpart 1, item F. Depending on the circumstances, the department's denial of an application based on item D is cause for termination of available funds for ~~an entire program year~~ two years under part 3350.0060, subpart 1, item F, ~~or all future funding under part 3350.0040, subpart 4 E.~~

3350.0190 RECORD KEEPING.

All records and books of account related to grants must be kept by the grantee for ~~three years from the date of submission of the final invoice. Records must be retained beyond the three-year period if audit exceptions, claims, or litigation concerning the records or any accounting transactions are still unresolved or pending. After any disposition of nonexpendable property acquired with grant funds, records of the disposition must also be retained for three years~~ the time period specified in the grant contract.

3350.0200 MONITORING.

The department will perform ~~on-site~~ monitoring activities to ensure that grantees are in compliance with parts 3350.0010 to 3350.0200, the act, and other federal and state requirements. ~~The monitoring functions will include the following:~~

~~A. performance of a pre-award review; and~~

~~B. preparation and execution of an annual monitoring plan which includes at least one annual on-site visit to all grantees with annual dollar volume over \$100,000 and to 25 percent of all grantees with annual dollar volume between \$10,000 and \$100,000.~~

REPEALER. Minnesota Rules, parts 3350.0030, subpart 7; 3350.0040, subpart 4; 3350.0060, subpart 4; 3350.0080; 3350.0150; and 3350.0170, subpart 2, are repealed.

RENUMBERER. In the next publication of *Minnesota Rules*, the revisor shall renumber the part number in column A to the part number in column B, and correct internal references.

A	B
3350.0010	9571.0010
3350.0020	9571.0020
3350.0030	9571.0030
3350.0040	9571.0040
3350.0050	9571.0050
3350.0060	9571.0060
3350.0070	9571.0070
3350.0090	9571.0080
3350.0100	9571.0090
3350.0110	9571.0100
3350.0120	9571.0110
3350.0130	9571.0120
3350.0140	9571.0130
3350.0160	9571.0140
3350.0170	9571.0150
3350.0180	9571.0160

Adopted Rules

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

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

Department of Health

Adopted Permanent Rules Relating to Wells and Borings

The rules proposed and published at *State Register*, Volume 32, Number 21, pages 901-904, November 19, 2007 (32 SR 901), are adopted with the following modifications:

4725.0100 DEFINITIONS.

Subp. 30e. **Holding tank.** "Holding tank" ~~has the meaning given in part 7080.1100, subpart 40, and~~ means a watertight tank for storage of sewage until it can be transported to a point of approved treatment and ~~disposal~~ dispersal.

Subp. 30o. **Noncommunity water system.** "Noncommunity water system" means a public water system that serves an average of at least 25 persons daily at least 60 days a year, at a place other than their home, and that is not a community public water system. ~~A noncommunity water system includes, but is not limited to, water systems serving churches, schools, resorts, parks, camps, rest areas, and businesses meeting the criteria listed above. Any water system meeting the criteria identified in this subpart that serves churches, schools, resorts, parks, camps, rest areas, or businesses is deemed to be a noncommunity water system.~~

Subp. 41f. **Scrap yard.** "Scrap yard" means an establishment, place of business, or place of storage or deposit that is maintained, operated, or used for storing, keeping, buying, or selling scrap, junk, or waste metal; ~~including, but not limited to, obtained from automobiles, trucks, tractors, farm equipment, industrial equipment, containers, and appliances, or similar items~~ where the total scrap metal stored is greater than nine tons or consists of more than five motor vehicles.

Subp. 44a. **Sewage.** "Sewage" has the meaning given in *Minnesota Statutes*, section 115.01, subdivision 17, and includes ~~grey~~ gray water discharge from bathing and laundry.

Subp. 45a. **Soil treatment dispersal system.** "Soil ~~treatment~~ dispersal system" ~~has the meaning given in part 7080.1100, subpart 79, and~~ means the piping and media such as gravel, where sewage effluent is treated and ~~disposed of~~ dispersed into the soil by percolation and filtration and includes trenches, seepage beds, drainfields, at-grade systems, and mound systems.

4725.0150 INCORPORATIONS BY REFERENCE AND ABBREVIATIONS.

This part indicates documents, specifications, and standards that are incorporated by reference in this chapter. This material is not subject to frequent change, and is available from the source listed, for loan or inspection from the Barr Library of the Minnesota Department of Health, or through the Minitex interlibrary loan system. The abbreviations listed in parenthesis after the source name are used in this chapter.

E. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

(1) ~~ASTM A53M-04~~ A53/A53M-04a, "Standard Specifications for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless."

(3) ~~ASTM Standard A312/A312M-04~~ A312/A312M-04b, "Standard Specification for Seamless, Welded, and Heavily Cold Worked Austenitic Stainless Steel Pipes."

4725.0200 APPLICATION TO ALL WELLS AND BORINGS.

Subp. 4. **Access to information and property.** ~~Under *Minnesota Statutes*, section 144.99, subdivision 2, the commissioner may examine records or data of any person subject to regulation under *Minnesota Statutes*, chapter 103I, and may enter property for the purpose of taking an action authorized under statute or rule, or other actions listed in *Minnesota Statutes*, section 144.99, subdivision 1. Upon presentation of credentials, the commissioner or an employee or agent authorized by the commissioner, may examine records or data related to matters governed by *Minnesota Statutes*, chapter 103I and section 144.99, of any person subject to regulation under *Minnesota Statutes*, chapter 103I, and, for the purpose of taking an action authorized under statute, rule, or otherwise identified in *Minnesota Statutes*, section 144.99, subdivision 1, relating to the enforcement of this chapter, may:~~

Adopted Rules

- A. enter property to examine the records and data;
- B. inspect equipment and material used in performing wells and borings work;
- C. obtain and analyze water, air, and waste drill cuttings; and
- D. inspect drill holes and drilled, sealed, or repaired wells and borings.

This authority must be exercised during regular working hours of Department of Health inspectors with respect to inspections of vertical heat exchangers and groundwater thermal exchange devices, and at reasonable times in all other cases.

4725.0410 VARIANCE.

Subp. 5. **Emergency variances.** A variance may be verbally granted by the commissioner in an emergency where a delay in starting work poses an immediate and significant danger to health or safety. ~~Exceptional circumstances include, but are not limited to, cases where: (1) well failure will leave persons or livestock without drinking water; (2) inaction presents an imminent threat to contamination of the well, boring, or groundwater; (3) delay will result in collapse or damage to the well or boring; (4) delay will result in the endangerment of health or safety such as in an unstable excavation; or (5) such action is court ordered.~~

F. The commissioner shall not issue an emergency variance to persons who ~~violate~~ have violated the emergency variance requirements.

4725.0550 CERTIFIED REPRESENTATIVE OR INDIVIDUAL WELL CONTRACTOR.

Subp. 3. **Qualifications, responsibilities, requirements.** A certified representative and individual well contractor must have honesty and integrity.

C. ~~The certified representative must be responsible for conducting all operations under the representative's supervision and as delegated by the licensee or registrant in accordance with Minnesota Statutes, chapter 103I, and this chapter including, but not limited to:~~

~~(1) supervision of supervise work to ensure compliance with this chapter; and~~

~~(2) completion and signing of complete and sign permit applications, notifications, variance applications, construction records, and sealing records; and~~

~~(3) be responsible for conducting all operations under the representative's supervision and as delegated by the licensee or registrant according to this chapter and Minnesota Statutes, chapter 103I.~~

4725.0650 EXPERIENCE REQUIREMENTS; CERTIFIED REPRESENTATIVE AND INDIVIDUAL WELL CONTRACTOR.

Subpart 1. **Well contractor certified representative and individual well contractor.** Anyone applying to be certified as a representative of a well contractor or to be an individual well contractor must have four years of experience. A year of experience is a year in which the applicant personally, and under the supervision of a licensed well contractor:

C. constructed at least one or more multiple cased water-supply wells with an outer casing diameter of ten inches or more and a well depth or cumulative depth of 700 feet or more.

An applicant with experience prior to 2006 must have constructed a minimum of five water-supply wells per year.

~~An applicant shall be deemed to have one year of experience will be granted to an applicant who if the applicant~~ has successfully completed one year of education in well construction practices at an accredited college, university, or postsecondary institution. ~~An applicant shall be deemed to have up to a maximum of two years of experience will be granted to an if the applicant who~~ has successfully completed an associate or technical degree in well construction practices at an accredited college, university, or postsecondary institution. Supervision is not equivalent to personally doing the work.

4725.1851 WELL AND BORING RECORDS.

Subpart 1. **General.** A licensee, registrant, or property owner or lessee for a well constructed according to Minnesota Statutes, section 103I.205, subdivision 4, paragraph (e), clause (1), must submit an accurate, verified, legible written record of well or boring construction or sealing on forms ~~providing~~ provided by the commissioner, or in a format approved by the commissioner, containing the information in subparts 2 to 4 within 30 days after completion of the work. A written construction record is not required for any well or boring sealed within 30 days of the time construction began and for which a sealing record is submitted.

4725.2020 INTERCONNECTION OF AQUIFERS PROHIBITED.

Subp. 1a. **Open bore hole, gravel pack, or screen in a confining layer.** A well or boring must not have open bore hole, gravel pack, or screen ~~extend~~ extending through more than:

C. 50 percent of the confining layer. ~~The provisions of this subpart do not apply in an area designated on a map published by the commissioner.~~ The commissioner may establish less stringent standards than identified in this subpart where protective conditions exist or unique characteristics of the confining layer exist, including low permeability overlying materials, favorable groundwater gradients, the presence of fractures or permeable horizons in the confining layer, or reduced contaminant loading in recharge areas. The areas subject to

less stringent standards under this provision will be designated on a map published by the commissioner, along with the standards that do apply to those areas.

4725.2250 GENERAL CASING REQUIREMENTS.

Subp. 2. **Watertight casing required.** All casing couplings and casing joints must be watertight throughout ~~its length~~ their lengths. Casing must not have holes, cracks, or separations.

4725.2350 STEEL CASING REQUIREMENTS.

Subpart 1. **General.** Steel casing used in the permanent construction of a well or boring must be new casing produced to:

A. ASTM Standard ~~A53M-04~~ A53/A53M-04a;

4725.3150 CASING CONNECTIONS AND CAPS.

Subp. 2. **Casing connections less than 12 inches above ground.** A connection to, or a fitting on a casing made less than 12 inches above the established ground surface must be constructed to be watertight, vermin-proof, and provide complete clearance within the internal diameter of the casing. The connection must not be submerged in water at the time of installation. The connection must be made at or above the frost line. The connection or fitting must consist of a:

A. threaded connection equivalent to the material and threading standards of ASTM ~~A53M-04~~ A53/A53M-04a, ASTM A589-96 (2001), API Standard 5L-04, ASTM ~~A312/A312M-04a~~ A312/A312M-04b, or ASTM F480-02;

4725.3650 REQUIREMENTS FOR DESIGNATED SPECIAL WELL AND BORING CONSTRUCTION AREAS.

Subp. 4. **Water treatment.** The commissioner ~~may~~ shall require the owner of a newly constructed contaminated well in a special well and boring construction area to install, use, and monitor a an effective water treatment device if the commissioner determines that the device is reasonably necessary to ensure a safe drinking water supply or monitor the degree of contamination.

4725.4250 LIMESTONE OR DOLOMITE WATER-SUPPLY WELLS.

Subp. 4. **Use of limestone or dolomite for potable supply.**

B. ~~The conditions in item A do not apply in an area designated on a limestone and dolomite bedrock well construction map published by the commissioner. The commissioner may establish maps in areas of known or suspected contamination, or unique hydrologic or geologic conditions, or in areas where protective conditions exist, including low permeability overlying materials, favorable groundwater gradients, or reduced contaminant loading in recharge areas. The commissioner may establish limestone and dolomite bedrock well construction maps identifying areas of known or suspected contamination, areas with unique hydrologic or geologic conditions, or areas where protective conditions exist, including low permeability overlying materials, favorable groundwater gradients, or reduced contaminant loading in recharge areas. The conditions in item A do not apply in areas designated as approved for drilling on the limestone and dolomite bedrock well construction maps published by the commissioner.~~

4725.4450 WATER-SUPPLY WELL DISTANCES FROM CONTAMINATION SOURCE.

Subpart 1. **Isolation distances.** A water-supply well must be located where there is optimum surface drainage and at the highest practical elevation. Whenever possible, water-supply wells should not be located down slope or down gradient of a contamination source. A water-supply well must be constructed as far as practical from a contamination source, but no less than the distances in this part.

The isolation distances in this part are minimum distances measured horizontally from the closest part of the upper termination of the water-supply well casing to the closest part of the contamination source, or the vertical projection of the contamination source on the established ground surface, whichever is closer.

Where this chapter establishes a minimum regulatory volume of a liquid, the volume of multiple tanks, each below the minimum, are not additive, unless the tanks are interconnected without backflow protection.

The minimum isolation distances must be maintained between a new well and a source of contamination no longer in use, unless all contaminants have been removed from the source, and visibly contaminated soils have been removed.

A contamination source must not be placed, constructed, or installed any closer to a water-supply well than the distances in this part. A water-supply well must be no less than:

A. 300 feet from:

(1) the absorption area of a soil ~~treatment~~ dispersal system with an average design flow greater than 10,000 gallons per day;

(6) a liquid manure storage basin or lagoon that ~~does not have a concrete or composite liner~~ is unpermitted or noncertified according to chapter 7020; except that the minimum distance to a sensitive water-supply well is increased for subitems (1) to (6) to 600 feet as provided in subpart 2;

Adopted Rules

B. 150 feet from:

(1) a tank or container holding:

(a) ~~56 25~~ gallons or more, or 100 pounds or more dry weight, of an agricultural chemical, or an area used to fill or clean agricultural chemical application equipment with these quantities, not protected with safeguards;

(2) the absorption area of a soil ~~treatment dispersal~~ system serving a facility such as a hospital, nursing home, mortuary, veterinary clinic, health care clinic, or similar facility handling infectious or pathological wastes, except as provided in item A, subitem (1), and except that the minimum distance to a sensitive water-supply well is increased to 300 feet as provided in subpart 2;

(4) an industrial wastewater stabilization pond, except that the minimum distance to a sensitive water-supply well is increased to 300 feet as provided in subpart 2; ~~and~~

(5) a municipal or industrial wastewater spray irrigation area, except that the minimum distance to a sensitive water-supply well is increased to 300 feet as provided in subpart 2; and

(6) a liquid manure storage basin or lagoon that does not have a concrete or composite liner, but has an earthen liner that was constructed under a Minnesota Pollution Control Agency permit or is certified according to chapter 7020, except that the minimum distance to a sensitive water-supply well is increased to 300 feet as provided in subpart 2;

C. 100 feet from:

(1) a solid manure storage area not covered by a roof, except that the minimum distance to a sensitive water-supply well is increased to 200 feet as provided in subpart 2;

(2) ~~a container holding 56 or more gallons, or 100 pounds dry weight, of an agricultural chemical; a safeguarded area used to store agricultural chemicals, or clean or fill agricultural chemical application equipment that is~~ protected with safeguards as defined in parts 1505.3010 to 1505.3150 for bulk pesticides, or with safeguards as specified in standards of the Department of Agriculture for fertilizers under parts 1510.0370 to 1510.0408 and Minnesota Statutes, chapter 18C;

E. 50 feet from:

(1) ~~a tank or container holding 56 or more gallons, or 100 pounds or more dry weight, of agricultural chemicals a safeguarded area used to store agricultural chemicals, or fill or clean agricultural chemical application equipment that is~~ covered with a permanent watertight roof and protected with safeguards as defined in parts 1505.3010 to 1505.3150 for bulk pesticides, or with safeguards as specified in standards of the Department of Agriculture for fertilizers under parts 1510.0370 to 1510.0408 and Minnesota Statutes, chapter 18C;

(7) the absorption area of a soil ~~treatment dispersal~~ system except as provided in items A, subitem (1), and B, subitem (2), or a privy, except that the minimum distance to a sensitive water-supply well is increased to 100 feet as provided in subpart 2;

(24) ~~a grey-water disposal gray-water dispersal~~ area, except that the minimum distance to a sensitive water-supply well is increased to 100 feet as provided in subpart 2;

(27) multiple tanks or containers of agricultural chemicals, hazardous materials, or hazardous wastes, for residential retail sale or use, each holding less than 56 gallons or 100 pounds dry weight, where the aggregate volume of the tanks and containers exceeds 56 gallons or 100 pounds dry weight;

G. 20 feet from:

(10) a portable privy or toilet;

Subp. 2. **Increased isolation distances for sensitive water-supply wells.** The distances in items A to F are exceptions to the isolation distances in subpart 1. The isolation distances in subpart 1 are doubled between a sensitive water-supply well and a contamination source directly entering the soil. A sensitive water-supply well must be located at least:

A. 600 feet from the absorption area of a soil ~~treatment dispersal~~ system with an average design flow greater than 10,000 gallons per day, a landfill or dump containing mixed municipal solid waste from multiple persons, a permitted demolition debris landfill, a municipal or industrial wastewater rapid infiltration basin, a municipal wastewater stabilization pond with 500 or more gallons/acre/day leakage, or a liquid manure storage basin or lagoon that ~~does not have a concrete or composite liner is unpermitted or noncertified~~ according to chapter 7020;

B. 300 feet from the absorption area of a soil ~~treatment dispersal~~ system serving a facility such as a hospital, nursing home, mortuary, veterinary clinic, health care clinic, or similar facility handling infectious or pathological wastes; a municipal wastewater stabilization pond with less than 500 gallons/acre/day leakage; an industrial wastewater stabilization pond; ~~or~~ a municipal or industrial wastewater spray irrigation area; or a liquid manure storage basin or lagoon that does not have a concrete or composite liner, but has an earthen liner that was constructed under a Minnesota Pollution Control Agency permit or is certified according to chapter 7020;

E. 100 feet from an animal feedlot holding more than one animal unit except as provided in item C; an animal or poultry feeding or watering area within a pasture holding more than one animal unit; an animal or poultry building including a horse riding arena holding more than one animal unit; the absorption area of a soil ~~treatment dispersal~~ system; a privy; a storage area for road deicing chemicals; a sewage, septage, sludge, or waste landspreading area; a disposal area for construction or demolition debris; a disposal area for household solid waste from a single residence; a disposal area for water treatment backwash; an industrial cooling water pond; ~~a grey-water disposal gray-water~~

dispersal area; or similar contamination source; and

4725.6050 REMEDIAL WATER-SUPPLY WELLS.

Subp. 4. **Stainless steel casing.** A remedial well may be constructed with stainless steel casing meeting ASTM Standard ~~A312/312M-04~~ A312/312M-04b, having at least ANSI Schedule 5 for welded joints, and ANSI Schedule 40 for threaded joints.

4725.6650 CONSTRUCTION OF MONITORING WELLS.

Subpart 1. **Casing.** Casing for a monitoring well must be steel or plastic casing meeting the standards of parts 4725.2250 to 4725.2650, or stainless steel or flush threaded polyvinyl chloride meeting the standards of this subpart.

B. A monitoring well may be constructed with stainless steel casing meeting ASTM Standard ~~A312/A312M-04a~~ A312/A312M-04b, having at least ANSI Schedule 5 for welded joints and ANSI Schedule 40 for threaded joints.

Public Utilities Commission

Adopted Permanent Rules Relating to Energy Utility Billing Errors

The rules proposals and published at *State Register*, Volume 32, Number 24, pages 1035-1039, December 10, 2007 (32 SR 1035), are adopted as proposed.

Expedited Emergency Rules

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

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

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

Department of Natural Resources

Adopted Expedited Permanent Game and Fish Rules: Big Game, Wild Turkey, Prairie Chicken, and Goose Hunting

The rules proposed and published at *State Register*, Volume 32, Number 34, pages 1553-1583, February 19, 2008 (32 SR 1553), are adopted with the following modifications:

6232.1400 ZONE DESCRIPTIONS.

Subp. 2. **Zone 2.** Zone 2 is that portion of the state lying within the following described boundary:

Expedited Emergency Rules

Beginning at the intersection of State Trunk Highway (STH) 310 with the northern boundary of the state; thence along STH 310 to STH 89; thence along STH 89 to County State-Aid Highway (CSAH) 2, Roseau County; thence along CSAH 2 to CSAH 9, Roseau County; thence along CSAH 9 to CSAH 4, Marshall County; thence along CSAH 4 to STH 89; thence along STH 89 to STH 8; thence along STH 8 to County Road (CR) 125; thence along CR 125 to Street 100; then along Street 100 to 310th Avenue NE; thence along 310th Avenue NE to 305th Avenue NE; thence along 305th Avenue NE to 300th Avenue NE; thence along 300th Avenue NE to CR 131; thence along CR 131 to STH 89; thence along STH 89 to CSAH 54; thence along CSAH 54 to a point due west of the Red Lake Indian Reservation boundary; thence due east to said boundary; thence south and east along said boundary to the west shore of the Sandy River; thence along the Sandy River to Township Road 279th Avenue or Bailey's Road south; thence along said road to Township Road Clover Road; thence along said township road to CSAH 11, Clearwater County; thence along CSAH 11 to CSAH 4, Clearwater County; thence along CSAH 4 to CSAH 14, Clearwater County; thence along CSAH 14 to CR 3, Beltrami County; thence along CR 3 to CSAH 17, Clearwater County; thence along CSAH 17 to U.S. Highway 2; thence along U.S. Highway 2 to STH 92; thence along STH 92 to CSAH 27, Clearwater County, and westerly to the north boundary of the White Earth Indian Reservation; thence south along said boundary to the boundary line between Range 37 West and Range 38 West; thence along said range line to STH 113; thence along STH 113 to the Itasca State Park boundary; thence north and east along said boundary to U.S. Highway 71, thence along U.S. Highway 71 to STH 200; thence along STH 200 to STH 371; thence along STH 371 to STH 84; thence along STH 84 to CSAH 2, Cass County; thence along CSAH 2 to CSAH 1, Crow Wing County; thence along CSAH 1 to STH 6; thence along STH 6 to STH 18; thence along STH 18 to U.S. Highway 169; thence due east from said junction to the west shore of Mille Lacs Lake; thence along the westerly and southerly shores of said lake to a point due north of the junction of U.S. Highway 169 and STH 27; thence due south to said junction; thence along U.S. Highway 169 to STH 23; thence along STH 23 to STH 65; thence along STH 65 to STH 70; thence along STH 70 to the eastern boundary of the state; thence along the easterly boundary of the state to the junction of the St. Croix and Mississippi Rivers; thence along the easterly bank of the Mississippi River to the Crow Wing River; thence along the east bank of the Crow Wing River to U.S. Highway 12; thence along U.S. Highway 12 to CSAH 15; thence along CSAH 15 to CSAH 55; thence along CSAH 55 to CSAH 29; thence along CSAH 29 to Interstate Highway 94; thence along Interstate Highway 94 to CSAH 34; thence along CSAH 34 to CSAH 32; thence along CSAH 32 to U.S. Highway 10; thence along U.S. Highway 10 to the west boundary of the state; thence along the west and north boundary of the state to the point of beginning.

6232.3800 APPLICATION PROCEDURES FOR A MOOSE LICENSE.

Subpart 1. **General procedures.** The provisions in this part apply to applications for moose licenses.

H. There shall also be alternate parties drawn from the pool of unsuccessful parties, from the general drawing, in case successful parties decide not to purchase their permit. Alternate parties shall not be notified that they are an alternate party unless a successful party decides not to purchase a permit, in which event the alternate party may purchase ~~an elk~~ a moose license.

6232.4500 ELK LICENSE APPLICATION PROCEDURE.

Subpart 1. **General provisions.** The provisions in this part apply to the elk license application process.

E. An application fee as prescribed in Minnesota Statutes, section 97A.433, subdivision 3, must accompany each application of one or two hunters. Checks returned to the department for nonpayment will invalidate the application. Refunds of application fees will not be made for any reason.

Subp. 3. **Drawing procedure.**

A. A random drawing from a pool consisting of successful landowners ~~and~~, tenants, and ~~successful~~ general drawing applicants shall be used to distribute any legal antlered bull licenses that are offered.

B. There shall also be alternate parties drawn from the pool of unsuccessful parties, ~~consisting~~. These parties would be offered the opportunity to purchase licenses that have been offered to a successful party, but not purchased. The pool consists of the remaining landowners, tenants, and the parties from the general drawing, in case successful parties decide not to purchase their permit. An alternate parties party shall not only be notified that they are an alternate party unless a successful party decides not to purchase a permit, in which the event the alternate that a successful party may decides not to purchase an elk a license.

Revenue Notices

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

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

Department of Revenue

Revenue Notice # 08-09: Petroleum Tax – Administration Issues – Surcharge Administration and Qualifying Service Station Credit

Background

On February 25, 2008, the Legislature enacted a transportation finance bill (2008 *Minnesota Laws*, chapter 152). Two issues have arisen in relation to this legislation and this revenue notice sets forth the department's position on these issues.

Administration of the Surcharge

The debt service surcharge that will be codified as *Minnesota Statutes*, section 296A.083 is an addition to the fuel taxes set forth in *Minnesota Statutes*, chapter 296A. It is to be paid at the same time and in the same manner as the taxes imposed by *Minnesota Statutes*, sections 296A.07 and 296A.08. The audit, assessment, appeal, collection, enforcement, penalty, interest, refund and administrative provisions that apply to the taxes in chapter 296A apply to the surcharge.

Qualifying Service Station Credit

The debt service surcharge is equivalent to a tax imposed on gasoline and special fuel and must be used in calculating the qualifying service station credit or refund allowed in *Minnesota Statutes*, section 296A.16, subd. 5.

Publication Date: July 28, 2008

John H. Mansun, Assistant Commissioner
for Tax Policy and External Relations

Official Notices

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

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

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Official Notices

Minnesota Comprehensive Health Association Notice of Meeting of the Actuarial Committee on August 5, 2008

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Actuarial Committee will take place Tuesday, August 5, 2008, at 10:00 am at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park.

For additional information, please call Lynn Gruber at (952) 593-9609.

Minnesota Department of Health (MDH) Division of Health Policy Notice of Intent to Adopt Exempt Rules Regarding a Uniform, Standard Companion Guide for Health Care Claim Payment Remittance Advice Electronic Transactions; Pursuant to *Minnesota Statutes, Section 62J.536*

Introduction. Notice is hereby given that the Minnesota Department of Health (MDH) is seeking information or opinions from outside sources on a Uniform, Standard Companion Guide for Health Care Claim Payment Remittance Advice Electronic Transactions, as developed by the Commissioner of the Department of Health in consultation with the Minnesota Administrative Uniformity Committee (AUC), and its Explanation of Benefits/Remittance Advice Technical Advisory Group.

Contact Person. MDH requests information and opinions concerning the applicability and functionality of the Uniform, Standard Companion Guide for Health Care Claim Payment Remittance Advice Electronic Transactions. Interested persons or groups may submit data or views in writing. Written statements should be addressed to Colleen Morse, MDH, P.O. Box 64882, St. Paul, MN 55164-0822, or e-mail at colleen.morse@health.state.mn.us, or fax at (651) 201-5179.

Description of the Rules. *Minnesota Statutes*, section 62J.536, requires the Minnesota Commissioner of Health, in consultation with the Minnesota Administrative Uniformity Committee, to promulgate rules pursuant to section 62J.61 establishing and requiring group purchasers and health care providers to use electronic claims and eligibility transactions with a single, uniform companion guide to the implementation guides described under *Code of Federal Regulations*, title 45, part 162. The statute requires that beginning December 15, 2009, all group purchasers must transmit to providers the health care payment and remittance advice transaction described under *Code of Federal Regulations*, title 45, part 162, subpart P, and all health care providers must accept from group purchasers the health care payment and remittance advice transaction described under *Code of Federal Regulations*, title 45, part 162, subpart P.

The statute further requires that each transaction described above shall use a single, uniform companion guide to the implementation guide described under the *Code of Federal Regulations*, title 45, part 162. In addition, the statute requires all group purchasers and health care providers to exchange claims and eligibility information electronically using the transactions, companion guides, implementation guides, and timelines set forth in subdivision 1 of the statute. The statute requires the Commissioner of Health to promulgate rules pursuant to section 62J.61, at least 12 months prior to the timelines required in subdivision 1 of *Minnesota Statutes, section 62J.536*. Under *Minnesota Statutes, section 62J.61*, the Commissioner of Health is exempt from chapter 14, including section 14.386, in implementing sections 62J.50 to 62J.54, subdivision 3, and 62J.56 to 62J.59. Because the Commissioner of Health has determined that it is unduly cumbersome to publish the entire text of the proposed rules, the Commissioner of Health is publishing this notice of the proposed rules with a detailed description.

Public Review Process. MDH will provide free copies of the draft Uniform, Standard Companion Guide for Health Care Claim Payment Remittance Advice Electronic Transactions, in paper or electronic PDF format, to persons and organizations interested in reviewing them. The draft companion Guide will be available as of Monday, July 28, 2008. *Comments and suggestions for improvements on this document will be accepted at the above address until 4 PM Tuesday, August 26, 2008.* After the Commissioner of Health has considered all comments received, the Commissioner will publish a notice of adoption in the State Register. The rules will take effect 30 days subsequent to that notice.

How to Obtain the Uniform, Standard Companion Guide for Health Care Claim Payment Remittance Advice Electronic Transactions; A free copy of the proposed rules is available upon request. Persons who wish to obtain a paper copy should call Colleen Morse at MDH, 651/201-3570, or fax a request to 651/201-3574 or write to the address above. The document will also be available for downloading on the World Wide Web at <http://www.health.state.mn.us/asa/index.html>.

Dated: July 28, 2008

Sanne Magnan, M.D., Ph.D., Commissioner
P.O. Box 64975
St. Paul, MN 55164-0975

Minnesota Department of Health (MDH) Division of Environmental Health Indoor Environments and Radiation Section Request for Comments on Possible Amendment to Rules Governing Radioactive Materials, *Minnesota Rules*, Chapter 4731

Subject of Rules. The Minnesota Department of Health (MDH) requests comments on its possible amendment to rules governing radioactive materials. The Department is considering rule amendments corresponding to the National Source Tracking System, the new definition by the Energy Policy Act of 2005 of “by-product” material, leak testing requirements for sealed sources, and other minor rule clarifications.

MDH adopted Chapter 4731, rules that govern the use of radioactive materials, in January of 2005, just before March 2, 2006, when the Governor signed “An Agreement between the United States Nuclear Regulatory Commission and the State of Minnesota for the Discontinuance of Certain Commission Regulatory Authority within the State Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended” (Agreement). This Agreement transferred the regulatory authority for certain radioactive materials that the Nuclear Regulatory Commission (NRC) formerly regulated to the State of Minnesota. More specifically, the MDH is now responsible for regulating nuclear, non-power plant materials in Minnesota.

The MDH now has the authority to regulate and license these activities. The federal authority merely transferred its authority to the state level. To maintain its status as an Agreement State, the NRC requires MDH to amend Chapter 4731 to be compatible with NRC regulations. Accordingly, the proposed rules would bring Chapter 4731 up to date by incorporating NRC’s regulation changes made since Chapter 4731 was adopted. Chapter 4731 regulates radiation from radioactive materials, including byproduct, discrete sources of naturally occurring material, accelerator produced material, source material, and special nuclear material not sufficient to form a critical mass.

Persons Affected. Except as otherwise specifically provided in Chapter 4731, these proposed rules would apply to all persons who own, receive, possess, use, transfer, acquire, or dispose of any radioactive material. These proposed rules would likely affect radioactive material licensees currently regulated by the state; individuals serving as radiation safety officers; medical physicists, nuclear pharmacists, or physicians authorized to use radioactive materials; and the general public within the State of Minnesota. Chapter 4731’s purpose is to protect both licensees and the general public from unwanted or unsafe exposures to radioactive materials.

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

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

Rules Drafts. The MDH has drafted the proposed rules, which can be found on the MDH web site at:
<http://www.health.state.mn.us/ram>

Official Notices

In addition, a free paper copy of the proposed rules is available upon request from the agency contact person listed below.

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to: George F. Johns, Jr., Supervisor at Minnesota Department of Health, 625 Robert Street North, P.O. Box 64975, St. Paul, Minnesota 55164-0975, Phone: (651) 201-4530, FAX: (651) 201-4606. TTY users may call the Department at (651) 201-5797.

Alternative Format. Upon request, the agency can provide this Request for Comments 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 (ALJ) if and when a proceeding to adopt rules is started. The agency is required to submit to the ALJ 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 ALJ reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: July 18, 2008

John L. Stine, Director
Division of Environmental Health

Department of Human Services (DHS) Aging and Adult Services Division Minnesota Board on Aging Special Meeting August 15, 2008

The Minnesota Board on Aging will hold a special meeting to determine whether there should be a reconsideration of the Older American's Act Planning and Service Area Designations for 2009 Area Plans. The meeting will be on Friday, August 15, 2008 beginning at 10 a.m. in Room 2380 of the Elmer L. Anderson Human Services Building at 540 Cedar Street, St. Paul, Minnesota.

Department of Human Services (DHS) Health Care Purchasing and Delivery Systems Division Health Care Administration Authorization List of All Drugs That Have Been Added Requiring Authorization as a Condition of Minnesota Health Care Programs (MHCP) Payment

The following is a listing of added drugs to the current authorization list. The newly added drug codes will require authorization on or after August 1, 2008.

As authorized by *Minnesota Statutes*, section 256B.0625, subd 25, the following list includes all drugs that have been added requiring authorization as a condition of MHCP payment. The criteria used to develop this list are as follows:

- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health service needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health service are generally available.
- D. The health service is investigative.
- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added non preferred drugs will require Authorization for services provided on or after August 1, 2008.

DRUGS**Added Drug**

LEVAQUIN 750MG
DORYX 100MG, 150MG, 75MG

Department of Human Services Health Care Purchasing and Delivery Systems Division Health Care Administration Authorization List of All Drugs That Have Been Added Requiring Authorization as a Condition of Minnesota Health Care Programs (MHCP) Payment

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- A. The health service could be considered, under some circumstances, to be of questionable medical necessity.
- B. Use of the health service needs monitoring to control the expenditure of program funds.
- C. Less costly, appropriate alternatives to the health service are generally available.
- D. The health service is investigative.
- E. The health service is newly developed or modified.
- F. The health service is of a continuing nature and requires monitoring to prevent its continuation when it ceases to be beneficial.
- G. The health service is comparable to a service provided in a skilled nursing facility or hospital but is provided in a recipient's home.
- H. The health service could be considered cosmetic.

These newly added non preferred drugs will require Authorization for services provided on or after August 1, 2008.

DRUGS**Added Drug**

LEVAQUIN 750MG

Minnesota Department of Natural Resources (DNR) Division of Ecological Resources Request for Comments on Possible Amendment to Rules Governing Aquatic Plant Permit Fees, *Minnesota Rules*, 6280.0450, subp. 4, A to C

Subject of Rules. The Minnesota Department of Natural Resources requests comments on amendments to rules governing aquatic plant permit fees. The Department will adopt rule amendments that establish a fee schedule for permits to control or harvest aquatic plants other than wild rice. The 2008 Minnesota Legislature has stipulated that the fees shall be based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit, and enforce aquatic plant management rules and permit requirements. The current aquatic plant management fee structure recovers approximately one third of the permit program costs.

Persons Affected. The amendment to the rules will affect lakeshore property owners who apply for aquatic plant management (Cite 33 SR 221)

Official Notices

permits, commercial aquatic pesticide applicators, commercial mechanical aquatic plant control companies and businesses selling aquatic plant control products.

Statutory Authority. *Minnesota Statutes*, section 103G.615, subdivision 2, requires the Department to adopt rules establishing a fee schedule for permits to control or harvest aquatic plants other than wild rice. The 2008 legislature expanded this authority by eliminating a \$35 statutory fee for control of rooted aquatic vegetation for a parcel of shoreline and a \$750 maximum fee for APM permits (*Minnesota Laws* 2008, chapter 363, article 5, section 22), but also requires that fee increases may not go into affect until 45 legislative days after they have been reported to the legislature.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on October 3, 2008. The Department does contemplate appointing an advisory committee to provide comment on the possible rules because of the substantial changes in permit fees. The Department anticipates that the advisory committee will meet at a central location, three times over a period of approximately one to two months. The committee will be formed from stakeholder groups likely to be affected by these rules including commercial mechanical control businesses, commercial aquatic applicators, businesses manufacturing or selling aquatic plant management products, lake associations, and hunting, angling and environmental groups.

Rules Drafts. The Department has not yet prepared a draft of the amendments to these rules.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these rules should be directed to: Steve Enger at the Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota 55155-4025, **phone:** (651) 259-5092, **Fax:** (651) 296-1811, and steve.enger@dnr.state.mn.us. TTY users may call the Department 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 if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: July 16, 2008

Mark Holsten, Commissioner
Department of Natural Resources

Minnesota Department of Natural Resources (DNR)

Division of Waters

Request for Comments on Possible Amendment to Rules Governing Public Waters Permits, *Minnesota Rules*, sections 6115.0170, 6115.0210, 6115.0211, 6115.0230, 6115.0231

Subject of Rules. The Minnesota Department of Natural Resources (DNR) requests comments on possible amendments to the rules governing structures placed in Public Waters. The DNR is required to develop rule amendments to address issues and concerns raised since the last rule amendment in 2002.

Persons Affected. The amendment to the rules will affect everyone who either uses or has an interest in Public Waters for recreation or business. This would include the general public, as well as shoreland property owners and users. Rule changes are intended to preserve and maintain the natural characteristics of Public Waters, the rights of the public to use the entire surface of Public Waters, and the rights and duties of riparian property owners who place private structures into Public Waters for reasonable use and reasonable access. The primary focus is on the use and placement of structures affecting the course, current or cross section of Public Waters. However, Public

Waters Permit Rules may affect the administration and enforcement of other governmental regulations and/or ordinances intended to protect or manage Minnesota's water resources.

Statutory Authority. *Minnesota Statutes*, section 103G.315 established that the "commissioner shall adopt rules prescribing standards and criteria for issuing and denying water use permits and public waters." Subsequently, *Laws 2008*, chapter 363, article 5, section 31, requires that, "by January 15, 2010, the commissioner of natural resources shall update rules on structures that are allowed in public waters and the permit requirements for those structures under *Minnesota Rules*, chapter 6115. The Department of Natural Resources general permit no. 2008-0401 expires on the effective date of the updated rules."

Public Comment. Interested persons or groups may submit comments or information on the development and adoption of possible rules in writing or orally until 4:30 p.m. on November 17, 2008. The DNR intends to make use of one or more advisory committees in the rulemaking process for developing a conceptual framework that will guide the development of rules amendments, and ensure full, open and transparent public participation during all steps of the rulemaking process. There will be an additional opportunity to provide formal comments as part of the rulemaking process after a draft rule revision has been developed.

Rules Drafts. The DNR has not yet prepared a draft of the possible rules amendments.

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

Tom Hovey
Public Waters Hydrologist
Department of Natural Resources
Division of Waters, Box 32
500 Lafayette Road
St. Paul, MN 55155-4032
Telephone: (651) 259-5654
Fax: (651) 296-0445
E-mail: tom.hovey@dnr.state.mn.us
TTY users may call the Department 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 if and when a proceeding to adopt rules is started. The DNR 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: July 21, 2008

Larry Kramka, Assistant Commissioner
Department of Natural Resources

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

Request for Comments on Planned Amendments to Rules Governing Water Quality, *Minnesota Rules* chapters 7050 and 7052

Notice is Hereby Given that the Minnesota Pollution Control Agency (MPCA) is requesting comments on its planned amendments to rules governing state water quality standards found in *Minnesota Rules* chs. 7050 and 7052.

Official Notices

Subject of Rules. The MPCA is initiating this rulemaking by seeking comments from all parties who have an interest or information about Minnesota's lakes, rivers, streams, wetlands, and ground water. Chapter 7050 includes provisions to protect Minnesota's waters from pollution, including:

- A classification system of designated beneficial uses for both surface and ground waters (e.g., drinking water, aquatic life and recreation, etc.), and a listing of specifically classified water bodies.
- Numeric and narrative water quality standards that protect those beneficial uses.
- Nondegradation provisions.
- Provisions for the protection of wetlands.
- Methods for the determination of site-specific criteria for toxic pollutants.
- Other provisions related to the protection of surface and ground water from point and nonpoint source pollution.

Chapter 7052 provides standards specific to surface waters of the state in the Lake Superior Basin. Chapter 7052 establishes aquatic life, human health, and wildlife water quality standards and criteria for Great Lakes Initiative (GLI) pollutants, nondegradation standards, and implementation procedures for deriving effluent limitations from these standards and criteria.

The federal Clean Water Act requires states to review their water quality standards every three years and to amend and update them if necessary. The MPCA is considering addressing the revisions that are identified below and is particularly seeking input on those proposed revisions. However, the MPCA requests information and opinion from the public on any subject matter contained in Minn. R. chs. 7050 and 7052 that should be considered for revision. Of note, the MPCA has initiated a parallel rule revision process to address the anti-degradation or nondegradation portions of Minn. R. ch. 7050. For more information about the nondegradation rulemaking see:

<http://www.pca.state.mn.us/water/nondegradation-rule.html>

or contact Carol Nankivel at the number or address listed below.

The MPCA has not decided on the exact scope of the proposed amendments to these rules but is considering the following items:

- A. Addition of numeric water quality standards for nutrients and their impacts to river and stream ecosystems;
- B. Modification of the existing turbidity standard, with consideration to watershed and/or ecoregional context, adding an aquatic recreation use criteria, and defined duration and frequency;
- C. Propose water use reclassifications for specific water bodies;
- D. Adoption of two or three priority U. S. Environmental Protection Agency (EPA) 304(a) Ambient Water Quality Criteria for protection of beneficial uses of surface waters, e.g. nonylphenol and diazinon, see EPA's *Water Quality Criteria* website for a full list: <http://www.epa.gov/waterscience/criteria/aqlife.html> or MPCA-derived Class 2 water quality criteria for other pollutants of concern in Minnesota's surface waters;
- E. Updates to human health-based water quality chronic standards needed to maintain consistency with the Minnesota Department of Health's Health Risk Limits in Minn. R. ch. 4717 (currently under revision);
- F. Re-evaluate and update existing Class 3 (Industrial Consumption) and Class 4 (Agriculture and Wildlife) water use standards; and
- G. Other minor nonsubstantive changes.

Persons Affected. The amendments to the rules will be likely to affect municipal and industrial discharges to waters of the state, local and state-wide lake and river associations, the agricultural community, and members of the general public with an interest in the protection of Minnesota's waters. Because many of the revisions under consideration are applicable statewide, any person in Minnesota may potentially be affected by changes made to these rules.

Statutory Authority. The MPCA has general authority to promulgate and/or revise the water quality rules under *Minnesota Statutes* § 115.03, subd. 1 and *Minnesota Statutes* § 115.44. The public meetings detailed below meet the requirements set forth under the Clean Water Act and *Code of Federal Regulations* in 40 CFR § 131.20, 40 CFR § 130.5(b)(6), and 40 CFR § 25.5.

Public Comment. Interested persons or groups may submit written comments or information on these planned rule amendments until 4:30 p.m. on Friday, September 26, 2008. All written comments will become part of the rulemaking record. Written comments by letter or email are required for submission into the rule record.

The MPCA has scheduled a number of public meetings in order for interested and affected parties to get an introduction on Minnesota's water quality rules and the rule making process, and to provide input into the scope of the triennial rule amendments. All meetings will

start promptly at the listed start times. Meetings are scheduled as follows:

- **September 8th, 2008**, (8:30 a.m. to 12:00 p.m.) at the MPCA's St. Paul office at 520 Lafayette Road North, St. Paul, MN 55155-4194. Directions can be found at: <http://www.pca.state.mn.us/about/regions/stpaul.html>

- **September 9th, 2008**, (1:00 p.m. to 4:30 p.m.) at the following MPCA Regional Offices (these meetings will be video linked)
 - > MPCA's Rochester office at 18 Wood Lake Drive SE, Rochester, MN 55904. Directions can be found at:
<http://www.pca.state.mn.us/about/regions/se.html>
 - > MPCA's Mankato office at 12 Civic Center Plaza, Suite 2165, Mankato, MN 56001. Map can be found at:
<http://maps.google.com/maps?f=q&hl=en&geocode=&q=12+Civic+Center+Plaza,+Mankato+mn&ie=UTF8&z=16&iwloc=A>
 - > MPCA's Marshall office at 1420 East College Drive, Suite 900, Marshall, MN 56258. Directions can be found at:
<http://www.pca.state.mn.us/about/regions/southwest.html>
 - > MPCA's Willmar office at 1601 East Highway 12, Suite 1, Willmar, MN 56201-6002. Directions can be found at:
<http://www.pca.state.mn.us/about/regions/southwest.html>

- **September 15th, 2008**, (1:00 p.m. to 4:30 p.m.) at the following locations (these meetings will be video linked).
 - > MPCA's Duluth office at 525 Lake Avenue South, Suite 400, Duluth, MN 55802. Directions can be found at:
<http://www.pca.state.mn.us/about/regions/ne.html>
 - > MPCA's Brainerd office at 7678 College Road, Suite 105, Baxter, MN 56425. Directions can be found at:
<http://www.pca.state.mn.us/about/regions/brainerd.html>
 - > A location in the Detroit Lakes area. If you intend to attend the meeting in this area, please contact Carol Nankivel at the number or address below for information about the meeting location.

Please note that access to MPCA offices is controlled and to attend a meeting at one of those locations you will be asked to sign in at a security desk and provide photo identification, such as a Minnesota driver's license.

The meetings on September 9 and 15, 2008, will be conducted in a videoconference format to enable participants to hear and discuss with other locations. All meetings will begin at the scheduled time and run only until all comments are heard. Participants are urged to arrive at the start of the meeting to ensure they have the opportunity to be heard.

With this Request for Comments the MPCA is initiating the rulemaking process by seeking general comments and by identifying those parties who wish to receive future notification regarding this triennial rulemaking. When the initial stakeholder process has been completed, the scope of the triennial, and later the proposed rules, will be drafted and published in the *State Register* for public comment.

Rules Drafts. The Agency has not yet prepared a draft of the planned rule amendments, although interested parties may request to be notified when a draft is available by contacting Carol Nankivel at the number or address below.

Agency Contacts. Questions regarding the proposed scope of the rulemaking or technical comments or questions regarding water quality standards should be directed to:

Angela Preimesberger
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194
Telephone: (651) 296-8723 or
TTY: (651) 282-5332
Toll-free: 800-657-3864
E-mail: minnrule7050@pca.state.mn.us

Requests to receive a draft of the rules when it has been prepared and requests for more information on these planned rule amendments should be directed to:

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

Official Notices

Telephone: (651) 297-8371, or
TTY: (651) 282-5332
Toll-free: 800-657-3864
E-mail: carol.nankivel@pca.state.mn.us

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.

Dated: July 18, 2008

Brad Moore, Commissioner
Minnesota Pollution Control Agency

Minnesota Racing Commission Request for Comments on Possible Amendment to Rules Governing Horse Racing, *Minnesota Rules, 7890 Horse Medication*

Subject of Rules. The Racing Commission requests comments on its possible amendment to rules governing horse racing. Proposed rule amendment will set regulatory medication threshold levels for Androgenic-Anabolic Steroids.

Persons Affected: The amendment to the rules will affect veterinarians and veterinary assistants, licensed racetracks, racing officials, trainers, horse owners, and other individuals competing and performing work at a licensed racetrack, and the betting public.

Statutory Authority: The Commission's statutory authority to amend these rules is set out in *Minnesota Statutes*, section 240.24, subd. 1, Medication.

Public Comment: Interested persons or groups may submit comments or information on these planned rules in writing or orally until further notice is published in the *State Register* that the Commission intends to adopt or to withdraw the rules. The Commission will seek input from affected groups of persons who will be encouraged to comment on the planned rules.

Rules Drafts. The Commission has not yet prepared a draft of the planned rules amendments.

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

Richard G. Krueger, Executive Director
Minnesota Racing Commission
P.O. Box 630
Shakopee, MN 55379
Phone: (952) 496-7950
Fax: (952) 496-7954
TTY users may call the Commission at 1-800-627-3529.
E-mail: *Richard.krueger@state.mn.us*

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.

Dated: July 17, 2008

Richard G. Krueger, Executive Director
Minnesota Racing Commission

Teachers Retirement Association**Notice of Meeting of the Board of Trustees August 19, 2008**

The Board of Trustees, Minnesota Teachers Retirement Association will hold a planning and educational retreat on Tuesday, August 19, 2008 at 9:30 a.m. in Room 106 of the Minnesota Retirement Systems building, located at 60 Empire Drive, St. Paul, MN.

Department of Transportation**Office of Civil Rights****Notice of Intent to Solicit Outside Information and Opinion on Proposed Disadvantaged Business Enterprise (DBE) Program Annual Overall Goal for Federal Fiscal Year 2009**

NOTICE IS HEREBY GIVEN that the Minnesota Department of Transportation's (Mn/DOT) Office of Civil Rights proposes to set its 2009 annual overall goal for DBE participation on all U. S. Federal Highway Administration, Department of Transportation (DOT) assisted contracts at 15.3%. Mn/DOT proposes to meet 1.7% of this goal through race and gender neutral means and 13.6% through race and gender conscious means.

The 2009 DBE annual overall goal and its rationale are available for public inspection during normal business hours from 8:00 a.m. to 4:30 p.m. at the Office of Civil Rights, located in the Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155. The methodology used to calculate the goal will be available for inspection for 30 days following the date of this notice.

The Office of Civil Rights will hold a public stakeholder meeting to discuss the goal methodology on September 15, 2008, 1:30pm to 3:30pm at Conference Room G-22, 395 John Ireland Blvd, St. Paul, Minnesota 55155 and will accept comments on the goal for 45 days from the date of this notice. The annual overall DBE goal may be adjusted in response to comments received during the public comment period.

Address all written comments to:

Hope Jensen, Director
Office of Civil Rights
Minnesota Department of Transportation
395 John Ireland Blvd. M.S. 170
St. Paul, Minnesota 55155
Phone: (651) 366-3073
Fax: (651) 366-3129
E-mail: hope.jensen@dot.state.mn.us

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.

Grant Applicants

Have you checked up on all the “active” state grants? For *State Register* subscribers a “Contracts & Grants” section is available that lists all grants and contracts open for bid. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of ALL the current rules, with an INDEX, and previous years’ indices, as well as a list of all contracts and grants open for bid. Subscribe and receive LINKS to the *State Register*. You also receive Subscriptions cost \$180 a year (an \$80 savings). Here’s what you receive via e-mail:

- Word Search Capability
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- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
- “Contracts & Grants” Open for Bid
- Early delivery, on Friday
- E-mailed to you . . . its so easy
- Indexes to Vols. 31, 30, 29, 28 and 27

It’s all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber’s issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** cathy.hoekstra@state.mn.us

Minnesota Department of Corrections Notice of Availability of Funds for Culture-Specific Community Reintegration Programs

The Minnesota Department of Corrections (DOC) is seeking proposals to provide culture-specific community reintegration programs to American Indian offenders on supervised release status from Minnesota correctional facilities that are residing in rural northern Minnesota counties where they have limited available resources and significant gaps in existing services. The counties covered under this grant are Beltrami and Cass.

The amount of funds available is \$200,000 for each fiscal year. The funds will be awarded for a 33-month period from October 1, 2008, through June 30, 2011.

Private, for profit and non-profit 501(c)(3) organizations are eligible to apply for these funds. This request for proposals (RFP) does not obligate the state to complete the proposed project, and the state reserves the right to cancel this solicitation.

The deadline for proposal submission is Friday, August 29, 2008, at 4:00 pm.

To receive a copy of the RFP that describes in detail how to apply, please contact:

Rubina Khan
Minnesota Department of Corrections
1450 Energy Park Drive, Suite 200
St. Paul, MN 55108-5219
Phone: (651) 361-7170
TTY : 1-800-627-3529
E-mail: rkhan@co.doc.state.mn.us

Department of Revenue

Request for Proposals for Grants to Provide Taxpayer Assistance Services to Low Income and Disadvantaged Minnesota Residents

Program Background

The State of Minnesota, (State) Department of Revenue (Department), is soliciting proposals from non-profit organizations that qualify under §501(c)(3) of the Internal Revenue Code of 1986, to receive grants to coordinate, facilitate, encourage, and aid in the provision of volunteer taxpayer-assistance services.

For purposes of this RFP, "Taxpayer-assistance services" include accounting and tax-preparation services provided by volunteers to low-income and disadvantaged Minnesota residents to help them file federal and state income tax returns, Minnesota property tax refund claims and to provide personal representation before the Minnesota Department of Revenue and the Internal Revenue Service.

This is a two-part RFP

Part I is for \$200,000 in grant money available in the fiscal year ending June 30, 2009.

Pursuant to *Laws of Minnesota 2005*, First Special Session, Chapter 3, Article 11, Section 9, the Commissioner of Revenue has authority to issue grants totaling \$400,000 for the 2008-2009 biennium. This RFP is for issuance of the funds for the second year of the biennium. The Department intends to issue grants totaling \$200,000 for fiscal year 2009. Any portion that is not awarded will revert back to the general fund and will no longer be available.

As further discussed in the Request for Proposals, the grants available in Part I will be awarded to fund volunteer taxpayer assistance services provided **any time** during the Tax Year 2008 filing season.

Part II is for \$100,000 for the availability of taxpayer assistance services provided after April 15, 2009.

Pursuant to *Laws of Minnesota 2008*, chapter 366, article 1, section 2, the Commissioner of Revenue has authority to issue grants to coordinate, facilitate, encourage, and aid in the provision of volunteer taxpayer-assistance services. The Commissioner must award grants under this law so as to increase the availability of taxpayer assistance services after April 15, 2009, to assist homeowners in filing claims for the property tax refund, and to increase participation in the property tax refund program.

The grants available under Part II will be awarded only to fund volunteer taxpayer assistance services provided **after** April 15, 2009.

Funded Activities

1. Recruitment of volunteers to provide taxpayer-assistance services.
2. Training of volunteers to provide taxpayer-assistance services.
3. Provision of free taxpayer-assistance services to low-income or disadvantaged people.
4. Materials that directly aids in tax preparation

Organizations awarded grant funding will be notified on or about September 24, 2008.

All proposals must be received no later than 2:00 p.m., August 28, 2008, in the manner specified in the Request for Proposals document. Late proposals will not be accepted.

A complete paper copy of the Request for Proposals may be obtained from:

Contracts Unit
Minnesota Department of Revenue
Mail Station 4220
St. Paul, MN 55146-4220
Fax: (651) 556-3122
E-mail: dor.rfp@state.mn.us

Please refer to this notice in your written request. In your request include your complete street mailing address, email address, phone number and fax number.

Copies of the Request for Proposals are available on paper or electronically.
(Cite 33 SR 229)

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.

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

- \$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600
- \$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;
- \$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and
- anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

How to Work with Contracts

A summarized "Contracts & Grants" section of all contracts and grants open for bid is available only to subscribers. Obtain MORE and FASTER information with a SUBSCRIPTION to the *State Register*. You also receive LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper left corner. You will see a list of the contents of the current issue, with an INDEX, and previous years' indices. You also receive "Contracts & Grants." Here's what you receive via e-mail:

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Minnesota State Department of Administration

State Designer Selection Board

Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Armed Forces Reserve Center at the Arden Hills Army Training Site (AHATS) in Arden Hills, Minnesota (State Designer Selection Board Project No. 08-10)

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

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

A copy of the pre-design is available for review at <http://www.MinnesotaNationalGuard.org/rfp>.

A mandatory informational meeting is scheduled for 10:00 a.m. CDT on Tuesday, July 29th at the Arden Hills City Hall lower level meeting room, 1245 Highway 96 West, Arden Hills, Minnesota 55112. All firms should contact Tom Vesely at (320) 616-2614 or tom.vesely@mn.ngb.army.mil to sign up to attend the meeting. Project questions will also be taken by this individual.

Proposals must be delivered to Alisha Cowell, Executive Secretary, State Designer Selection Board, Administration Building in the Commissioner's Office, Room 200, 50 Sherburne Ave., St. Paul, MN 55155, **phone:** (651) 201-2627 **not later than 4:00 P.M. CDT on August 4, 2008.** Late responses will not be considered.

The State of Minnesota 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 Administration

Minnesota Multistate Contracting Alliance for Pharmacy

Notice of Request for Information (RFI) from Parties Interested in Offering or Presenting Information to MMCAP about Medical and Surgical Supplies Programs that May Be Beneficial for MMCAP to Incorporate or Adopt for the Benefit of Its Member Facilities

I. NOTICE OF REQUEST FOR INFORMATION

Purpose

The Minnesota Multistate Contracting Alliance for Pharmacy (“MMCAP”) is interested in assessing various strategic options as it considers how to proceed with its medical and surgical supply contracting program (“Program”). As part of that effort, MMCAP is interested in gathering information and recommendations from individuals, companies and organizations with expertise in group purchasing to determine how they believe MMCAP should consider proceeding with its Program. MMCAP intends to use the information and recommendations received through this RFI to assist it in making decisions about how to move its Program forward for the greatest benefit of its membership.

Background

The Minnesota Multistate Contracting Alliance for Pharmacy is a public sector group purchasing organization (GPO) operated by the State of Minnesota serving government-authorized healthcare facilities in 45 states, and the cities of Chicago and Los Angeles (For detailed information visit: www.mmcap.org.) MMCAP provides a full range of pharmaceuticals and related health care products to its eligible participating facilities (6,000 total) with the intent to provide member organizations the combined purchasing power to receive the best prices available for pharmaceuticals, medical supplies, and related products.

MMCAP is seeking information to help it advance the following objectives:

- A. Increase accessibility of MMCAP members to medical and surgical supplies offered by MMCAP.
- B. Maintain or improve current levels of cost-effectiveness, quality, and satisfaction for recipients of the medical and surgical supplies and related services.
- C. Create service delivery mechanisms that are at or near the best offered by any GPO organization.

Responses

This RFI period will open on Monday, July 28th, and remain open until September 30, 2008. Responders may submit written materials, including promotional materials, or may request a meeting with MMCAP staff at a mutually convenient time. All such meetings will occur at MMCAP’s office.

This RFI is NOT a request for proposal, bid, or quotation. This RFI does not obligate the State to complete the work contemplated in this notice. All expenses incurred in responding to this notice are solely the responsibility of the responder. All materials and information submitted will be considered property of the State of Minnesota, and will not be returned. No summary of this information or other compilation of the information and responses received will be prepared.

II. CONTACT FOR RFI INQUIRIES

Questions regarding the Request for Information or requests to meet with MMCAP staff may be submitted to:

Al Becicka
Minnesota Department of Administration
Manager
Minnesota Multistate Contracting Alliance for Pharmacy
50 Sherburne Avenue, Room 112

State Contracts

St. Paul, MN 55155
Fax: (651) 297-3996
E-mail: *al.becicka@state.mn.us*

All such questions or requests must be made no later than 4:00 p.m. on Tuesday, September 16, 2008 in order to ensure timely consideration pursuant to this RFI. No summary of the questions or requests received will be published.

Department of Administration (Admin) WSCA/NASPO Contract Administration Pre-Solicitation Notification

The Minnesota Department of Administration, Materials Management Division, on behalf of the State of Minnesota, and in association with the National Association of State Procurement Officials (NASPO) and the Western States Contracting Alliance (WSCA) is preparing a Request for Proposal (RFP) from Manufacturers of Personal Computer Equipment and Related Devices for the WSCA/NASPO PC Contracts 2009-2014.

The purpose of this pre-solicitation announcement is to give interested parties notice that the RFP will be issued in September, 2008.

The Contracts resulting from the RFP will replace the current WSCA/NASPO PC Contracts 2004-2009. For reference purposes, you may see copies of all the RFP's issued under the WSCA/NASPO PC Contracts 2004-2009 at the following url:

<http://www.mmd.admin.state.mn.us/wsca/News.htm>

This might assist you in understanding both the process and requirements for these contracts. The current contracts are generating an average of over \$2 billion in sales annually. As of July 18, 2008, twenty states have executed an Intent to Participate in the new contracts.

The RFP will include EPEAT minimum requirements and preferences for verification of third-party certifications from bodies such as Blue Angel, Energy Star, etc.

The categories of equipment in the RFP will include, but not be limited to: servers, desktops, laptops, tablet PCs, PDAs, printers, multi-functional printing devices, storage solutions, monitors, local area network devices, and instructional bundles.

The sale of LCD Projectors, separate from an instructional bundle, will be allowed under the new Contracts resulting from the RFP.

Interested parties, who logged in and downloaded this document from the MMD website, will be added to an e-mail distribution list that will be used to announce the actual advertisement of the RFP in September, 2008.

However, interested parties are cautioned that it is still their responsibility to watch the MMD website for the solicitation announcement. MMD will not be held responsible for an interested party not receiving the e-mail notification announcement of the RFP.

The announcement will also be linked on *www.naspo.org* (under Cooperative Purchasing, Opportunities), *www.aboutwsca.org* (under Opportunities) and may appear, in compliance with applicable state laws, on the websites of states that potentially might participate in the resulting contracts.

**Department of Administration
Real Estate & Construction Services Division
Notice of State Real Property for Sale**

NOTICE IS HEREBY GIVEN that the Department of Administration is offering for sale by sealed bid the real property located at 62500 Markville Road in Wilma Township in Pine County. The site is about 80 acres in size and has approximately 3000' of frontage on the Tamarack River. This is the former Saint Croix Boys Camp; the property includes the administration building, school, dormitory, dining facility and other support buildings. The minimum bid is \$1,100,000. To obtain a copy of the complete bid package, visit www.admin.state.mn.us/recs/sas/sas-psl.html, send an e-mail to susan.maki@state.mn.us, or call (651) 201-2549. Written bids must be received no later than 2:30 p.m. on Thursday, September 11, 2008.

**Minnesota State Colleges and Universities (MnSCU)
Anoka Technical College
Request for Bid on Chiller and Cooling Tower Replacement**

NOTICE IS HEREBY GIVEN that Anoka Technical College will receive bids for the replacement of two (2) existing chiller and cooling towers. The work includes mechanical, electrical, and structural improvement and roofing modifications as required. A mandatory pre-bid meeting will be held at the Anoka Technical College Main Campus, 1355 West Hwy 10, Anoka, MN 55303 in Auditorium A on August 5, 2008 at 2:30 pm CST.

ATTENDANCE AT THIS MANDATORY PRE-BID MEETING IS A PREREQUISITE TO SUBMITTING A BID.

TO RECEIVE A COMPLETE COPY OF THE BID SPECS & CONTRACT DOCUMENTS, PLEASE CONTACT Hallberg Engineering Inc. at 1750 Commerce Court, White Bear Lake, MN 55110, **Phone:** (651) 748-1100, **Fax:** (651) 748-9370 between 8:00am and 4:00pm CST. Please telephone all requests for documents.

Bids must be sealed with a notation on the outside of the envelope that states: CHILLER/COOLING TOWER RFB – DELIVER IMMEDIATELY.

Mail or deliver (faxes will not be accepted) sealed bids by TUESDAY, AUGUST 12, 2008, NO LATER THAN 2 PM CST to:

Attn. Pamela Mogensen
Purchasing Office, Room 190,
Anoka Technical College
1355 West Highway 10
Anoka, Minnesota 55303
Phone: (763) 576-4785

BIDDING CLOSE DATE IS TUESDAY, AUGUST 12, 2008 – 2 PM CST

State Contracts

Minnesota State Colleges and Universities (MnSCU)

Central Lakes College

Brainerd and Staples Campus Health Services

Request for Proposal to Applicants to Offer Limited Registered Nurse Health Services

Central Lakes College is requesting proposal from qualified individuals or organizations to offer limited registered nurse health services to students at the Brainerd and Staples Campuses of Central Lakes College. A copy of the request for proposal may be obtained by calling Debbie Sterriker at Central Lakes College, 1830 Airport Road, Staples MN 56479, (218) 894-5103 or 1-800-247-6836.

Proposals must be submitted no later than 1 p.m. on August 12, 2008. All proposals must be sealed and marked "RFP for Brainerd and Staples Campus Limited Registered Nurse Health Services". Submit proposals to:

Central Lakes College
Attn: Debbie Sterriker
1830 Airport Road
Staples, MN 56479

The college reserves the right to reject any or all proposals, to waive any information or irregularities in the bidding and to make the award serving the best interest of the college.

Central Lakes College is an affirmative action/equal opportunity employer and educator. These materials are available in alternative formats to individuals with disabilities upon request. If you use a TTY, call the Minnesota Relay Service at 800-627-3529 and request to contact Central Lakes College.

Minnesota State Colleges and Universities (MnSCU)

Office of the Chancellor/System Office:

Request for Proposal for Credit Card (aka Purchasing Card)

NOTICE IS HEREBY GIVEN that proposals are being solicited to select a vendor to provide a credit card (aka purchasing card) to the Minnesota State Colleges and Universities system.

To obtain a copy of the Request for Proposal, please contact:

Kevin Marsh, Director of Financial Planning
Minnesota State Colleges and Universities
30 - 7th Street East, Suite 350
St. Paul, MN 55101-7804
Telephone: (651) 296-7506
E-mail: Kevin.Marsh@so.mnscu.edu

Sealed proposals will be due at the Office of the Chancellor by 3:00 p.m. CT on Tuesday, August 12, 2008.

This notice and the Request for Proposal do not obligate the State of Minnesota, the Minnesota State Colleges and Universities system or its institutions, or the Office of the Chancellor to award a contract.

**Minnesota State Colleges and Universities (MnSCU)
Office of the Chancellor/System Office:
Request for Proposal for Hosted Student and Alumni Electronic Mail and
Productivity System (Revised RFP)**

NOTICE IS HEREBY GIVEN that proposals are being solicited to select one or more vendors to host student and alumni electronic mail and productivity systems (hosted systems) that: 1) support native directory synchronization; 2) meet all identified technical functional requirements; 3) provide a directory that permits access via single authentication (single sign-on to the network) through existing Minnesota State Colleges and Universities directories; and 4) support multiple interfaces (fax, unified messaging, and instant messaging). MnSCU and the Office of the Chancellor, the System's central office, seek the services of one or more vendors.

To obtain a copy of the Request for Proposal, please contact:

Kevin Marsh, Director of Financial Planning
Minnesota State Colleges and Universities
30 - 7th Street East, Suite 350
St. Paul, MN 55101-7804
Telephone: 651.296.7506
E-mail: Kevin.Marsh@so.mnscu.edu

Sealed proposals will be due at the Office of the Chancellor by 3:00 p.m. CT on Friday, August 15, 2008.

This notice and the Request for Proposal do not obligate the State of Minnesota, the Minnesota State Colleges and Universities system or its institutions, or the Office of the Chancellor to award a contract.

**Minnesota State Colleges and Universities (MnSCU)
Office of the Chancellor/System Office:
Request for Proposal for Prospective Student Marketing/Constituent Relationship
Management (CRM)**

NOTICE IS HEREBY GIVEN that proposals are being solicited to select one or more vendors to market to prospective students and manage constituent relationships.

Some of the minimum requirements include, but are not limited to:

- A. Communication
 - a. Ability to manage and implement communication from point of contact through graduation and/or transfer to another institution.
 - b. Ability to automate processing and workflow of messages using variety of communication media to assure contacts receive communications at optimum intervals.

- B. Campaign Management
 - a. Ability to create recruitment and retention campaigns.
 - b. Ability to determine effectiveness of various marketing, recruitment and retention campaigns.

- C. Reporting
 - a. Ability for campus users to generate "canned" or customized reports related to student recruitment and retention.
 - b. Ability for each college/university to customize reports, data variables, filters and charts.
 - c. Ability to assign values to contacts and conduct predictive modeling.

State Contracts

D. Contact Management

- a. Ability to track properties of multiple contacts, types of contacts and assigned recruiting or retention specialists.

E. Technical Requirements

- a. Ability to electronically imports lists, including duplicate resolution, providing for the development and implementation of search campaigns.
- b. Ability to access CRM data via the web.
- c. Ability to efficiently upload various data type files.
- d. Ability to extract data from system's student information database and populate CRM data fields.

To obtain a copy of the Request for Proposal, please contact:

Kevin Marsh, Director of Financial Planning
Minnesota State Colleges and Universities
30 - 7th Street East, Suite 350
St. Paul, MN 55101-7804
Telephone: 651.296.7506
E-mail: Kevin.Marsh@so.mnscu.edu

Sealed proposals will be due at the Office of the Chancellor by 3:00 p.m. CT on Friday, August 15, 2008.

This notice and the Request for Proposal do not obligate the State of Minnesota, the Minnesota State Colleges and Universities system or its institutions, or the Office of the Chancellor to award a contract.

Minnesota State Colleges and Universities (MnSCU) Dakota County Technical College Request for Proposals for Colleges Recruitment Videos and Virtual Viewbook

NOTICE IS HEREBY GIVEN that Dakota County Technical College will receive proposals for the Production of College Recruitment Videos and Virtual Viewbook.

Proposal specifications are available on DCTC's web site, www.dctc.edu/go/rfp.

Sealed proposals must be received by Renee Johnson at Dakota County Technical College, 1300 - 145th St East, Rosemount, Mn 55068 by 2:00 pm August 4, 2008.

Dakota County Technical College reserves the right to reject any or all bids or portions thereof, or to waive any irregularities or informalities in bids received.

Minnesota State Colleges and Universities (MnSCU) Lake Superior College Formal Request for Bid for New Single Engine Fixed Wing Aircraft

RESPONSE DUE DATE AND TIME: Monday, August 11, 2008 at 2:00 pm

TITLE OF PROJECT: New Single Engine Fixed Wing Aircraft

The complete Request for Bid will be available on Tuesday, July 29, 2008. Contact Mark Winson at (218) 733-7637 or, e-mail at: m.winson@lsc.edu.

GEOGRAPHIC LOCATION REQUIREMENTS:

Professional Pilot Flight Center
Lake Superior College
4425 Airport Approach Road
Duluth, MN 55811

RESPONSES MUST BE RECEIVED AT THE LOCATION LISTED BELOW:

Lake Superior College
Attn: Mark Winson
2101 Trinity Road
Duluth, MN 55811

Contact Name:	Matt Ferrari, Aviation Center Director,	Tom Tonkin, Academic Dean
Phone:	(218) 733-7735	(218) 733-7609
Fax:	(218) 723-4921	
E-mail:	<i>m.ferrari@lsc.edu</i>	<i>t.tonkin@lsc.edu</i>

Your response to this Request for Bid (RFB) must be returned sealed. Sealed responses must be received no later than the due date and time specified above, at which time the names of the vendors responding to this RFB will be read. **Late responses** cannot be considered and the responses will be rejected.

The laws of Minnesota and MnSCU Board of Trustees policies and procedures apply to this RFB.

All attached General RFB Terms and Conditions, Specifications and Special Terms and Conditions are part of this RFB and will be incorporated into any contract(s) entered into as a result of this RFB.

All responses to this RFB must be prepared as stated herein and properly signed. **Address all correspondence and inquiries regarding this RFB to the Contact person named above. This is a request for responses to an RFB and is not a purchase order.**

Minnesota State Colleges and Universities (MnSCU) Saint Paul College Sealed Bids Sought for Espresso Cart

SEALED BID – Espresso Cart – Opening August 13, 2008, 2:00 pm,

For Questions, Contact: Paul Hugo
Attention: Sealed Bids
Saint Paul College
235 Marshall Avenue
St. Paul, MN 55102
Phone: (651) 846-1309 or
E-mail: *paul.hugo@saintpaul.edu*

Bid must include all of the following items:

One – Seven (7) foot Portofino Espresso cart; Aluminum extrude frame with casters and two (2) fresh water tanks; 12 gallon waste tank on wheels, 2.5 gallon water heater, 6.2 cubic foot refrigerator, ETL listed, 10' arched canopy with City View log. Sneeze guard, side wings, pull out hand sink, cup dispenser, door locks on cart.

One – Nuova Simonelli Aurellia 2 group Espresso Machine Vol w/Smart Wand, raised group heads for large glasses. Pre-programmable for frothed milk temp. and single or double espress shots.

State Contracts

One – Mythos Plus Grinder with automatic tamper

One – Everpure 7SO softening cartridge

Two – 32 oz Frothing pitchers, Two Steaming Thermometers, 2 Frothing Spoons

Barista Training

Minnesota State Colleges and Universities (MnSCU)

St. Cloud State University

Sealed Proposals Sought for Consulting Services - Comprehensive Facilities Plan

Sealed proposals for items hereinafter described will be received by St. Cloud State University at the Business Office, St. Cloud State University, St. Cloud Minnesota until **3:00 P.M. on August 19, 2008** and will then be publicly opened and read aloud. The right is reserved to accept or reject any or all bids or parts of bids and to waive informalities therein.

Bids are requested for **Consulting Services - Comprehensive Facilities Plan** as per plans and specifications available in the Business Office, St. Cloud State University.

For Further information contact:

Lisa Sparks
Director of Purchasing
St. Cloud State University
720 - 4th Ave. S.
St. Cloud, MN 56301-4498
Phone: (320) 308-4788

Minnesota State Colleges and Universities (MnSCU)

St. Cloud Technical College

Call for Bids for 2008/09 House Project Building Materials and Cantius V House Project Building Materials

NOTICE IS HEREBY GIVEN that sealed bids will be received by the St. Cloud Technical College, St. Cloud, Minnesota, until 2:00 P.M. Central Daylight Time, Monday, August 18, 2008, for the purchase of 2008/09 HOUSE PROJECT BUILDING MATERIALS & CANTIUS HOUSE PROJECT #5 BUILDING MATERIALS according to specifications on file in the Business Office, Room 1-401, St. Cloud Technical College, 1540 Northway Drive, St. Cloud, Minnesota. Each project must be bid separately and marked accordingly. St. Cloud Technical College reserves the right to reject any or all bids, or portions thereof, or to waive any irregularities or informalities, in bid received.

Bids containing any alteration or erasure will be rejected unless initialed as required by law. Bids made in pencil will be rejected. Bids must be signed and dated.

It is understood that this is NOT a Purchase Order but a request for bid.

Specifications may be obtained from the St. Cloud Technical College Business Office, Room 1-401, Susan Meyer, 1540 Northway Drive, St. Cloud, MN (320) 308-5973.

The complete Request for Bid will be available on Monday, July 28, 2008, on the website <http://www.sctc.edu/rfp>.

Minnesota State Colleges and Universities (MnSCU) Winona State University Request for Proposals to Construct and Launch a New Web Site

NOTICE IS HEREBY GIVEN that Winona State University is seeking proposals to construct and launch a new WSU web site for external publics, to configure a framework for the Intranet site, and to define the relationship between the two sites.

There will be a vendor meeting at 9:00 AM CST Monday, August 11, 2008 in Phelps Hall, Room 101, on the WSU campus, in Winona MN. It is recommended that all potential or interested responders attend the conference.

Proposal specifications are available by contacting the Purchasing Department at PO Box 5838, 205 Somsen Hall, Winona, MN 55987, e-mail: sschmitt@winona.edu or by calling (507) 457-5067.

Sealed proposals must be received by Sandra Schmitt at PO Box 5838, or at 175 W. Mark St., Somsen 205G, Business Office, Winona State University, Winona, MN 55987 by 3:00 PM CST Friday, August 22, 2008.

Winona State University reserves the right to reject any or all proposals and to waive any irregularities or informalities in proposals received.

Department of Commerce Contract Re-opened, Deadline Extended: Availability of Contract to Develop Geographical Information System Maps of Broadband Service RFP:T-0608-03-MAP

NOTICE OF AVAILABILITY OF CONTRACT to develop geographical information system maps displaying levels of broadband service by connection speed and type of technology used and to integrate those maps with demographic information to produce a comprehensive statewide inventory and mapping of existing broadband service and capability.

The Minnesota Department of Commerce is requesting proposals for having a qualified nonprofit organization obtain information from broadband providers in Minnesota and to produce maps that show where in Minnesota broadband is and is not provided, by how many providers, the transmission speeds, the technology used and the location of towers used to transmit and receive broadband signals.

Work is proposed to start by early August 2008.

A Request for Proposals will be available from this office through August 11, 2008. **A written request (by e-mail, direct mail or fax) is required to receive the Request for Proposal.**

The Request for Proposal can be obtained from:

Amy Bicek
Minnesota Department of Commerce
85 Seventh Place E, Suite 500
Saint Paul, MN 55101
E-mail (preferred method): Energy.contracts@state.mn.us
Fax: (651) 297-7891

Proposals submitted in response to the Request for Proposals in this advertisement must be received at the address above no later than **2:00 p.m. C.D.T. on Monday, August 11, 2008**. Late proposals will not be considered. Fax 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.

Proposed Rules

Department of Transportation (Mn/DOT)

Engineering Services Division

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

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

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT’s Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

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

Send completed application material to:

Juanita Voigt
Consultant Services
Office of Technical Support
Minnesota Department of Transportation
395 John Ireland Blvd. Mail Stop 680
St. Paul, Minnesota 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 Bids, Contracts & Grants

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

Dakota County Community Services

Contract Unit

Notice of Request for Proposal (RFP) for Electronic Home Monitoring and Related Services

NOTICE IS HEREBY GIVEN that the Dakota County, MN is seeking qualified providers to provide Electronic Home Monitoring and Related Services. It is anticipated that this will be a multi-year contract.

Provider Qualifications include but are not restricted to:

- 5 or more years of experience delivering EHM services in an urban setting.
- Ability to provide EHM for 100-125 offenders per day and access to GPS.
- Case Management Staff to cover an average of 80 cases and Field Staff to provide coverage 24/7.
- Monitoring Center with coverage throughout Minnesota and an on call supervisor for response to exception reports, etc.
- Ability to respond to equipment malfunctions with resolution within 4 hours of notice.
- Active monitoring devices with random alcohol monitoring equipment.
- Encrypted website for instant access to information.
- Competitive pricing model.
- Ability to collect fees from offenders.
- Capacity to provide services at designated locations throughout Dakota County.
- Other services and requirements as detailed in the RFP.

The complete RFP is available at: <http://www.dakotacounty.us/Doing Business/Bids & Proposals>. To learn more about Dakota County visit our website at: www.dakotacounty.us.

Contact: Therese J. Branby, Contract Manager
Dakota County Community Services Division
1 Mendota Road West, Suite 500
West St. Paul, MN 55118-4773
Phone: (651) 554-5878
Fax: (651) 554-5948
E-mail: therese.branby@co.dakota.mn.us

Questions regarding this RFP will be accepted by phone or e-mail from August 4, 2008 through August 11, 2008. A Proposer's Conference will be held on August 11, 2008 at the Dakota County Western Service Center, 14955 Galaxie Ave., Apple Valley, MN 55124, from 2:00-3:00 P.M. in Conference Room 1920. No additional questions will be taken after this date. Questions and answers from the Proposer's Conference will be posted by 12:00 (Noon) CDT on 8/13/08 at:

<http://www.dakotacounty.us/Doing Business/Bids & Proposals>.

The deadline for proposals is 12:00 noon CDT on Monday, August 25, 2008. Late proposals will not be considered. Faxed proposals will not be accepted.

Non-State Bids, Contracts & Grants

University of Minnesota (U of M) Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24-hour/day, 7-day/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.

Minnesota's Bookstore

660 Olive Street (Williams Hill Business Development), St. Paul, MN 55155

(1 block east of I-35E Bridge, 1 block north of University Ave.)

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